

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, AT PUNE
MEMORANDUM OF APPLICATION
ORIGINAL APPLICATION NO. 68 OF 2026
(Under Section 18(1) read with Sections 14, 15 & 16 of the National
Green Tribunal Act, 2010)

Mr. Raj Kashinath Mhatre

....Applicant

V/s

Maharashtra Pollution Control Board & Ors.

....Respondents

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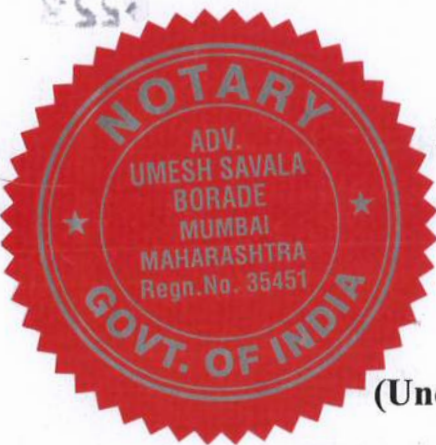
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Date : 08.06.2026

Place : Pune

Mhaffee

Advocate for Applicant

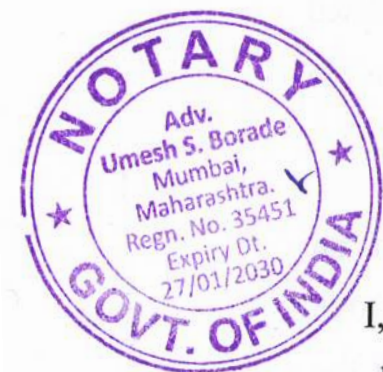


**BEFORE THE NATIONAL GREEN TRIBUNAL
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(Under Section 18(1) read with Sections 14, 15 & 16 of the
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Mr. Raj Kashinath Mhatre Applicant

V/s

Maharashtra Pollution Control Board & Ors. Respondents



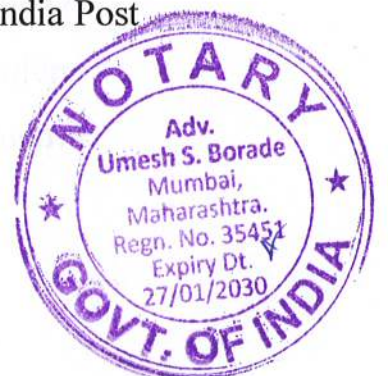
**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
APPLICANT**

I, Raj K Mhatre an Adult, Indian Inhabitant, being the Applicant above-named having my address at Parvati Prasad, Near Tulsi Sadan, Kopargaon (Dombivali)-West 421202 do hereby solemnly affirm and state as under: -

- 1) At the outset, I state that I have approached this Hon'ble National Green Tribunal, Western Zone Bench at Pune by filing the above Original Application No. 68 of 2026, since no effective action had been initiated by Respondent Nos. 1 to 9 (being the concerned authorities) on umpteem number of complaints filed by the Applicant against the continued, brazen, and unchecked acts of environmental degradation and air pollution caused by Project proponent i.e. Respondent No. 10 and its contractor i.e.

Respondent No.11 at their construction project situated at CTS No.110A, Village Hariyali, Taluka Kurla, Gandhi Nagar Vikhroli (East), Mumbai.

- 2) I say that this Hon'ble Tribunal was pleased to grant detailed hearing on above OA on 27.04.2026 and passed an Order whereby the Tribunal admitted the aforesaid Application and issued Notices to the Respondents. I say that Applicant as per directions of this Hon'ble Tribunal served the papers and proceedings of the above Original Application alongwith the Interim Application for which Affidavit of Service dated 03.06.2026 is already uploaded on record of this Hon'ble Tribunal.
- 3) I say that post hearing of the above Original Application, on 29.04.2026, I received via Speed Post letter dated 08.04.2026 addressed by Maharashtra Pollution Control Board (MPCB i.e. Respondent No.1) to Astt. Commissioner "S" Ward BMC (Respondent No.6). In the said letter, Respondent No.1 has requested Respondent No.6 to take action on the Complaint made by me i.e. the Applicant herein. Hereto annexed and marked **Annexure – A-1** is copy of letter dated 08.04.2026 alongwith envelope. As per the Postal Tracking record, downloaded from the official website of India Post, it shows that the said letter dated 08.04.2026 was booked for service on 28.04.2026. A copy of Tracking record downloaded from official website of India Post is annexed and marked **Annexure – A-2**.

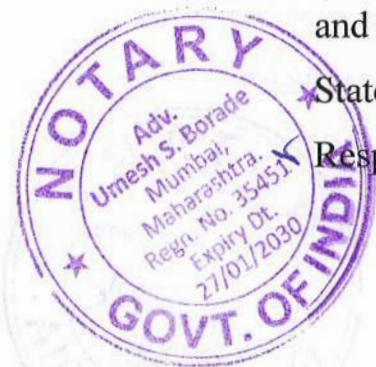


- 4) I say that State Environment Impact Assessment Authority (SEIAA i.e. Respondent No.7), addressed reminder letter dated 29.05.2026 to Commissioner BMC (Respondent No.2) and Member Secretary (MPCB i.e. Respondent No.1) take action on the Complaint by the Applicant. The relevant extract is as follows: -

With reference to the above subject, this office has received the complaint of Mr. Raj Mhatre regarding air Pollution, violation of Environment Clearance by throwing construction material on the road by vikhroli Buisness city private limited/ L & W Construction Pvt.Ltd. of commercial Building site situated at CTS No. 110A Village Hariyali, taluka Kurla, Gandhinagar, LBS Marg, Vikhroli(W). A copy of complaint letter is enclosed for your ready reference.

In this regard, it is requested to conduct inquiry/ inspection in view of the points/objections raised in the complaint letter and if the complaint is found to be in affirmative, it is also requested to take necessary action in accordance with the above complaint application and submit a reply to the applicant directly with a copy to this office.

I say that the copy of the said letter dated 29.05.2026 was also marked to the (i) Regional Officer, Ministry of Env., Forest and Climate Change, Regional office (WCZ) – For further necessary action. And (ii) me i.e. the Applicant herein. Hereto annexed and marked **Annexure – B** is copy of letter dated 29.05.2026 of State Environment Impact Assessment Authority (SEIAA i.e. Respondent No.7).

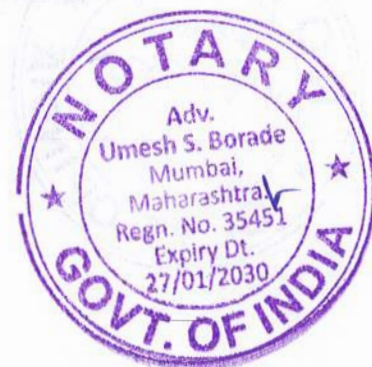


5) I hereby further place on record various Orders dated, 09.01.2025, 24.12.2025, 23.01.2026, 29.01.2026 passed by the Hon'ble High Court Bombay in Suo Motu Public Interest Litigation No.3 of 2023 addressing the troublesome issue of Air Pollution in the city of Mumbai. The relevant excerpts of said Orders are as follows: -

a) **Order dated 09.01.2025 (Already reference on record "Exhibit-A-24" Page Nos.123-125 of the above OA):**

17. In so far as the pollution created by construction units is concerned, we are informed by Dr. Sathe on behalf of Municipal Corporation that guidelines dated 15 September 2024 are already issued by forming Ward Committees which are tasked to check ward-wise pollution. We direct that such committees shall perform their functions and duties meticulously to keep a vigil on the violation of the pollution norms by the industries of any nature, whatsoever, situated within the respective Wards, for stringent action to be taken against the violators. In the event there is a complaint received that no action is being taken, the said committee shall remain accountable for any lapses.

19. We also direct the Mumbai Municipal Corporation to closely monitor the vehicles like dumpers being used at large construction sites like the Coastal Road project, as also major other projects in the city of Mumbai, private or public, and that such projects provide for water sprinklers as also facilities of cleaning tires of the vehicles to be meticulously observed 24x7.

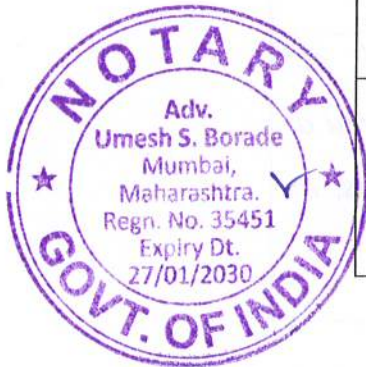


20. The Municipal Corporation as also the MPCB has already taken steps in seeking compliance of the installation of pollution indicators, insofar as the industries are concerned. Such devices be also installed on all the construction sites in which construction is in progress. All these devices / monitors be centrally connected and an appropriate surveillance in regard to the pollution generated by such construction sites and industries be rigorously observed by the Maharashtra Pollution Control Board. In regard to the construction units, if such devices are not installed within a period of one month from today, action be taken against such units including to close down such constructions, till the compliances are achieved.

b) Order dated 24.12.2025: -

6. The Municipal Commissioner has tendered an action plan for the ensuing 15 days in the form of a "Note", outlining the measures proposed to be undertaken to ensure that anti-pollution measures are effected and has undertaken to strictly implement the same. The said Note is taken on record and is reproduced hereinbelow in its entirety:

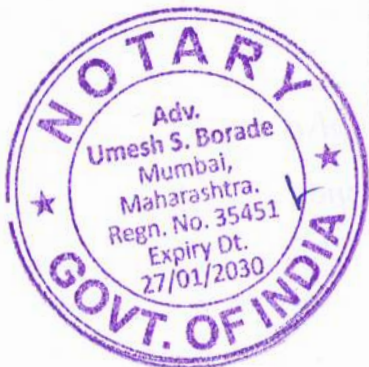
<i>Action Plan for next 15 days and onwards Ward Level Actions</i>			
<i>Ward</i>	<i>Level</i>	<i>1.</i>	<i>For effective implementation of the 28- point guidelines for air pollution mitigation measures at construction</i>
<i>Actions</i>			



		<i>sites, 94 Ward Level Squads are presently operational.</i>
	2.	<i>Each Ward Level Squad will visit at least two (2) sites per day within their respective jurisdictions.</i>
	3.	<i>Each Ward Assistant Commissioner (AC) shall visit identified hotspot locations within their jurisdiction at least one every day. Further, the concerned Deputy Municipal Commissioner (DMC) shall undertake inspection of at least one site every week.</i>
	4.	<i>In cases where repetitive noncompliance is observed at construction sites, even after issuance of Stop Work Notices, stringent action including prosecution shall be initiated as per applicable provisions.</i>
<i>Central Monitoring and Dashboard</i>	1.	<i>Installation of sensor-based air quality monitors shall be ensured at all remaining construction sites, as per the mandated circulars.</i>

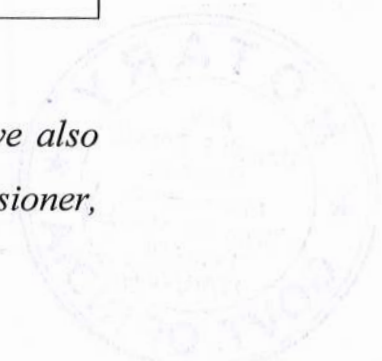
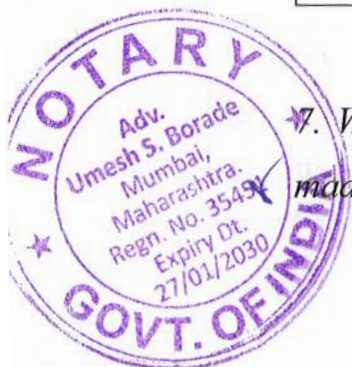


