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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 1513 OF 2025
WITH
WRIT PETITION NO. 1514 OF 2025
WITH
WRIT PETITION (L) NO. 12241 OF 2025**

Reliance Industries Limited .. Petitioner

Versus

Union of India & Ors. .. Respondents

Mr. Siddarth Samantaray with Mr. A. R. Bamne and Ms. Divya Bamne i/by A. R. Bamne & Co. for petitioner in all Writ Petitions.

Mr. Anil Singh, Additional Solicitor General with Mr. Aditya Thakkar and Mr. D. P. Singh for respondent no.1 – Union of India in all Writ Petitions.

Ms. Jaya Bagwe for respondent no.2 – MCZMA in all Writ Petitions.

Mr. Vishal S. Khanavkar, AGP for respondent nos.3 to 5 in WP/1513/2025.

Ms. Varsha Sawant, AGP for respondent nos.3 to 5 in WP/1514/2025.

Ms. Uma Palsuledesai, AGP for respondent nos.3 to 5 in WPL/12241/2025.

Ms. Deepali Bagla i/by Bagla & Associates for respondent no.6 in all Writ Petitions.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 1st JULY, 2025

ORAL ORDER [Per Chief Justice]:

- 1.** Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.
- 2.** In these writ petitions, the petitioner seeks a direction to the respondents to permit the petitioner to lay down the proposed Ethylene Dichloride pipeline as per Pipeline Route Plan annexed as Exhibit "A" to the writ petitions. The writ petitions involve similar issues. Therefore, the same were heard analogously and are being decided by this common order. For the facility of reference, the facts from Writ Petition No. 1514 of 2025 are being referred to.
- 3.** The petitioner is a public limited company incorporated under the provisions of the Companies Act, 1956. The petitioner is engaged in the business of exploration of petroleum products. The petitioner is in the process of setting up Poly Vinyl Chloride manufacturing Unit at their existing Petrochemical Plant at village Nagothane, Taluka – Roha, District – Raigad in the State of Maharashtra.
- 4.** The Ministry of Environment, Forest and Climate Change (MoEF) issued Gazette Notification on 18th January, 2019 (CRZ Notification 2019) for controlling and/or regulating the activities within the Coastal Regulation Zone by superseding the previous CRZ Notification, which was issued on 6th January, 2011. In the month of August, 2024, the petitioner got conducted an environment impact assessment from M/s. Kadam Environmental Consultants, which is accredited

consultant of National Accreditation Board of Education & Training (NABET). The aforesaid consultant conducted an environment impact assessment study report and submitted a final report in the month of August, 2024.

5. The petitioner thereafter submitted an application seeking permission of Maharashtra Coastal Zone Management Authority (MCZMA). The MCZMA, on 3rd January, 2025, sent its recommendations to Ministry of Environment, Forests & Climate Change (MoEF & CC), New Delhi for grant of clearance. The MoEF & CC, on 12th February, 2025, granted CRZ clearance to the project of petitioner. A consent was granted on 11th April, 2025 by the Mangrove Cell. On 18th March, 2025 petitioner submitted an application for forest clearance to Deputy Conservator of Forests, Alibag. The Divisional Forest Officer forwarded the proposal of the petitioner to the MoEF & CC. The MoEF & CC vide communication dated 20th May, 2025 granted in-principle approval under Section 2 (1) of the Forest (Conservation) Act, 1980. The Maharashtra Pollution Control Board accorded permission on 20th May, 2025 to the project of the petitioner.

6. In PIL No. 87 of 2006, which was filed by the respondent no.6 – Bombay Environmental Action Group, a Division Bench of this Court issued several guidelines and while disposing the said PIL declared that the destruction of mangroves, which is necessary to be preserved for attaining ecological balance, the State is duty bound to protect the same. In the order dated 17th September, 2018, it was, *inter alia*, held as under: -

"83 (viii) In view of applicability of public trust doctrine, the State is duty bound to protect and preserve

*mangroves. The mangroves cannot be permitted to be destroyed by the State for private, commercial or any other use **unless the Court finds it necessary for the public good or public interest.***"

Thus, order dated 17th September, 2018 passed by this Court envisages seeking of leave of this Court for execution of any project in the CRZ area.

7. In the aforesaid factual background these petitions have been filed.

8. Learned counsel for the petitioner submits that the projects of the petitioner are public utility projects. It is further submitted that projects do not entail felling of any mangroves and the petitioner has obtained all the statutory permissions. Therefore, it is contended that the permissions be granted for the projects of the petitioner.

9. On the other hand, learned counsel for the Union of India and the learned counsel for the MCZMA submitted that the clearances have been granted to the project of the petitioner and the petitioner is bound to comply with the terms and conditions subject to which the clearances have been granted.

10. Learned counsel for the respondent no.6, while opposing the submissions made by the petitioner, has submitted that the activity of laying down the pipeline is a prohibited activity within the CRZ area, under para 4 of CRZ Notification 2019. She further submits that the petitioner has failed to obtain permission from the Forest Department and the permission of Tree Authority is also not secured though project involves felling of trees.

