

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2674 OF 2024

Adani Cementation Limited	}	Petitioner
versus		
Union of India & Ors.	}	Respondents

Mr. Girish Godbole, Senior Advocate with Ms. Shweta Jaydev and Ms. Feroza Bharucha i/b Rashmikant & Partners for petitioner.

Mr. Y. R. Mishra with Mr. Upendra Lokegaonkar and Mr. Sachidanand T. Singh for respondent no. 1.

Ms. Jaya Bagwe for respondent no. 2 (MCZMA).

Ms. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader for respondents 3 to 6 & 8.

Mr. Rakesh Singh with Ms. Heena Shaikh i/b. M. V. Kini & Co. for respondent no. 7.

Mr. Aditya Mehta with Ms. Viloma Shah i/b. AVP Partners for respondent no. 9.

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**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: JANUARY 2, 2025

P.C.:

1. Learned senior advocate representing the petitioner has brought to our notice the additional affidavit dated 27th September 2024 filed on behalf of the petitioner, whereby certain facts have been brought on record including the order dated 13th September 2024 whereby environmental clearance has been accorded by the Ministry of Environment, Forest and

Climate Change with conditions which are mentioned in Annexure 1 appended to the said order dated 13th September 2024.

2. Mr. Mehta, learned counsel appearing for Bombay Environmental Action Group has, however, raised certain concerns and has submitted that the petitioner needs to establish that the project at hand is being undertaken where mangroves are required to be destructed only for public good or public interest. He has also drawn our attention to certain discrepancies in so far as the land use/land covered by the project site under CRZ-IA is concerned. According to him, the recommendations made by the Committee under clause 8.10 of its recommendations mentions an area of 0.6497 hectare under CRZ-IA. He has further stated that approval for the project by the Ministry of Environment, Forest and Climate Change by means of the order dated 29 December 2023 was accorded, however, the study conducted by the Director, Institute of Remote Sensing, Anna University, Chennai, which forms part of the application seeking environmental clearance, showed the total area of to be 1.26 hectare as is apparent from the said document available at page 808 of the writ petition.

3. Mr. Mehta, learned counsel representing the Bombay Environmental Action Group has also stated that though it has been submitted on behalf of the petitioner that the Jetty, after construction, shall be permitted to be used free of charge by the Maharashtra Maritime Board, however, no such specific averment as to the terms on which the Jetty shall be permitted to be used free of charge by the Maharashtra Maritime Board has been spelt out in the petition. He has rather stated that the

only stipulation made in this regard in the pleadings is that the said Jetty shall be used as per the policy of the Maharashtra Maritime Board.

4. Mr. Godbole, learned senior advocate representing the petitioner has stated that the petitioner shall clarify the aforesaid aspect by way of filing an additional affidavit and shall also more specifically state as to how cutting of mangroves for the said project is in public interest. The said additional affidavit shall be filed within two weeks after serving a copy thereof on the learned counsel representing the Bombay Environmental Action Group who may file his reply to the same by the next date of listing.

5. Stand over to **24th January 2025.**

(AMIT BORKAR, J.)

(CHIEF JUSTICE)