	2.	<i>Geofencing of respective wards and tagging of 94 squads with alert system will be completed.</i>
<i>Deep Cleaning Drive</i>	1.	<i>At present, 20 water tankers of 5,000 liters capacity, 16 water tankers of 9,000 litres and 5 tankers of 10,000 litres capacity are deployed for the Deep Cleaning Drive.</i>
	2.	<i>The Deep Cleaning Drive shall be further intensified through deployment of additional water tankers.</i>
<i>Sweeping, Dust Removal</i>	1.	<i>Currently, 9 electric road sweepers are deployed for 8 hours daily. The operational duration shall be increased to 12 hours to enhance coverage and efficiency.</i>
	2.	<i>Sweeping operations shall ensure complete removal of dust from road surfaces and central medians.</i>
<i>VTMS-Enabled Operations</i>	1.	<i>All the squads are provided with VTMS fitted vehicles. It will be further monitored centrally for stringent enforcement.</i>
<i>Cleaning Frequency</i>	1.	<i>All project proponent/developer/contractor of the construction sites will be</i>



<i>Based on Road Length</i>		<i>mandated to clean the approach and periphery roads as following.</i>
	2.	<i>For construction sites upto 4,000 sq.m.-cleaning to be carried out on roads till 100-metre on both side of the site.</i>
	3.	<i>For construction sites between 4,000 sq.m. and 10,000 sq.m.-cleaning to be carried out on roads till 200-metre on both side of the site.</i>
	4.	<i>For construction sites exceeding 10,000 sq.m.-cleaning to be carried out on roads till 500-metre on both side intervals of the site.</i>
<i>Review & Monitoring</i>	1.	<i>Assistant Commissioner of the Wards will review implementation and compliance on a daily basis.</i>
	2.	<i>Additional Municipal Commissioner will undertake weekly reviews.</i>
	3.	<i>Hon. Municipal Commissioner will conduct fortnightly reviews to assess progress, enforcement, effectiveness and corrective measures.</i>

7. *We accept the statements made in the Note and have also made several suggestions to the Municipal Commissioner,*



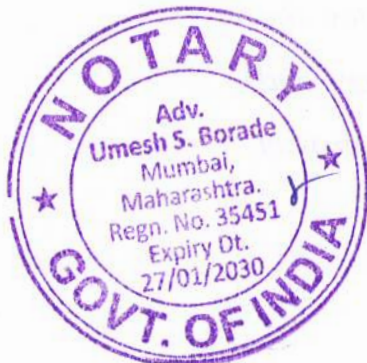
including the provision of appropriate monitoring equipment such as body-worn (button) cameras, GPS-enabled vehicles, and adequate logistical facilities to the enforcement squads, so as to enable random and effective inspections of multiple construction sites and to ensure strict compliance with the Guidelines by contractors/developers.

c) Order dated 23.01.2026 :-

.....
....There is a flagrant disregard and violation of this Court's order by the Municipal Commissioner, NMMC against whom we propose to pass an order directing him not to draw his salary till the Court permits him to do so.

2. Just to indicate, if we come to a conclusion that there is no genuine and sincere effort made by the Municipal Corporation of Greater Mumbai, we may pass a similar order against the Municipal Commissioner of the Navi Mumbai Municipal Corporation.

4.....There is also no details provided as to the reason why about 500 construction sites are operating without any Air Quality Monitor. This is a suggestion made by the learned Amicus Curiae and Mr. Janak Dwarkadas, the learned senior counsel that a specific and individual responsibility should be fixed by this Court as indicated by a co-ordinate Bench of this Court in the order dated 6th November 2023.



d) Order dated 29.01.2026: -

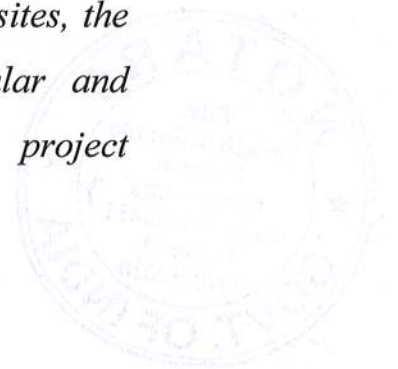
2. This Court reflected on the suggestions made by the learned Amicus Curiae and Mr. Janak Dwarkadas, the learned senior counsel and other counsels who made their valuable suggestions and passed the following directions: -

“a) The Mumbai Air Pollution Mitigation Plan proclaimed by MCGM in March 2023 and the guidelines issued by the Environment and Climate Change Department and by the MCGM for “Air Pollution Mitigation” on 25th October 2023 shall be implemented by all concerned in its true letter and spirit. To ensure the compliance of the said Mitigation Plan we direct that it shall be personal responsibility of the Assistant Municipal Commissioner of each and every ward who shall be personally liable, responsible and shall be accountable to this Court for any lapse in implementation of the said Plan.

b) Similar action plan shall be followed in rest of the Municipal Corporations other than Mumbai.

c) The Municipal Corporations shall ensure that the metal sheets around construction sites are erected of sufficient height to ensure that dust from the construction sites shall not be spread over.

d) To separate the dust generated on construction sites, the Municipal Corporations shall ensure that regular and continuous water sprinkling is done by the project proponents/construction agencies.



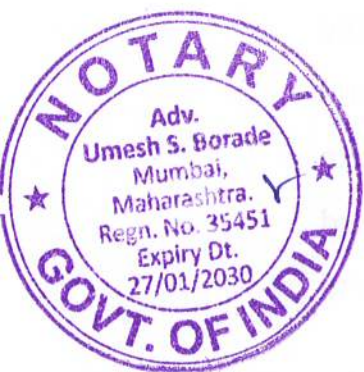
e) *The Municipal Authorities shall also ensure that storage piles at the construction site are properly covered and cleared in terms of the guidelines issued by the State Government and the MCGM as also by the CPCB.*

f) *It shall be ensured by all concerned that no construction debris is carried or transported to or out of the construction site. It shall also be ensured that all construction material being taken to the construction site including the ready-mix concrete is transported to the construction site in fully covered trucks or mixer plants.*

g) *On the next date, if the air quality does not substantially improve, the Court may pass an order banning transportation of the construction material in and out of the construction sites.*

h) *We also direct that the Authorities shall ensure that no burning of any waste, including solid waste is permitted in open areas, specially at the dumping sites where the municipal solid waste is dumped.....*

..... "8. *As already observed above, the Assistant Municipal Commissioner of the wards concerned shall be personally liable for any lapse in implementation of the various directions and action plan. We also direct that the Municipal Commissioners of the respective Municipal Corporations shall not only supervise the steps to be taken under this order but also identify erring officers responsible for any lapse or lacunae in implementation of the guidelines.*

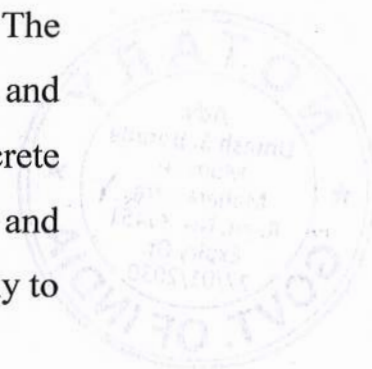
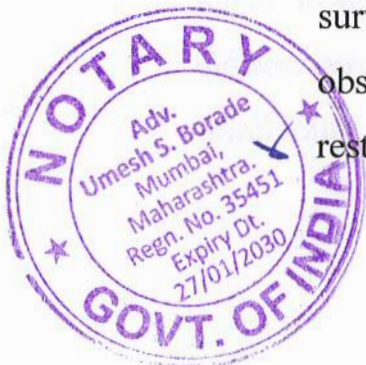


9. *The Court also feels it appropriate to constitute a two-member committee comprising of Director, National Environmental Engineering Research Institute (NEERI) working under the aegis of Council for Scientific and Industrial Research and the Principal Secretary, Public Health, Government of Maharashtra, to supervise and monitor the steps being taken by all Municipal Corporations on daily basis."*

Hereto annexed and marked **Annexure – C-1, C-2, C-3 and C-4** Copies of Orders dated, 09.01.2025, 24.12.2025, 23.01.2026, 29.01.2026 passed by the Hon'ble High Court Bombay in Suo Motu Public Interest Litigation No.3 of 2023.

6) I hereby further place on record that the Project Proponent i.e. Respondent No.10 and Respondent No. 11 has further accelerated the construction activities and continues to commit violations with complete disregard to environmental regulations, municipal guidelines, directions passed by the Hon'ble Bombay High Court and public safety thereby creating public nuisance. I say that one of said violation is:-

a. concrete/cement has been illegally poured around the base/root area of trees situated near Gandhi Nagar Bus Stop, L.B.S. Marg, Vikhroli (West), Mumbai – 400083. The aforesaid act is highly detrimental to the health, growth, and survival of the trees, as covering the root zone with concrete obstructs absorption of water, prevents proper aeration, and restricts the natural growth of roots. Such actions are likely to



weaken and eventually destroy the trees and are contrary to environmental protection norms, municipal circulars, and tree preservation guidelines.

- b. It further appears that the concreting work has been carried out without maintaining the mandatory open soil space surrounding the tree trunks, thereby causing irreversible environmental damage unless immediate corrective action is undertaken. Photographs evidencing the said continued violations causing harm to trees are annexed herewith as **Annexure – D (colly)**.
- c. It is further observed that trees situated along the boundary of LBS Road and the project site appear to have been cut. Photographs evidencing the said tree cutting are annexed hereto and marked as **Annexure–E (Colly)**.

7) I further state that the Project Proponent i.e. Respondent Nos. 10 & 11 has also still doing violation which including but not limited to the following: -

- a. Failure to erect at least 35-feet high tin/metal sheet around the periphery of the construction site.
Photographs evidencing the same is hereto annexed and marked as **Annexure–F (Colly)**.
- b. Failure to properly enclose the construction site with green cloth / jute sheets / tarpaulin on all sides.



Photographs evidencing the same is hereto annexed and marked as **Annexure–G (Colly)**.

- c. Failure to install sensor-based air pollution monitoring devices at a conspicuous place at the construction site.
- d. Failure to ensure that grinding, cutting, drilling, sawing and trimming work is carried out in enclosed areas, and failure to continuously use water sprinkling or fogging to control fugitive dust emissions.

Photographs evidencing the Dust on the road hereto annexed and marked as **Annexure–H (Colly)**.

- e. Dumping and throwing construction debris, garbage and concrete on the public road, thereby causing obstruction and pollution.

Photographs evidencing the same is hereto annexed and marked as **Annexure–I (Colly)**.

- f. While constructing the entry gate from the road to the project site, the footpath has been damaged and concrete has been laid unevenly, causing inconvenience and potential safety hazards to pedestrians.

Photographs evidencing the same is hereto annexed and marked as **Annexure–J (Colly)**.

- g. Discharge of construction wastewater onto the main road, causing inconvenience and safety concerns to the general public, particularly pedestrians.



Photographs evidencing the same is hereto annexed and marked as **Annexure-K (Colly)**.