11. We have considered the submissions made on both sides and have perused the record.

12. The project in question is public utility project. All the authorities, i.e., MoEF and MCZMA have granted permissions to the project of the petitioner. It is also pertinent to note that the project of the petitioner does not involve cutting of any mangroves. It is seen that the MCZMA has recommended the project for grant of CRZ clearance by the MoEF, which in turn granted the CRZ clearance.

13. We now proceed to deal with the objections raised on behalf of respondent no.6. The first objection raised is about impermissibility to execute the project of laying pipeline in CRZ under para 4 of the CRZ Notification 2019. It is pertinent to take note of the relevant clauses of paras 4 and 5 of the Notification dated 18th January, 2019, which read as under: -

"4. Prohibited activities within CRZ.- *The following activities shall be prohibited, in general, within the entire CRZ and exceptions to these and other permissible and regulated activities in specific CRZ categories viz. CRZ-I, II, II and IV, shall be governed by the provisions of paragraph 5:-*

(i) Setting up of new industries and expansion of existing industries, operations or processes.

5. Regulation of permissible activities in CRZ:

5.1 CRZ-I

5.1.1. CRZ-IA:

These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the CRZ-IA area, with following exceptions: -

(i) *****

(ii) *In the mangrove buffer, only such activities shall be permitted like **laying of pipelines**, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities.*

(iii) *****

14. It is pertinent to note that the project of the petitioner is situated in CRZ-IA. On perusal of paras 4 and 5 on Notification dated 18th January, 2019, in conjunction and, in particular, para 5 (ii), it is evident that in CRZ-IA area, the activities of laying of pipelines, transmission lines and conveyance systems or mechanisms and construction of road on stilts etc. that are required for public utilities are permissible. Therefore, the contention urged on behalf of the respondent no.6 that the same is not a permissible activity under CRZ Notification 2019 does not deserve acceptance.

15. The next objection of respondent no.6 is that the project involves cutting of trees and that in absence of permission of the Tree Authority, leave for execution of the project by this Court cannot be granted. However, the leave sought in pursuance of order passed by this Court in PIL No. 87 of 2006 does not envisage examination of any aspect other than CRZ violation. Felling of trees envisaged in implementation of the project are not mangroves. The objection accordingly does not deserve acceptance.

16. The third objection of failure to seek permission from Forest Department is answered by petitioner by filing additional affidavit and by producing the permission granted by the Ministry for diversion of requisite forest area for execution of the project.

17. For the aforementioned reasons, the prayers made in terms of prayer clause (a) of each petition, which is reproduced hereunder, is made absolute subject to the condition that the responsible officer of the petitioner shall file an undertaking before this Court within a period of two weeks stating that the petitioner shall strictly ensure compliance of the conditions which are imposed in the permissions secured by it from various authorities: -

Prayer Clause (a) in Writ Petition No. 1513 of 2025:

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or in the nature of mandamus or any other appropriate writ, order or direction thereby directing the Respondents Authorities to permit the Petitioner to lay the proposed Ethylene Dichloride pipeline as per Pipeline Route Plan annexed as Exhibit "A" hereto within the CRZ-IA including the 50 mtrs. Buffer Zone of the Mangrove area between/originating from the JNPT's Liquid Cargo Jetty/Berth, Nhava Sheva to the Petitioner's Tank Farm storage terminal at JNPT as contemplated in Paragraph No. 83(viii) of the judgment and order dated 17th September, 2018 passed by this Hon'ble Court in PIL No. 87 of 2006 by using Trenchless Horizontal Directional Drilling methodology.

Prayer Clause (a) in Writ Petition No. 1514 of 2025:

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or in the nature of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, thereby directing the Respondents Authorities to permit the Petitioner to lay the proposed Ethylene Dichloride pipeline as per Pipeline Route Plan annexed as Exhibit "A" hereto within the CRZ including the CRZ-IA and 50 mtrs. Buffer Zone of the Mangrove area between/originating from the Petitioner's

Tank Farm at JNPT to the Petitioner's Petrochemical Plant at Nagothane as contemplated in Paragraph No. 83 (viii) of the judgment and order dated 17th September, 2018 passed by this Court in PIL No. 87 of 2006 by using Trenchless Horizontal Directional methodology;

Prayer Clause (a) in Writ Petition (L) No. 12241 of 2025:

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or in the nature of mandamus or any other appropriate writ, order or direction thereby directing the Respondents Authorities to permit the Petitioner to lay the proposed NMD Effluent Disposal Pipeline-2 as per Pipeline Route Plan annexed as Exhibit "A" hereto within the CRZ-IA including the 50 mtrs. Buffer Zone of the Mangrove area between/originating from the Nagothane Manufacturing Division (NMD) to Amba River near Mankule Village as contemplated in Paragraph No. 83(viii) of the judgment and order dated 17th September, 2018 passed by this Hon'ble Court in PIL No. 87 of 2006 by using Trenchless Horizontal Directional Drilling methodology.

18. The writ petitions are accordingly disposed of. No order as to costs.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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signed by
PRAVIN
DASHARATH
PANDIT
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