

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.501 OF 2025
WITH
INTERIM APPLICATION NO.1294 OF 2025
IN
WRIT PETITION NO.501 OF 2025

CREDAI Pune Metro .. Petitioner/
Applicant

Versus

The State of Maharashtra through its .. Respondents
Secretary, Ministry of Environment
and Climate Change & Ors.

...

Mr.Ravi Kadam, Senior Advocate with Mr.Pralhad Paranjpe,
Mr.Aditya Mhashe, Mr.Ativ Patel and Mr.Viraj Raiyani i/b M/S
AVP Partners for the Petitioner.

Mr.O.A.Chandurkar, Addl.Govt.Pleader with Mrs.R.A.Salunkhe,
A.G.P. for the State/Respondent No.1.

Ms.Jaya Bagwe for the Respondent Nos.2 and 4.

CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.
DATED : 03rd FEBRUARY, 2025

...

ORDER (Per Bharati Dangre, J.):

1. CREDAI Pune Metro, an Association of Builders and Promoters of Pune and Pimpri Chinchwad area, has approached this Court, seeking a writ of mandamus or any other writ/order/direction to the Respondent No.2-State Environment Impact Assessment Authority (“SEIAA”) to

decide the proposals received by it for Environmental Clearance (“**EC**”) in Pimpri Chinchwad area, by considering the Comprehensive Environmental Pollution Index (“**CEPI**”) scores as updated by the Respondent No.4-Maharashtra Pollution Control Board (“**MPCB**”) vide its e-mail dated 02/09/2024.

2. According to the Petitioner, the Respondent No.2-SEIAA in its 279th meeting held on 13/08/2024, has deferred the proposal of large number of members of the Petitioner for the areas falling within Pimpri Chinchwad area and it is alleged that it was on account of an incorrect interpretation of the judgment of the National Green Tribunal, Central Zone Bench, Bhopal, which had directed strict enforcement of the Notification dated 14/09/2006 by the Ministry of Environment, Forest and Climate Change (“**MOEF & CC**”), which involved the projects falling within distinct categories, one of which was in relation to severely and/or critically polluted areas.

As per the Petitioner, while deferring the proposal of the members of the Petitioner, the Respondent No.3 had failed to note that as per the CEPI score, the area of Pimpri Chinchwad Municipal Corporation did not fall within the ‘severely or critically polluted areas’, as Central Pollution Control Board (“**CPCB**”) by its e-mail dated 02/09/2024 has indicated that its CEPI score was less than the threshold limits.

3. Today, learned senior counsel Mr.Ravi Kadam, representing the Petitioner, sought for a simplicitor direction to decide upon the pending proposal of the Petitioner, by

considering the CEPI scores, as published by the Maharashtra Pollution Control Board for Pimpri Chinchwad area as per email dated 02/09/2024, in a time-bound manner.

4. Learned counsel Ms.Jaya Bagwe, representing the Maharashtra Pollution Control Board, has placed before us a latest Notification issued by the Ministry of Environment, Forest and Climate Change dated 29/01/2025 with reference to the earlier Notification dated 14/09/2006 imposing certain restrictions and prohibitions and requiring prior environmental clearance for undertaking any new project in any part of India or the expansion or modernisation of any existing industry, which was superseded by Notification of 14/09/2006, *inter alia*, imposing certain restrictions and prohibitions on building and construction projects and township and area development projects covered under item 8(a) and (b) of the Schedule thereof and requiring prior environment clearance for undertaking any such activities.

Referring to the directions issued by the National Green Tribunal on 09/08/2024 directing the Ministry of Environment, Forest and Climate Change to comply with the provisions related to the applicability of the general conditions in respect of item Nos.8(a) and (b) of the Schedule to the EIA Notification or issue clarificatory Notification in this regard, on receipt of objections and suggestions received, the Central Government, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 read with Environment (Protection) Rules, 1986, made the amendments in the

Notification dated 14/09/2006, by prescribing the conditions in relation to building and constructions projects as well as townships and area development projects.

5. The copy of the Notification dated 29/01/2025 is placed before us by Ms.Bagwe and it is taken on record.

6. Ms.Bagwe, representing Respondent No.4, make a specific statement that the proposals of the members of the Petitioner now deserve consideration in the wake of the new Notification.

7. Accepting the aforesaid statement, we expect Respondent Nos.2, 3 and 4 to act in furtherance of the Notification dated 29/01/2025 and take an appropriate decision upon the proposal of the members of the Petitioner pertaining to the development activities to be carried out in Pimpri Chinchwad area, which contemplate environmental clearance, by keeping the new Notification in forefront.

We expect the decision to be taken on the said proposals within a period of eight (8) weeks from today.

8. With the aforesaid direction, the Writ Petition is disposed of.

9. In view of the disposal of the Writ Petition, Interim Application does not survive and stands disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)