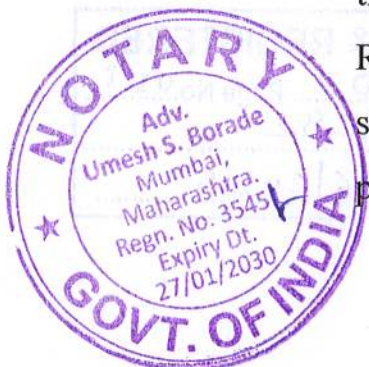
- h. At one location along the boundary wall under construction, a steel reinforcement bar (steel rod) is protruding outward, posing a potential risk of injury and damage to persons and property.

Photographs evidencing the same is hereto annexed and marked as **Annexure-L (Colly)**.

- i. Damage to the public footpath adjacent to the project site. Photographs evidencing the same is hereto annexed and marked as **Annexure-M (Colly)**.

- j. Failure to display the mandatory project name board/signage at the construction site containing details of the Owner, Architect Name, RCC Consultant Name, File Number, IOD Date.

8) I say that the aforesaid facts, together with the photographs annexed hereto, clearly evidence the continuing violations being committed by Respondent Nos. 10 and 11. The said violations are causing severe air pollution, creating a potential risk of injury to persons, damaging public property, and causing inconvenience to the general public. Despite the existence of these violations, the Respondent Authorities have failed to take any effective or stringent action against Respondent Nos. 10 and 11, thereby permitting the unlawful activities to continue unabated.



9) In the light of the aforesaid facts placed before this Hon'ble NGT Tribunal, I pray that in the interest of Justice, Equity and Good Conscience this Tribunal may pass appropriate Order to grant an immediate stay on construction and related activities at the project site, conduct an urgent site inspection, Remove the concrete/cement surrounding the tree bases forthwith, Initiate strict legal and enforcement action against the Project Proponent for the aforesaid violations, Ensure compliance with environmental norms, MPCB guidelines, MCGM circulars, and tree preservation regulations and take immediate remedial measures in the interest of environmental protection, public health, and public safety.

Solemnly declared at Mumbai)
 this 08 JUN 2026 day of June 2026)

[Signature]
 (Deponent)

Whafte nam
 Advocate for the Applicant

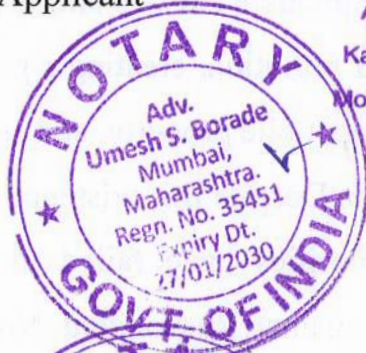
Before me, **BEFORE ME**

Adv. UMESH S. BORADE
 Advocate & Notary, Govt. of India
 Bldg. No. 149, Room No. 4533,
 Kannamwar Nagar 1, Vikhroli (East),
 Mumbai, Maharashtra
 Mob.: 9920061521 • Regn. No. 35451

08 JUN 2026

NOTED & REGISTERED

Regd. No. 03 Page No. 053
 Sr. No. 1282
 Date 8/6/2026



Annexure – A-1

MAHARASHTRA POLLUTION CONTROL BOARD

Sub-Regional Office, Mumbai-III

Phone No. 24015269 / 24016239
Visit us at : <http://mpcb.gov.in>
Email : sromumbai3@mpcb.gov.in



Kalptaru Point 2nd floor,
Sion Matunga Scheme Road No. 8,
Infront of Sion Circle, Sion (E),
Mumbai – 400 022.

"Your Service is our Duty"

No./MPCB/SROM-III/ 604

Date 08/04/2026

To,
Astt. Commissioner,
S Ward Office, Brihanmumbai Municipal Corporation (BMC),
L. B. S. Road, Near Mangatram Petrol Pump,
Bhandup, Mumbai - 400078.


**Sub: - Complaint regarding Vikhroli Business City Pvt. Ltd. /
L & W Construction Pvt. Ltd. (Project Proponent).**

Sir,

With reference to above subject complaint received this office regarding Vikhroli Business City Pvt. Ltd. As per CITIZEN CHARTER issued by Government of MAHARASHTRA, Environment Department (refer table No. 4, column 6). It is a residential area complaint which is related to your office.

Hence complaint is related to your department. So you are requested to do the needful in this regard and communicate the action taken to the complainant directly and submit copy to this office.

Yours Faithfully,

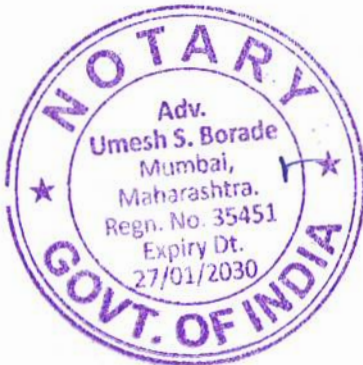

(R.S. Dafade)

D.A.-As above.

Sub-Regional Officer, Mumbai-3

Copy Submitted to:-

1. Regional Officer, MPCB, Mumbai.
- ✓ 2. Mr. Raj Mhatre, Residing at Kopargaon, Dombivali (W), Taluka Kalyan, District Thane. You are requested to take further follow up with BMC, S Ward Office.





CUSTOMER NO. 300072054
CONTRACT NO. 40114210
Maharashtra Pollution Control Board
Regional Office, Mumbai
Koparapu Post, 2nd Floor, Near Ship Circle,
In Front of Mankhe Max Theatre, Shivajinagar, Mumbai - 400 022

Recd
M/S
02/11/2026
11:05 PM

To
Mr. Raj Mahale
Residing at Korangach
Dombivli, Coy. 42/202



604

Annexure – A-2

6/6/26, 11:13 PM

India Post



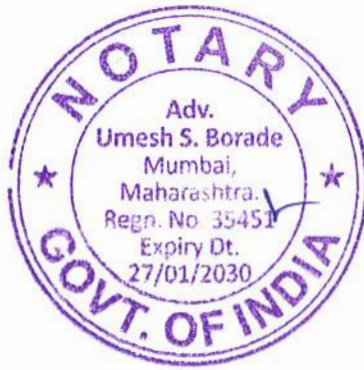
Department of Posts
Government of India
 Ministry of Communications

Generated through Indiapost website on: 6/6/2026, 11:13:09 pm

Consignment/MO Tracking ReportConsignment/MO Number: **EM910459674IN**

Article Number: EM910459674IN	Article Type: SP_INLAND_DOC	
Booked At: Dadar BPC	Booked On: 28/04/2026, 21:49:47	Destination: Vishnunagar S.O
Origin Pincode: 400014	Delivered On: 29/04/2026, 15:05:15	Destination Pincode: 421202

Event	Date	Time	Office	Remarks
Item Booked	28/04/2026	21:49:47	Dadar BPC	-
Item bagged	29/04/2026	01:27:13	Dadar BPC	-
Item Dispatched	29/04/2026	01:43:30	Dadar BPC	-
Item received at Destination	29/04/2026	10:23:16	Vishnunagar S.O	-
Taken out for delivery	29/04/2026	12:13:18	Vishnunagar S.O	-
Item Delivered(Addressee)	29/04/2026	15:05:15	Vishnunagar S.O	Delivered



Annexure – B



GOVERNMENT OF MAHARASHTRA
Environment & Climate Change Department,
 15th Floor, New Administrative Building,
 Hutatma Rajguru Chowk,
 Madam Cama Road, Mantralaya,
 Mumbai-400032.

Email- deskseiaa.env-mh@mah.gov.in

No.Complaint-2026/CR-86/SEIAA

Date:-26/05/2026

Reminder

To,

1. Commissioner,
Brihanmumbai Municipal Corporation,
Mumbai.
2. Member Secretary,
Maharashtra Pollution Control Board,
Mumbai

Sub :- Air Pollution, violation of Environment Clearance by throwing construction material on the road by vikhroli Buisness city private limited/ L & W Construction Pvt.Ltd. of commercial Building site situated at CTS No. 110A Village Hariyali, taluka Kurla, Gandhinagar, LBS Marg, Vikhroli(W).

- Ref- 1) Complaint from Mr. Raj Mhatre dated 10.02.2026 and 11.03.2026**
2) Letter of this office dated 18.05.2026

Sir/Madam,

With reference to the above subject, this office has received the complaint of Mr. Raj Mhatre regarding air Pollution, violation of Environment Clearance by throwing construction material on the road by vikhroli Buisness city private limited/ L & W Construction Pvt.Ltd. of commercial Building site situated at CTS No. 110A Village Hariyali, taluka Kurla, Gandhinagar, LBS Marg, Vikhroli(W). A copy of complaint letter is enclosed for your ready reference.

In this regard, it is requested to conduct inquiry/ inspection in view of the points/objections raised in the complaint letter and if the complaint is found to be in affirmative, it is also requested to take necessary action in accordance with the above complaint application and submit a reply to the applicant directly with a copy to this office.

Please treat this as urgent

Yours faithfully,



(Kapil Nikam)

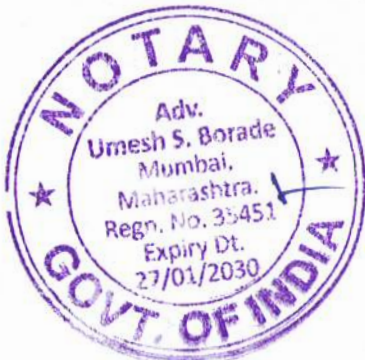
Desk Officer (Addl Charge),GoM

Encl.-As above

Copy to-

- 1) Regional Officer, Ministry of Env., Forest and Climate Change, Regional office (WCZ), Ground Floor, East Wing, New Secretariat Building,Civil lines, Nagpur-440001- For further necessary action.

✓ 2) Mr. Raj Mhatre, Kopargaon, Dombivali West, Tal. Kalyan, District Thane.



Digitally signed by PRASHANT VILAS RANE Date: 2025.01.14 20:51:12 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

High Court of Judicature at Bombay on its Own Motion } ...Petitioner
versus
The State of Maharashtra & Ors. } ...Respondents

WITH

INTERIM APPLICATION NO. 17225 OF 2023

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

Awaaz Foundation & Anr. } ...Applicants

In the matter between:

High Court of Judicature at Bombay on its Own Motion } ...Petitioner
versus
The State of Maharashtra & Ors. } ...Respondents

WITH

INTERIM APPLICATION NO. 17880 OF 2023

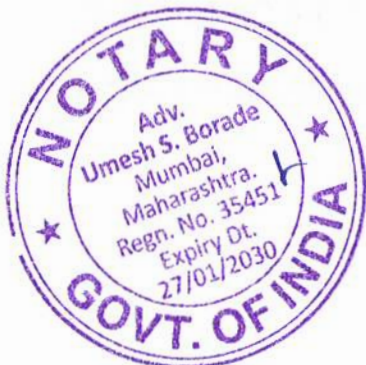
IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

Kalpesh Bhagat } ...Applicant

In the matter between:

High Court of Judicature at Bombay on its Own Motion } ...Petitioner
versus
The State of Maharashtra & Ors. } ...Respondents



WITH

INTERIM APPLICATION (St) NO. 16095 OF 2024

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

Hirali Foundation Through its }
President Sarita Khanchandani } ...Applicant

In the matter between:

High Court of Judicature at Bombay }
on its Own Motion } ...Petitioner

versus
The State of Maharashtra & Ors. } ...Respondents

Mr. Darius Khambata, Sr. Adv. Amicus curiae a/w Mr. Tushar Hathiramani, Ms. Vidhi Shahaw, Ms. Shreenandini Mukhopadhyay, Mr. Janak Dwarkadas, Senior Advocate, Ms. Rishika Harish, Mr. Sharad Bansal, Ms. Kanika Goenka, Mr. Swagata Ghosh, Mr. Pratik Singhvi, Mr. Keyur Jaju i/b Shardul Amarchand Mangaldas for Intervenor Vanshakti NGO (Mr. Stalin Dayanand)

Ms. Sarita Khanchandani, Party-in-person, Applicant/ Intervenor in IA(ST)/16095/2024

Dr. Birendra Saraf, Advocate General aw Ms. Neha S. Bhide, Government Pleader a/w Mrs. Jyoti Chavan, Addl. G.P. , Mr. O. A. Chandurkar, Addl. GP. and Mrs. G.R. Raghuwanshi, AGP for State

Mr. G. S. Hegde, Senior Advocate a/w Ms. P. M. Bhansali for MMRDA

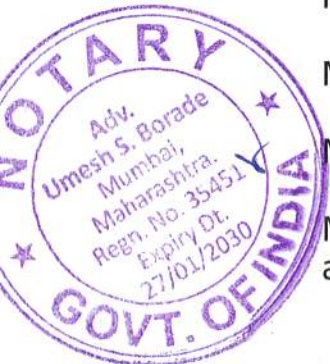
Mr. Milind Sathe, Senior Advocate a/w. Mr. Joel Carlos a/w Mr. Santosh Parad for MCGM

Mrs. Jyoti Chavan i/b Ms. Jaya Bagwe for MPCB.

