

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13143 OF 2025**

JSW Steel Coated Products Limited)....Petitioner.

V/s.

- | | |
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| 1. State of Maharashtra |) |
| 2. State Environment Impact Assessment Authority |) |
| 3. State Expert Appraisal Committee-I |) |
| 4. Central Pollution Control Board. |) |
| 5. The Maharashtra Pollution Control Board.)....Respondents | |

Mr. Nikhil Sakhardande, senior advocate a/w Ms. Shubra Swami, Mr. Samit Shukla, Ms. Saakshi Saboo and Ms. Shriya Nalawade i/b Trilegal, advocates for the petitioner.

Ms. Neha S. Bhide, GP a/w Mr. O.A. Chandurkar, Addl. GP and Mrs. G.R. Raghuwanshi, AGP for the respondent nos. 1 to 3.

Mr. C.M. Lokesh, advocate for the respondent no.4-CPCB.

Ms. Nidhi Chauhan i/b Mr. Vishwanath Patil, advocates for the respondent no.5-MPCB.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 11th December 2025

PER, GAUTAM A. ANKHAD, J.

By the impugned Minutes of the 296th Meeting of the State Level Expert Appraisal Committee-I (“SEAC-I”) held between 23rd to 25th April 2025, the said Committee-respondent no. 3 has rejected the petitioner’s application for Environmental Clearance (“EC”) in respect of its manufacturing, re-rolling, and cold-rolling units situated at B-6/1, B-6/2, B-6/3, B-6/1/1, B-7/1, and B-9/2, MIDC

Tarapur Industrial Area, Navapur Road, Taluka Palghar, District Palghar (in short, “Tarapur Site”). The respondent no.3 has held that the Tarapur Site falls within a “Critically Polluted Area”, the relevant portion of which read as under:-

*“It was noted that the project site falls within a **Critically Polluted Area (CPA)** as identified by the Central Pollution Control Board (CPCB). In accordance with the provisions of the EIA Notification, 2006 and its subsequent amendments issued by the MoEF&CC, any project or activity proposed within CPAs or SPAs must be appraised as a **Category ‘A’** project.*

*Accordingly, the Project Proponent (PP) is advised to submit the application under **Category ‘A’** for appraisal by the Expert Appraisal Committee (EAC), MoEF&CC, New Delhi.*

Decision:

In view of the above, it is recommended for rejection.”

2. Whilst this rejection is assailed in the present petition at prayer clause (a), Mr. Sakhardande, learned senior counsel for the petitioner, states that the petitioner is confining his submissions to the relief sought at prayer clause (b) of the petition. The petitioner seeks a writ of mandamus directing respondent nos. 2 and 3 to undertake a fresh appraisal of its application for EC for the Tarapur Site as a project falling under B1 Category under the Environment Impact Assessment 2006 by considering the current Comprehensive Environmental Pollution Index (“CEPI”) score published by the respondent no.5 for the Tarapur Industrial Cluster.

3. Mr. Sakhardande submits that the CEPI framework is intended to be a dynamic real-time monitoring tool to identify and rank industrial areas based on pollution levels. The latest report on Monitoring, Sampling and Analysis for Ambient Air

Quality, Surface Water Quality, and Ground Water Quality in Critically/ Severely/ Other Polluted Areas indicates that the index has declined over the past three years and now stands at 54.90. A copy of this report is annexed at Exhibit-M to the petition. He further submits that the Tarapur Site is not a Critically Polluted Area and the EC application ought to be re-appraised by the respondent nos. 2 and 3. The learned senior counsel relies upon orders of this Court in *Writ Petition No. 4803 of 2025 (CREDAI Pune Metro & Ors. v. State of Maharashtra & Ors.)*, *Writ Petition No. 8181 of 2025 (Builders Association of Navi Mumbai v. State of Maharashtra & Ors.)*, and *Writ Petition No. 9050 of 2025 (Confederation of Real Estate Developers Maharashtra Chamber of Housing Industry, Kalyan Dombivali Unit v. State of Maharashtra & Ors.)* and prays that prayer clause (b) ought to be granted.

4. We have heard Mr. Sakhardande, Ms. Neha Bhide, learned State counsel, Mr. C.M. Lokesh learned counsel for the respondent no. 4 – Central Pollution Control Board and Ms. Nidhi Chauhan, learned counsel for the respondent no. 5 – Maharashtra Pollution Control Board. The respondents have not filed any affidavit to oppose the relief now sought by the petitioner. The latest post-monsoon report of the respondent no.5 (annexed at Exhibit-M for the period December 2024 to February 2025) indicates that the CEPI score for the Tarapur Site, as calculated in accordance with the directions issued by respondent no. 4 is at 54.90 as of March 2025. This score is below the prescribed threshold of 70, which is for CPAs. We have also perused the orders passed by this Court dated

30th April 2025, 25th June 2025 and 8th July 2025 in other matters pertaining to the Pimpri-Chinchwad, Navi Mumbai and Kalyan-Dombivali industrial units, wherein this Court directed the respondent nos. 2 and 3 to consider the respective proposals for Environmental Clearance based on the prevailing CEPI score. In view of the aforesaid orders and the report of the respondent no.5 at Exhibit-M of the petition, we find that no prejudice will be caused to the respondents if the petitioner's Environmental Clearance application is reconsidered. The present petition is disposed of in terms of prayer clause (b), which read as under:

"b. This Hon'ble Court be pleased to issue a writ of mandamus or any other writ or order or direction in the like nature of mandamus and direct the Respondent No.2 and 3 to appraise the Petitioner's Application for Environmental Clearance dated 1 October 2024 as a "Category B1" Project under the EIA 2006 Notification, by considering the current CEPI Score of Tarapur as updated/published by Respondent No.5 expeditiously, within a period of four weeks or within such time as is deemed appropriate by this Hon'ble Court;"

5. It is clarified that this Court has not expressed any opinion on the merits of the matter.

6. Writ Petition No.13143 of 2025 is disposed of in the aforesaid terms.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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