Mr. A. S. Rao for Kalyan Dombivli Municipal Corporation.

Mr. Kedar Dighe for Pimpri Chinchwad Municipal Corporation.

Mr. Jagdish G. Radwad (Reddy) for Slum Rehabilitation Authority and for Panvel Municipal Corporation.



Mr. Mandar V. Limaye for Thane Municipal Corporation.

Mr. Suresh M. Kamble for Ulhasnagar Municipal Corporation.

Mr. Tejesh Dande for Navi Mumbai Municipal Corporation/
Respondent No. 13.

Mr. Y. R. Mishra a/w Mr. Upendra Lokegaonkar and Mr.
Sachidanand T. Singh for Respondent No. 5 - Union of India.

Mr. Abhinandan B. Vagyani and Mr. C. M. Lokesh for Respondent
No. 8 - CPCB

Mr. Mayuresh Lagu a/w Mr. Sagar Patil for Mira Bhyandar
Municipal Corporation.

Mr. Saket Mone a/w Mr. Devansh Shah i/b Vidhii Partners for
MSRDC

Ms. Sucheta D. Ghaisas for Bhiwandi Municipal Corporation
Present in Court.

Mr. Avinash Kate, Chief Engineer (Environment of Climate
Change), MCGM.

PSI Vishvanath Chavan (DCP Operation, Commissioner of Police,
Mumbai.

Adv. Santosh B. Kale, Law Officer (DCP Operation),
Commissioner of Police, Mumbai.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ., &
G. S. KULKARNI, J.**

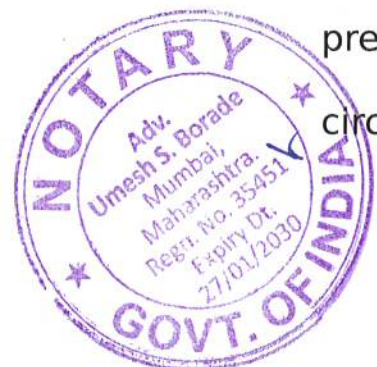
DATE: 9 JANUARY, 2025.

P.C.

1. In this *suo motu* Public Interest Litigation, on 20
December, 2024 we had passed a detailed order on the
backdrop of the earlier orders, wherein we flagged serious
concerns in regard to the worrisome pollution levels, which

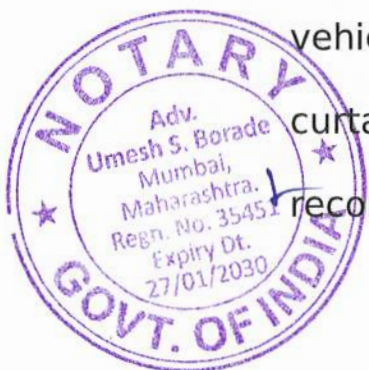


had engulfed the city of Mumbai and the vicinity namely the Mumbai Metropolitan Region (MMR). Taking a review of various measures as ordered from time to time, the Court made observations that the directions which were issued by the Court were not being complied by the different authorities, as expected. Considering that the right of the citizens of a pollution free environment is a concomitant of Article 21 of the Constitution, it was observed that the State authorities were required to be not only vigilant, but in a continuous action mode to control and to weed out pollution generated from the different sources, so that innocent citizens are not the victims of air pollution and helplessly suffer on such count, due to inaction of the authorities, in taking appropriate, timely and continuous measures. Noting that the situation of air pollution prevailing in Mumbai was drastic and alarming, it was observed that it cannot be that only after the Court passes orders, the State machinery would get activated. It was hence observed that an inherent will, desire and resolve to curb environmental pollution was the need of the hour to prevent health hazards caused by pollution. It is in these circumstances, the Court directed the authorities to file



detailed compliance affidavits to be placed on record qua the up-to-date compliances of the directions of the Court in its order dated 20 June, 2024.

2. We may also observe that the Court in passing the aforesaid order also flagged some specific issues on the sources of pollution, that were urgently required to be addressed, which were *inter alia* on the vehicular pollution being caused on the main arterial roads of Mumbai, namely, the Western Express Highway, Eastern Express Highway and other similar important roads, having severe traffic congestion, due to ongoing road works and/or metro works. It was observed that there was a need of effective traffic management on such roads, which was wholly inadequate and which was responsible for creating vehicular emission adding to the environmental pollution. The Traffic Department of the State Government was accordingly directed to take urgent steps to curb traffic congestion and/or ease such traffic not only during the peak hours but also throughout the day, so that the vehicular pollution by static/slow moving vehicles is curtailed. A compliance report was directed to be placed on record in this regard. It was ordered that a nodal officer be



appointed for each of these roads to monitor traffic conditions so as to keep the pollution in control as also to maintain a record on accountability on such compliances. It was also directed that such compliances shall be monitored by the Maharashtra Pollution Control Board (MPCB).

3. Insofar as Mumbai Municipal Corporation is concerned, it was directed that all effective steps be taken to activate water sprinklers not only during the peak hours but throughout the day to control pollution created by dust as generated by construction and development works. There was a further direction that Small and Medium Scale Industries within the city need to be monitored by the Mumbai Municipal Corporation ward-wise, so that the pollution generated by these industries is kept in check. In this regard appropriate assistance from the MPCB was directed to be availed for stringent action to be taken against polluting units.

4. The Court also flagged concerns in regard to industrial pollution created by Medium and Large Industries in the Thane and Navi Mumbai Municipal Corporation limits and

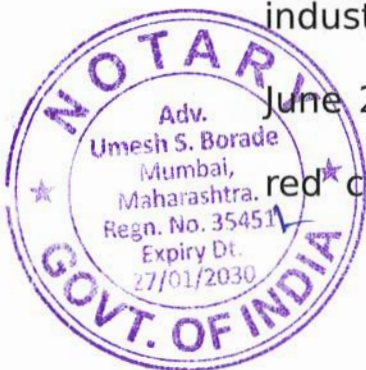


that other industrial units needed to be vigorously monitored and report in that regard be placed on record as also drastic actions be taken in this regard against the polluting units.

5. On the aforesaid directions, the proceedings were adjourned for today.

6. In pursuance of our aforesaid directions the Maharashtra Pollution Control Board (MPCB), Central Pollution Control Board, Municipal Corporation of Greater Mumbai and the MMRDA as also the other Municipal Corporations have filed their respective affidavits.

7. We have heard learned Counsel for the parties. In the context of the orders passed by the Court on 18 March 2024 and 20 June 2024, firstly we consider the affidavit filed on behalf of the MPCB. The Court had directed the MPCB to undertake pollution audit of various industries falling in different categories, in the Mumbai Metropolitan Region (MMR), and more particularly the red category industries. The directions of the Court in its order dated 20 June 2024 was to complete the third party audit of all the red category industries within "six months", however, it



appears from the affidavit filed by the MPCB that such work has not been completed.

8. In this regard there is another issue which need be discussed, namely that although in paragraph 11 of the order dated 18 March 2024 this Court observed that it was MPCB's contention that there was paucity of staff, hence, a new staffing pattern of 1310 additional posts was prepared which was to include technical, scientific, administrative and accounts staff and such staffing pattern was approved in the 182nd Board meeting, held on 12 February 2024 and therefore the Court observed that such proposed staffing pattern was required to be sanctioned by the State Government. Accordingly, having regard to the nature of functions being performed by the MPCB, the Court directed that such proposal shall be immediately sent by the MPCB to the Government, which shall scrutinize the same, at its level and take appropriate decision at the earliest. The Court also directed that in the event, on account of the publication of notification of the ensuing parliamentary elections, any permission of the Election Commission of India / Chief Election Officer was required, the same be expeditiously taken. It was categorically observed that such

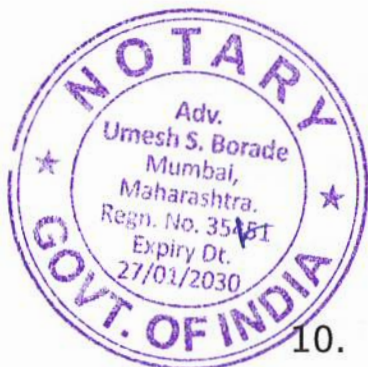


direction was issued considering the scarcity of staff being faced by the MPCB as also on account of the broader public interest and human cause, of a check on the air pollution levels in the city, having a population of about 21 million which was required to be remedied immediately.

9. In the subsequent order passed by this Court on 20 June 2024 (in paragraph 7) a concern was recorded, when the Court was informed that in regard to the sanction of 1310 posts to be accorded as per the new staffing pattern of the MPCB, the issue was still pending with the State Government and a final decision was yet to be taken. In such context, on instructions, a statement as made by the State counsel came to be recorded that a final decision on the said proposal is likely to be taken within a month. The Court accordingly made the following observations:

"We, thus, hope and trust that within this period the Government shall take its decision taking into account the relevant factors, most importantly, the problem of paucity of staff being faced by the MPCB which is hampering the steps for taking up various measures for mitigating the air pollution; conducting pollution audit is only one of such measures."

10. The MPCB was directed to take immediate steps to initiate the process of pollution audit as per the roadmap submitted in the affidavit filed by the MPCB and that the



process can be commenced by taking up the pollution audit of Red Category industries in the first phase.

11. In paragraph 9 of the Court's order dated 20 June 2024, it was directed that the work of third party audit of self-audit reports submitted by the red category industries shall be entrusted to some institution/experts in respect of not only 191 red category industries but in respect of all such red category industries situated in Mumbai Metropolitan Region, in a phased manner. It was directed that the third-party audit in respect of all red category industries shall be completed within a period of six months, however, it was observed that if MPCB faces any difficulty in meeting this deadline, it may approach the Court seeking extension of time, by way of giving reasons for such indulgence and not as a matter of course.

12. At today's hearing we are informed that our directions to complete the audit of red category industries, has not been fully complied. However, in regard to the steps to be taken by the State Government to sanction 1310 posts, merely a resolution of a High Powered Committee has been passed and that the sanction/approval of the State



Government has not been granted. In our opinion, this is a serious lapse on the part of the State Government and more particularly, considering the obligations of the MPCB being required to be complied, including the directions of the Court, would certainly require sufficient manpower to be made available. In this regard it is informed by Ms. Jyoti Chavan, learned Counsel for the MPCB that only 36 posts are being advertised, when the additional staffing pattern is of about 1310 posts. In our opinion, such approach not only on the part of the State Government but also on the part of the MPCB is most casual, to say the least which in no manner, depicts a serious concern either in regard to the orders passed by this Court or the legal obligations and duties required to discharge towards the society at large. We, accordingly, direct the State Government to grant financial sanction to the staffing pattern within four weeks from the date this order is uploaded, so that steps are taken to fill up the posts within a period of six months from today. We may observe that the earlier directions as issued

by the Court in this regard namely in the orders dated 18 March 2024 and 20 June 2024 were intended to strengthen the Pollution Control Board. We observe that time has



proved, that such inaction has, in fact, not only amounted to defeating the intent of such orders, as the audit of the red category industries is yet not completed, and it all the more likely that pollution generated by many of these units would continue unabated.

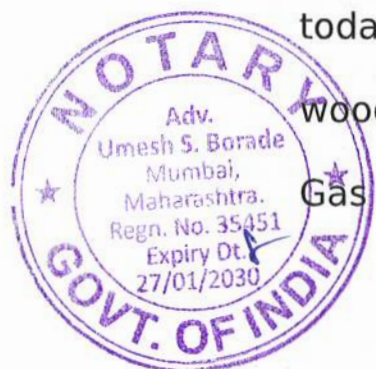
13. We have also perused the affidavits placed on record by the other authorities. As also we have heard learned counsel for the parties on such affidavit. From the submissions as advanced before us, it appears to be quite clear, that different sources of pollution more or less stand identified. The major sources being "construction dust", pollution created by Bakeries, Hotels, Restaurants and Bhattis etc. The pollution generated by different industries as also vehicular pollution are the other major sources.

14. Insofar as the pollution created by Hotels, Bakeries and Bhattis etc., is concerned, the same is caused as these units use either wood or coal. We have been informed by the Municipal Corporation as also the Pollution Control Board that very recently steps are taken to stop these units from using the traditional fuel and shift to the alternate green fuels like CNG, Gas etc., which would curtail the



Pollution and Particulate Matter (PM), being emitted by this units. We have perused the notice issued by the Municipal Corporation which calls upon these units to shift to the alternate green fuels within a period of one year. Insofar as the Maharashtra Pollution Control Board is concerned, copy of the show cause notice issued to one Yazdani Bakery, Fort, dated 7 January 2025 which is just two days before the present hearing, calling upon the Bakery to show cause as to why it shall not be closed as it is using wood as fuel without obtaining prior consent, is placed on record.

15. In our opinion, urgent and effective measures are required to be taken against such Bakery units so that such units which are in large number in the city, do not generate air pollution and more particularly, limiting hazardous particulate matter. These units need to take urgent steps to change to the alternate fuels by discarding the use of wood and coal. In our opinion, it is not a task which would require a long period of one year as being contemplated by the MCGM. We are of the opinion that within six months from today, the Bakery units need to be directed to stop using wood and coal and by converting these units to use CNG, Gas or Green fuels etc. Such directions be issued by the



concerned authorities like the MPCB and the MCGM. We may also observe that henceforth no new licenses, approvals and permissions to open bakeries or similar businesses shall be granted permitting the use of coal and wood. All new licenses be granted for opening Bakeries, Restaurants, Bhattis etc., by incorporating a condition that such units shall use only Green fuel, CNG, Gas etc., and not use wood and coal. It is only on verification of such compliance, final permission be granted to such units.

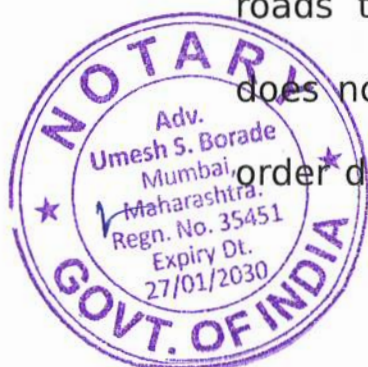
16. Insofar as the audit of the red categories industries is concerned, we direct that already there is a breach on the part of the MPCB in not completing the audit of the red categories industries within six months of the directions as made by us in the order dated 20 June 2024. Only as matter of indulgence, and at this stage, and considering that the earlier order has been breached, we direct that such audit be completed within a period of two months from today.

17. Insofar as the pollution created by construction units is concerned, we are informed by Dr. Sathe on behalf of Municipal Corporation that guidelines dated 15 September



2024 are already issued by forming Ward Committees which are tasked to check ward-wise pollution. We direct that such committees shall perform their functions and duties meticulously to keep a vigil on the violation of the pollution norms by the industries of any nature, whatsoever, situated within the respective Wards, for stringent action to be taken against the violators. In the event there is a complaint received that no action is being taken, the said committee shall remain accountable for any lapses.

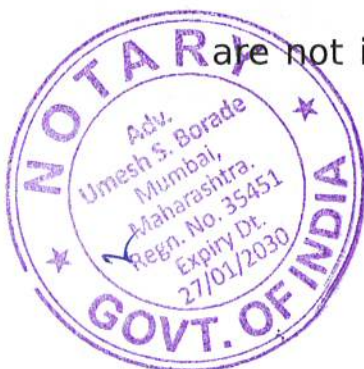
18. We may observe that the affidavit on behalf of the Transport Commissioner although points out the different steps being taken, however, we do not find that any directives are issued to ease the traffic conditions in the city which was Court's main concern as flagged in the previous order. It was expected of the Transport Commissioner that alongwith the traffic authorities, proper norms for regulation of traffic jams being created on the major arterial roads like Eastern, Western and other arterial roads to reduce vehicle pollution, the affidavit however does not address such issue. We therefore direct that the order dated 20 December 2024 be rigorously implemented



insofar as the traffic conditions are concerned, a major source of pollution in the city of Mumbai.

19. We also direct the Mumbai Municipal Corporation to closely monitor the vehicles like dumpers being used at large construction sites like the Coastal Road project, as also major other projects in the city of Mumbai, private or public, and that such projects provide for water sprinklers as also facilities of cleaning tires of the vehicles to be meticulously observed 24x7.

20. The Municipal Corporation as also the MPCB has already taken steps in seeking compliance of the installation of pollution indicators, insofar as the industries are concerned. Such devices be also installed on all the construction sites in which construction is in progress. All these devices / monitors be centrally connected and an appropriate surveillance in regard to the pollution generated by such construction sites and industries be rigorously observed by the Maharashtra Pollution Control Board. In regard to the construction units, if such devices are not installed within a period of one month from today,



action be taken against such units including to close down such constructions, till the compliances are achieved.

21. We may observe that as many of the affidavits are filed today, Mr. Khambata, learned amicus would be correct in his contention that some time would be required to examine these affidavits so as to make submissions before the Court. The learned amicus may consider preparing a note / comment on each of the affidavits, in regard to the issues which require the attention of the Court.

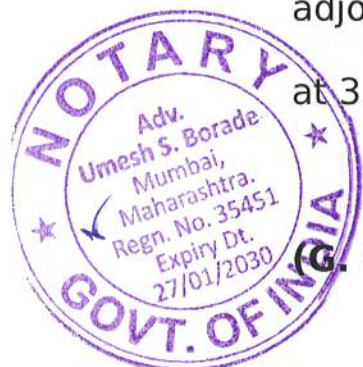
22. During the course of these proceedings today, on hearing the learned Counsel appearing for the parties and learned *Amicus*, what has emerged is that the vehicular emission is one of the main sources of air pollution. The roads in Mumbai Metropolitan Region are chocked with vehicles and density of the vehicles on the roads is alarming, which, in result, compounds the problems relating to air pollution and makes all measures taken to mitigate the same inadequate. Basis this, we are of the opinion that a thorough study needs to be conducted to arrive at a decision as to whether it will be appropriate and feasible to phase out diesel and petrol-diesel driven



vehicles from the roads of Mumbai and permit only those motor vehicles which run Compressed Natural Gas (CNG) and electric charge. We, thus, direct the State Government in the appropriate department to constitute a Committee comprising of the experts, civil administrators and those associated with administration of traffic management for conducting a study on the said issue. The Committee, under this order, shall be constituted within a fortnight from the date this order is uploaded which shall conduct thorough study in three months' period and submit a report thereof to the Court through the learned Advocate General. We direct that all the necessary infrastructure for conducting and completing this study shall be provided by the State Government in the concerned Department. The State Government shall facilitate the Committee with all the information, inputs and data needed for completion of the study.

23. With the aforesaid observations and orders, we adjourn the proceedings to be listed on **13 February 2025**

at 3.30 p.m.



(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

Annexure -C-2

260

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

SUO MOTU PUBLIC INTEREST LITIGATION NO.3 OF 2023

High Court of Judicature at Bombay
on its own motion

] ..Petitioner

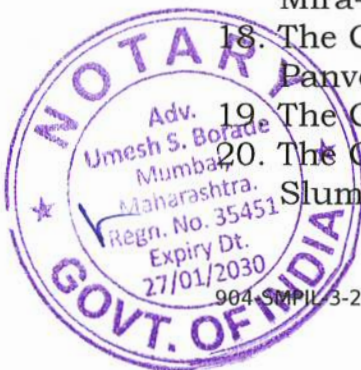
Versus

1. The State of Maharashtra
2. The Chief Secretary,
Government of Maharashtra
3. The Principal Secretary,
Ministry of Environment, Govt. of Maharashtra
4. The Principal Secretary,
Public Health Department, Govt. of Maharashtra
5. The Principal Secretary,
Medical Education, Govt. of Maharashtra
6. The Principal Secretary,
Department of Transport, Govt. of Maharashtra
7. The Secretary,
Ministry of Forest and Environment, Union of India
8. The Member Secretary,
Central Pollution Control Board (CPCB)
9. The Member Secretary,
Maharashtra Pollution Control Board (MPCB)
10. The Commissioner,
Brihanmumbai Municipal Corporation
11. The Commissioner,
Thane Municipal Corporation
12. The Commissioner,
Kalyan-Dombivali Municipal Corporation
13. The Commissioner,
Navi Mumbai Municipal Corporation
14. The Commissioner,
Ulhasnagar Municipal Corporation
15. The Commissioner,
Bhiwandi-Nizampur Municipal Corporation
16. The Commissioner,
Vasai Virar City Municipal Corporation
17. The Commissioner,
Mira-Bhaindar Municipal Corporation
18. The Commissioner,
Panvel Municipal Corporation
19. The Commissioner of Police, Mumbai
20. The Chief Executive Officer,
Slum Rehabilitation Authority, Mumbai

] ..Respondents

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signed by
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GURAPPA
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Date:
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BASAVRAJ
GURAPPA
PATIL



ALONG WITH**INTERIM APPLICATION (STAMP) NO.39759 OF 2025****INTERIM APPLICATION NO.13680 OF 2025****INTERIM APPLICATION NO.13678 OF 2025****INTERIM APPLICATION NO.13677 OF 2025****INTERIM APPLICATION NO.13679 OF 2025****INTERIM APPLICATION NO.9523 OF 2025****INTERIM APPLICATION NO.9524 OF 2025****INTERIM APPLICATION NO.9525 OF 2025****INTERIM APPLICATION NO.9526 OF 2025****INTERIM APPLICATION NO.4099 OF 2025****INTERIM APPLICATION NO.4114 OF 2025****INTERIM APPLICATION NO.17225 OF 2023****INTERIM APPLICATION NO.17880 OF 2023**

Avani Dohit Muranjan	] .. Applicant
Anuranjan Mohnot	] .. Applicant
Nitin Shetty	] .. Applicant
NAREDCO West Foundation	] .. Applicant
Darpan Gupta	] .. Applicant
The Bombay Bankers Association	] .. Applicant
Hotel and Restaurant Association	] .. Applicant
National Restaurant Association	] .. Applicant
Indian Hotel and Restaurant Association	] .. Applicant
Hirali Foundation	] .. Applicant
The Bombay Charcoal Merchants Association Ltd.	] .. Applicant
Awaaz Foundation and Anr.	] .. Applicants
Kalpesh Bhagat	] .. Applicant

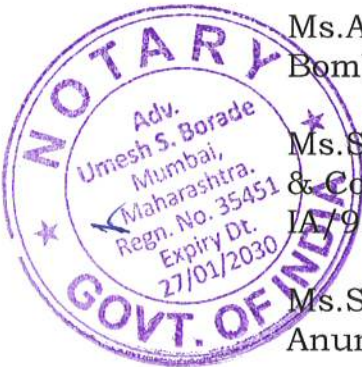
Mr.Darius Khambatta, Sr,Adv Amicus a/w Mr.Tushar
Hathiramani, Mr.A.Faizulbhoy & Ms.Vidhi Shah

Ms.Gulnar Mistry i/b Ms.Pooja V.Thorat for Applicant-Darpan
Gupta in IA/13679/2025

Ms.Anisha Balse i/b Mr.Prerak Choudhary for the Applicant-The
Bombay Charcol Merchants Asso.Ltd. in IA/4114/2025

Ms.Sarrah Khambatti, & Mr.Arshan Engineer i/b Wadia Ghandy
& Co.for the Applicants in IA/13678/2025, IA/9526/2025,
IA/9524/2025

Ms.Sneha Phene i/b Ms.Mayura Maru for the Applicant-
Anuranjan Mohnot in IA/13680/2025



Mr.Janak Dwarkadas, Sr.Adv a/w Mr.Sharad Bhansal, Ms.Shreya Gupta & Ms.Shivani Sanghavi i/b Shardul Amarchand Mangaldas for Intervenor-Vanashakti

Mr.Siddharth Shah, Mr.Samit Shukla & Ms.Sayali Diwadkar i/b Trilegal for the Applicant in IA/13677/2025-NAREDCO WEST

Mr.Tushad Kakalia i/b Ms.Pushpa Thapa for the Intervenor

Mr.Suresh M.Kamble for Respondent-Ulhasnagar Municipal Corporation

Ms.Swati Sagvekar for for Respondent-Vasai Virar City Municipal Corporation

Mr.R.V.Dighe i/b Mr.A.S.Rao for the Respondent - KDMC

Mr.Shailendra Kamdar, Sr.Adv. a/w Mr.Joel Carlos, Ms.Komal Punjabi & Mr.Santosh Mali for the Respondent-BMC

Mr.Y.R.Mishra a/w Mr.Upendra Lokegaonkar, Mr.Sachinand.T.Singh, Mr.Shailendra Mishra for the Respondent-UOI

Mr.C.M.Lokesh for the Respondent-CPCB

Mr.Mandar Limaye a/w Mr.Vedant Bende for the Respondent-TMC

Mr.Mayuresh Lagu a/w Mr.Sagar Patil for Respondent-MBMC

Mr.Jagdish G.Aradwad (Reddy) for the Panvel Mun.Corp.& SRA

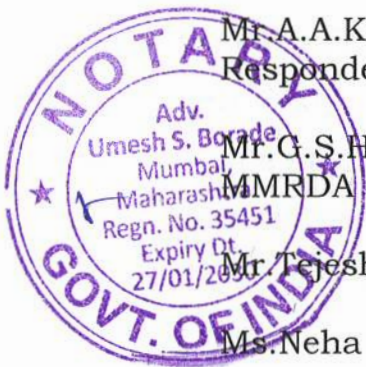
Mr.Kedar B.Dighe for the Respondent-PCMC

Mr.A.A.Kumbhakoni, Sr.Adv. a/w Ms.Jaya Bagwe for the Respondent-MPCB

Mr.G.S.Hegde, Sr.Adv a/w Ms.P.M.Bhansali for the Respondent - MMRDA

Mr.Tejesh Dande for the Respondent - NMMC

Ms.Neha S.Bhide, GP a/w Ms.Jyoti Chavan, Addl.GP, Mr.O.A.Chandurkar, Addl.GP & Ms.G.R.Raghuwanshi, AGP for the Respondent-State



Mr.Devender Singh, Member Secretary of MPCB present
 Mr.Bhushan Gagrani, Municipal Commissioner, BMC, present
 Mr.Avinash Kate, Deputy Municipal Commissioner, Environment,
 present
 Mr.Avinash Dhakne, Additional Municipal Commissioner-Estern
 Suburban, present.
 Officer present : Mr.Rajesh B.Pawar, Executive Engineer,
 Environment Department, NMMC, present
 Mr.Sarthak Dange, Environment Consultant, NMMC, present.

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

DATE : 24TH DECEMBER 2025.

P.C. :

Mr. Darius Khambata, the learned senior counsel and *Amicus Curiae* tenders a summary "Note" indicating that the Air Quality Monitoring stations are not functioning properly. He refers to the screen shots taken on 23rd December 2025 at 8:00 p.m. from the website of the Central Pollution Control Board and submits that either no data is available or insufficient data is available at several monitoring stations in Mumbai for measuring the Air Quality Index (in short, AQI). He submits that if the correct data for atleast 8 out of 29 monitoring locations in Mumbai is not available, it is not possible for the Bombay Municipal Corporation ("BMC") to take remedial steps, much less to implement its Guidelines for Air Pollution Mitigation dated 25th October 2023 and revised Guidelines of October 2024 (in short "Guidelines").

2. Mr. Shailendra Kamdar, the learned senior counsel appearing for the BMC however states that 22 out of 29 Monitoring Stations are functioning and there may be some technical issues for the remaining ones. He submits that the Corporation has taken several steps to tackle air pollution in



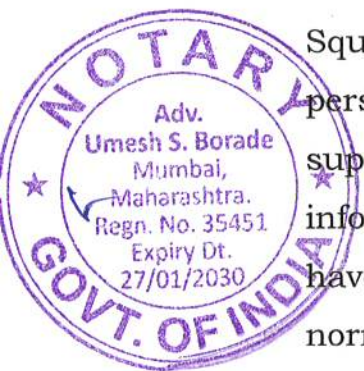
Mumbai and tenders a "Note" which suggests several measures that the corporation intends to take.

3. Mr. Ashutosh Kumbhakoni, the learned senior counsel appearing on behalf of the Maharashtra Pollution Control Board (in short, MPCB) submits that measures have been proposed to protect the health of the workers and the MPCB will co-ordinate with Maharashtra Building and Construction Workers' Welfare Association for ensuring safety, health and well being of the construction workers. Mr. Tejesh Dande, the learned counsel for the Navi Mumbai Municipal Corporation ("NMMC") also tenders a "Note" explaining the steps proposed to be taken to control the rising pollution.

4. We have heard the learned counsel at length. While permissions for development activities continue to be granted, we are constrained to observe that there is a complete lack of effective implementation of the applicable regulations by the BMC itself. It is evident that the BMC has been unable to ensure compliance with its own Guidelines by the concerned contractors and developers. By way of illustration:

(i) We are informed that 91 Squads have been constituted for enforcement of air-pollution mitigation measures. Each Squad is stated to comprise two Ward Engineers, two police personnel, one marshal and is to function under the supervision of a senior Ward Officer. However, we are informed that over the last few days only 39 of these Squads have conducted site visits for enforcement of pollution norms.

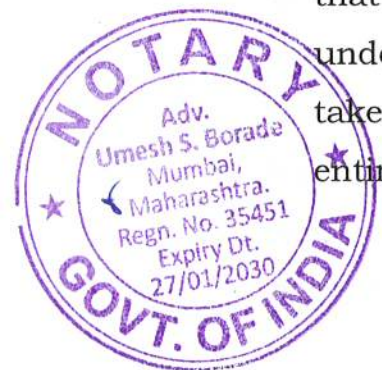
(ii) By an order dated 9th January 2025, this Court had directed several urgent and effective measures to ensure that air pollution remains within manageable limits. One such



direction was the installation of pollution indicators at construction sites, to be centrally connected so as to enable real-time surveillance of pollution levels generated at such sites. By a subsequent order dated 29th April 2025, further time of six weeks was granted by way of indulgence, to comply with the said directions. Regrettably, both the aforesaid orders have not been complied with till date. These instances are illustrative and sufficiently demonstrate the apathy and complete disregard shown by the authorities in complying with the directions of this Court.

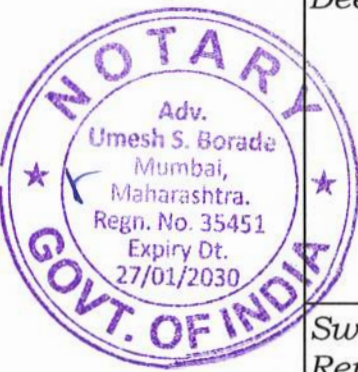
5. We posed several queries to the learned senior counsels appearing for the MPCB, the BMC, the NMMC and the Municipal Commissioner, who is present in Court. The Municipal Commissioner apprised the Court of the steps taken by the Corporation to address air pollution. It is stated that over the last one year, 3,497 show cause notices and 2,100 stop-work notices have been issued to erring developers and contractors. Upon compliance with the prescribed norms, 1,194 stop-work notices were revoked. It is further stated that stop-work notices have been issued to 8 out of the 36 sites referred to in the Committee's Report dated 15th December 2025.

6. The Municipal Commissioner has tendered an action plan for the ensuing 15 days in the form of a "Note", outlining the measures proposed to be undertaken to ensure that anti-pollution measures are effected and has undertaken to strictly implement the same. The said Note is taken on record and is reproduced hereinbelow in its entirety:



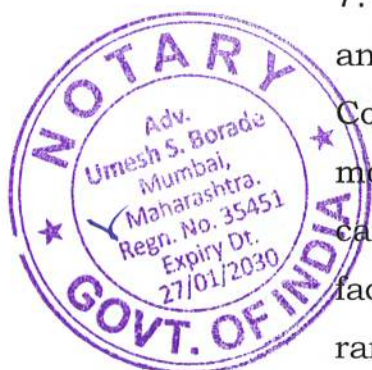
Action Plan for next 15 days and onwards

Ward Level Actions	1.	For effective implementation of the 28-point guidelines for air pollution mitigation measures at construction sites, 94 Ward Level Squads are presently operational.
	2.	Each Ward Level Squad will visit at least two (2) sites per day within their respective jurisdictions.
	3.	Each Ward Assistant Commissioner (AC) shall visit identified hotspot locations within their jurisdiction at least one every day. Further, the concerned Deputy Municipal Commissioner (DMC) shall undertake inspection of at least one site every week.
	4.	In cases where repetitive non-compliance is observed at construction sites, even after issuance of Stop Work Notices, stringent action including prosecution shall be initiated as per applicable provisions.
Central Monitoring and Dashboard	1.	Installation of sensor-based air quality monitors shall be ensured at all remaining construction sites, as per the mandated circulars.
	2.	Geofencing of respective wards and tagging of 94 squads with alert system will be completed.
Deep Cleaning Drive	1.	At present, 20 water tankers of 5,000 liters capacity, 16 water tankers of 9,000 litres and 5 tankers of 10,000 litres capacity are deployed for the Deep Cleaning Drive.
	2.	The Deep Cleaning Drive shall be further intensified through deployment of additional water tankers.
Sweeping, Removal	Dust	1. Currently, 9 electric road sweepers are deployed for 8 hours daily. The operational duration shall be increased to 12 hours to enhance coverage and efficiency.



	2.	<i>Sweeping operations shall ensure complete removal of dust from road surfaces and central medians.</i>
<i>VTMS-Enabled Operations</i>	1.	<i>All the squads are provided with VTMS fitted vehicles. It will be further monitored centrally for stringent enforcement.</i>
<i>Cleaning Frequency Based on Road Length</i>	1.	<i>All project proponent/developer/contractor of the construction sites will be mandated to clean the approach and periphery roads as following.</i>
	2.	<i>For construction sites upto 4,000 sq.m.-cleaning to be carried out on roads till 100-metre on both side of the site.</i>
	3.	<i>For construction sites between 4,000 sq.m. and 10,000 sq.m.-cleaning to be carried out on roads till 200-metre on both side of the site.</i>
	4.	<i>For construction sites exceeding 10,000 sq.m.-cleaning to be carried out on roads till 500-metre on both side intervals of the site.</i>
<i>Review & Monitoring</i>	1.	<i>Assistant Commissioner of the Wards will review implementation and compliance on a daily basis.</i>
	2.	<i>Additional Municipal Commissioner will undertake weekly reviews.</i>
	3.	<i>Hon. Municipal Commissioner will conduct fortnightly reviews to assess progress, enforcement, effectiveness and corrective measures.</i>

7. We accept the statements made in the Note and have also made several suggestions to the Municipal Commissioner, including the provision of appropriate monitoring equipment such as body-worn (button) cameras, GPS-enabled vehicles, and adequate logistical facilities to the enforcement squads, so as to enable random and effective inspections of multiple construction

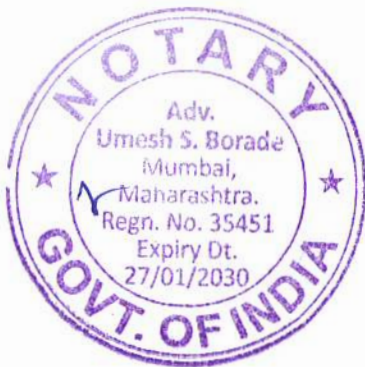


sites and to ensure strict compliance with the Guidelines by contractors / developers.

8. We may also record that more than two years ago, on 6th November 2023, this Court had taken *suo motu* cognizance of the issue of rapidly deteriorating air quality and had issued directions in that regard, some of which are reproduced hereinbelow:

“7. Having heard the learned counsel for the parties and having perused the notes furnished by learned Amicus Curiae as also the learned Advocate General, the Court finds that there is a general consensus on the part of all concerned that something drastic needs to be done not only for improving the air quality in the city of Mumbai, but also, to put in place an appropriate mechanism to see that it does not get worsened. The concern raised across the bar during the course of hearing of these matters by various learned counsel is appreciated, however, it appears that though various action plans, guidelines and other mechanism, both statutory and non-statutory have been proclaimed, however, on account of poor or inadequate implementation of these guidelines or mechanisms or action plans, the quality of air in Mumbai remains the same. The learned Advocate General in his note has pointed out certain major sources of air pollution. The note submitted by learned Amicus Curiae also discloses the major sources of air pollution in the city. We also note that Deepawali festival is to be celebrated on 12th November 2023, however, the celebration starts about a week before. Considering the present state of the air quality in the city and also taking into account various activities which the city may indulge on and before Deepawali, as an interim measure, we issue the following directions:

- a) *The Mumbai Air Pollution Mitigation Plan proclaimed by MCGM in March 2023 and the guidelines issued by the Environment and Climate Change Department and by the MCGM for “Air Pollution Mitigation” on 25th October 2023 shall be implemented by all concerned in its true letter and spirit. To ensure the compliance of the said Mitigation Plan we direct that it shall be personal responsibility of the Assistant Municipal Commissioner of each and every ward who shall be personally liable, responsible and shall be accountable to this Court for any lapse in implementation of the said Plan.*
- b) *Similar action plan shall be followed in rest of the Municipal Corporations other than Mumbai.*
- c) *The Municipal Corporations shall ensure that the metal sheets around construction sites are erected of sufficient height to ensure that dust from the construction sites shall not be spread over.*

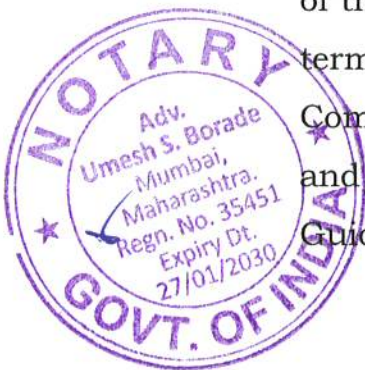


- d) To separate the dust generated on construction sites, the Municipal Corporations shall ensure that regular and continuous water sprinkling is done by the project proponents/construction agencies.
- e) The Municipal Authorities shall also ensure that storage piles at the construction site are properly covered and cleared in terms of the guidelines issued by the State Government and the MCGM as also by the CPCB.
- f) It shall be ensured by all concerned that no construction debris is carried or transported to or out of the construction site. It shall also be ensured that all construction material being taken to the construction site including the ready-mix concrete is transported to the construction site in fully covered trucks or mixer plants.
- g) On the next date, if the air quality does not substantially improve, the Court may pass an order banning transportation of the construction material in and out of the construction sites.
- h) We also direct that the Authorities shall ensure that no burning of any waste, including solid waste is permitted in open areas, specially at the dumping sites where the municipal solid waste is dumped.

.....

8. As already observed above, the Assistant Municipal Commissioners of the wards concerned shall be personally liable for any lapse in implementation of the various directions and action plan. We also direct that the Municipal Commissioners of the respective Municipal Corporations shall not only supervise the steps to be taken under this order but also identify erring Officers responsible for any lapse or lacunae in implementation of the guidelines."

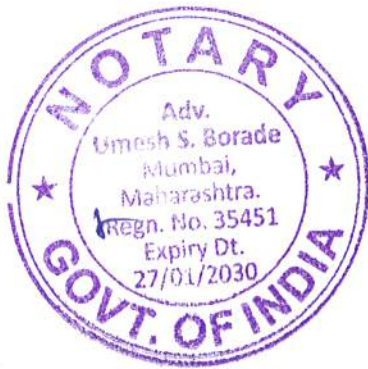
9. We are constrained to record that the very same situation has recurred in the years 2024 and 2025, and that the directions contained in paragraph 7 have not been complied with by the BMC. We make it abundantly clear that if such lapses continue any further on the part of the Corporation, we shall be constrained to proceed in terms of paragraph 8 against the Assistant Municipal Commissioners and all officers responsible for the lapses and/or deficiencies in the implementation of the Guidelines.



10. List the matter on 20th January 2026 (High on Board). The BMC and the NMMC shall file status reports demonstrating tangible and measurable results evidencing reduction in pollution levels in Mumbai and Navi Mumbai.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]



Annexure -C-3

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JVS.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

High Court of Judicature at Bombay }
on its own motion. } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Darius Khambatta, Senior Advocate-*Amicus Curiae* a/w Mr.Tushar Hathiramani, Mr.A.Faizulbhoy & Ms.Vidhi Shah.

Ms.Gulnar Mistry i/b Ms.Pooja V.Thorat for Applicant-Darpan Gupta in IA/13679/2025.

Ms. Anisha Balse i/b Mr.Prerak Choudhary for the Applicant-The Bombay Charcol Merchants Asso.Ltd. in IA/4114/2025.

Mr. Aastik Agarwal i/b Wadia Ghandy & Co.for the Applicants in IA/13678/2025, IA/9524/2025, IA/9525/2025 IA/9526/2025

Ms. Sneha Phene i/b Ms.Mayura Maru for the Applicant-Anuranjan Mohnot in IA/13680/2025.

Mr. Janak Dwarkadas, Senior Advocate a/w Ms.Kanika Goenka, Mr. Sharad Bhansal, Ms.Swagata Ghosh i/b Shardul Amarchand Mangaldas for Intervenor-Vanashakti.

Ms. Sayali Diwadkar, Ms. Saloni Shah, Mr.Samit Shukla & Mr.Siddharth Shah i/b Trilegal for the Applicant in IA/13677/2025-NAREDCO WEST.

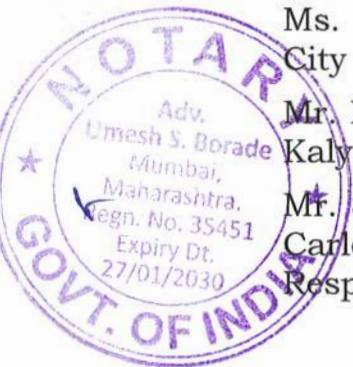
Mr. Tushad Kakalia i/b Ms.Pushpa Thapa for the Intervenor.

Mr. Suresh M.Kamble for Respondent-Ulhasnagar Municipal Corporation.

Ms. Swati Sagevekar for Respondent-Vasai Virar City Municipal Corporation.

Mr. R. V. Dighe i/b Mr. A. S. Rao for the Respondent-Kalyan Dombivali Municipal Corporation.

Mr. Shailendra Kamdar, Senior Advocate a/w Mr.Joel Carlos, Ms.Komal Punjabi & Mr.Santosh Mali for the Respondent-Brihanmumbai Municipal Corporation.



Mr. Y. R. Mishra a/w Mr.Upendra Lokegaonkar,
Mr.Sachinand. T. Singh,for the Respondent-UOI.

Mr. C. M. Lokesh for the Respondent-CPCB.

Mr. Mandar Limaye a/w Mr.Vedant Bende for the
Respondent-Thane Municipal Corporation.

Mr. Mayuresh Lagu a/w Mr.Sagar Patil for
Respondent-MBMC.

Mr. Jagdish G. Aradwad (Reddy) a/w Ms.Ashwini
B.Jadhav for the Panvel Municipal Corporation &
Slum Rehabilitation Authority.

Mr. Kedar B.Dighe for the Respondent-Pimpri
Chinchwad Municipal Corporation.

Mr. A. A. Kumbhakoni, Sr.Adv. a/w Ms.Jaya Bagwe
for the Respondent-Maharashtra Pollution Control
Board.

Mr. G. S. Hegde,Sr.Adv a/w Ms.P.M.Bhansali for the
Respondent – MMRDA.

Mr. Bharat Ghadavi i/ b Mr.Tejesh Dande for the
Respondent–Navi Mumbai Municipal Corporation.

Ms. Neha S. Bhide, GP a/w Ms. Jyoti Chavan,
Additional Government Pleader a/w Mr. O. A.
Chandurkar, Additional Government Pleader & Ms.G.
R. Raghuwanshi, AGP for the Respondent-State.

Mr. Rajesh Pawar Executive Engineer, Environment
Dept.,NMMC present.

Mr. Sarthak Dange, Environmental Consultant,
NMMC present.

Mr. D. R. Kawale and Mr. Avinash Kate, Deputy
Municipal Commissioner, Environment, MCGM.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
SUMAN SHYAM, J.**

DATE: 23rd JANUARY 2026

P.C.:

Before we deal with the affidavit filed on behalf of the
Municipal Corporation of Greater Mumbai (in short, MCGM), our
attention has been drawn to paragraph no. 5 of the affidavit filed on



behalf of the Navi Mumbai Municipal Corporation (in short, NMMC), in response to a Court's query to its learned counsel whether 11 sites which were inspected by the Committee of Advocate Commissioners have been visited, verified and any action taken thereon. However, we do not find any indication in paragraph no. 5 of the affidavit dated 20th January 2026 sworn by the City Engineer, NMMC as regards even a visit by the officers or a team of officers of the NMMC to those 11 sites which fall within its jurisdiction. There is a flagrant disregard and violation of this Court's order by the Municipal Commissioner, NMMC against whom we propose to pass an order directing him not to draw his salary till the Court permits him to do so.

2. Just to indicate, if we come to a conclusion that there is no genuine and sincere effort made by the Municipal Corporation of Greater Mumbai, we may pass a similar order against the Municipal Commissioner of the Navi Mumbai Municipal Corporation.

3. We have heard Mr. Darius Khanbatta, the learned *Amicus Curiae*, Mr. Janak Dwarkadas, the learned senior counsel appearing on behalf of the intervener-*Vanshakti* and Mr. Shailendra Kamdar, the learned senior counsel for the Municipal Corporation of Greater Mumbai.

4. After having gone through the previous orders passed by this Court starting from 31st October 2023, which was extensively referred to by Mr. Janak Dwarkadas, the learned senior counsel appearing on behalf of the *Vanshakti* and the orders dated 9th January 2025, 29th April 2025, 28th November 2025, 23rd December 2025 and 24th December 2025 on which the learned *Amicus Curiae* placed reliance, we are constrained to observe that the orders passed by this Court seems to have been ignored and not complied.



The affidavits filed showing compliances do not give any details on many material aspects of the matter. For example, there is no details at all given in the affidavit filed by the Municipal Corporation of Greater Mumbai on several aspects as regards 25 installations which were visited by the Committee of Advocate Commissioners. There is also no details provided as to the reason why about 500 construction sites are operating without any Air Quality Monitor. This is a suggestion made by the learned *Amicus Curiae* and Mr. Janak Dwarkadas, the learned senior counsel that a specific and individual responsibility should be fixed by this Court as indicated by a co-ordinate Bench of this Court in the order dated 6th November 2023.

5. Post the matter on 27th January 2026 at 4:30 p.m.

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signed by
JAYANT
VISHWANATH
SALUNKE
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[SUMAN SHYAM, J.]

[CHIEF JUSTICE]



Annexure -C-4

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JVS.

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

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

High Court of Judicature at Bombay	}	
on its own motion.	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Mr. Darius Khambata, Senior Advocate (*Amicus Curiae*) a/w Mr. Tushar Hathiramani, Mr. A. Faizulbhoy, & Ms. Vidhi Ajmera.

Ms. Gulnar Mistry i/b Ms. Pooja V. Thorat Advocates for Applicant-Darpan Gupta in IA/13679/2025.

Mr. Prerak Choudhary a/w Ms. Anisha Balse, Advocates for the Applicant-The Bombay Charcol Merchants Asso.Ltd. in IA/4114/2025.

Ms. Sarrah Khambati, & Mr. Aastik Agarwal i/b Wadia Ghandy & Co., Advocates for the Applicants in IA/13678/2025, IA/9524/2025, IA/9525/2025 IA/9526/2025.

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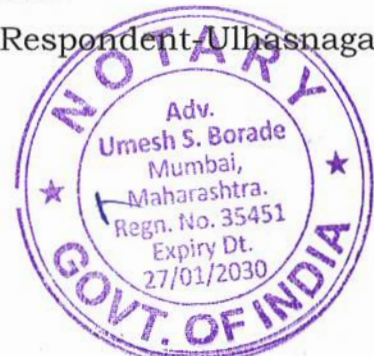
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Mr. Tushad Kakalia i/b Ms. Pushpa Thapa, Advocates for the Intervenor.

Mr. Anirudh Hariyani a/w Mr. Karan G. Fafat i/b Jani & Parikh, Advocates for Intervenor in IA/774/2026.

Mr. Vinay Nair i/b Mr. Arun Panickar & Ms. Lavanya Panicker, Advocates for the Intervenor in IAS/39759/2025.

Mr. Suresh M. Kamble, Advocate for Respondent-Ulhasnagar Municipal Corporation.



Ms. Swati Sagvekar for, Advocate Respondent-Vasai Virar City Municipal Corporation.

Mr. R. V. Dighe i/b Mr. A. S. Rao, Advocates for the Respondent – Kalyan Dombivali Municipal Corporation.

Mr. Shailendra Kamdar, Senior Advocate a/w Mr. Joel Carlos & Mr. Santosh Mali, Advocates for the Respondent-Brihanmumbai Municipal Corporation.

Mr. Y. R. Mishra a/w Mr. Upendra Lokegaonkar, Mr. Sachin and T. Singh, Advocates for the Respondent-UOI.

Mr. Abhinandan Vagyani a/w Mr. C.M. Lokesh & Ms. Asha Gunjal, Advocates for the Respondent-CPCB.

Mr. Mandar Limaye a/w Mr. Vedant Bende, Advocates for the Respondent-Thane Municipal Corporation.

Mr. Mayuresh Lagu a/w Mr. Sagar Patil & Mr. Shashank Dubey, Advocates for Respondent-MBMC.

Mr. Jagdish G. Aradwad (Reddy) a/w Ms. Ashwini B. Jadhav, Advocates for the Panvel Municipal Corporation & Slum Rehabilitation Authority.

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Mr. A. A. Kumbhakoni, Senior Advocate a/w Ms. Jaya Bagwe, Advocates for the Respondent-Maharashtra Pollution Control Board.

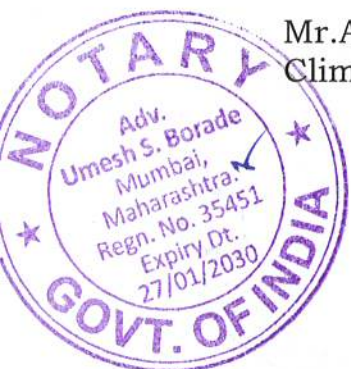
Mr. G. S. Hegde, Senior Advocate a/w Ms. P. M. Bhansali for the Respondent-MMRDA.

Mr. Anil V. Anturkar, Senior Advocate a/w Mr. Tejesh Dande, Mr. Bharat Gadhavi, Ms. Trushna Shah, Ms. Mansi Dande, Mr. Sarvesh Deshpande, Mr. Parth Talekar & Ms. Kashish Chanchlani, Advocates for the Respondent-Navi Mumbai Municipal Corporation.

Ms. Neha S. Bhide, Government Pleader a/w Mr. B. V. Samant, Addl. Government Pleader & Ms. G. R. Raghuwanshi, AGP & Mr. Vikrant Parshurami, AGP for the Respondent-State.

Mr. Rajesh Pawar, Exe. Engineer, Environment Dept., NMMC present.

Mr. Avinash Kate, Deputy Municipal Commissioner, Environment & Climate, MCGM present.



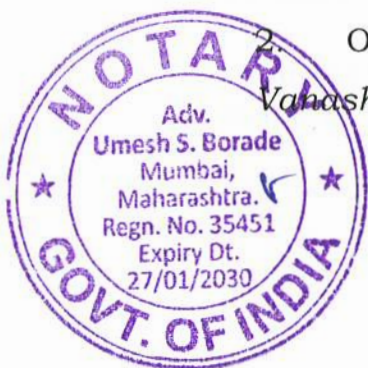
**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 29th JANUARY 2026

P.C.:

It was on 31st October 2023 that this Court took *suo motu* cognizance of the rising level of pollution in the city of Mumbai which was ranging between moderate and severe in the month of October 2023. This Court referred to the news article published in Indian Express, Mumbai Edition wherein an observation made by the Senior Scientist and Project Director in the System of Air Quality and Weather Forecast and Research (SAFAR) was quoted saying “*When AQI readings are between 200 and 300, it impacts vulnerable groups like senior citizens and children as well as people with co-morbidities, but people with good health condition will not be very much affected. However, if the AQI reading cross 300 or 400, it will start affecting a wider base of people and higher the readings climb, more and more people will be affected.*” The said article also indicated, as explained by an epidemiologist and pulmonologist from Hinduja Hospital, how poor air quality in the city was compared to smoking in terms of health risks. It was reported that the exposure to air pollution, particularly fine particulate matter (PM 2.5) can have similar effects on the respiratory and cardiovascular system as smoking. This Court, therefore, issued a direction to the Registry to register a *Suo Motu* Public Interest Litigation and the matter was posted on 6th November 2023.

2 On 6th November 2023, an affidavit was filed on behalf of Vanashakti, a non-Governmental Organisation and appearing on its



behalf Mr. Janak Dwarkadas, the learned senior counsel raised serious concerns on unabated rise in the air pollution level. This Court referred to a short note tendered by Mr. Darius Khambata, the learned senior counsel (*Amicus Curiae*) wherein a suggestion was made for taking certain short-term, mid-term and long-term measures. This Court reflected on the suggestions made by the learned *Amicus Curiae* and Mr. Janak Dwarkadas, the learned senior counsel and other counsels who made their valuable suggestions and passed the following directions :-

- a) *The Mumbai Air Pollution Mitigation Plan proclaimed by MCGM in March 2023 and the guidelines issued by the Environment and Climate Change Department and by the MCGM for "Air Pollution Mitigation" on 25th October 2023 shall be implemented by all concerned in its true letter and spirit. To ensure the compliance of the said Mitigation Plan we direct that it shall be personal responsibility of the Assistant Municipal Commissioner of each and every ward who shall be personally liable, responsible and shall be accountable to this Court for any lapse in implementation of the said Plan.*
- b) *Similar action plan shall be followed in rest of the Municipal Corporations other than Mumbai.*
- c) *The Municipal Corporations shall ensure that the metal sheets around construction sites are erected of sufficient height to ensure that dust from the construction sites shall not be spread over.*
- d) *To separate the dust generated on construction sites, the Municipal Corporations shall ensure that regular and continuous water sprinkling is done by the project proponents/construction agencies.*
- e) *The Municipal Authorities shall also ensure that storage piles at the construction site are properly covered and cleared in terms of the guidelines issued by the State Government and the MCGM as also by the CPCB.*
- f) *It shall be ensured by all concerned that no construction debris is carried or transported to or out of the construction site. It shall also be ensured that all construction material being taken to the construction site including the ready-mix concrete is transported to the construction site in fully covered trucks or mixer plants.*

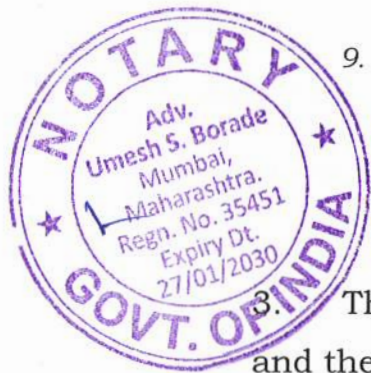
On the next date, if the air quality does not substantially improve, the Court may pass an order banning transportation of the construction



material in and out of the construction sites.

- h) We also direct that the Authorities shall ensure that no burning of any waste, including solid waste is permitted in open areas, specially at the dumping sites where the municipal solid waste is dumped.
- i) The Traffic Department Officials and the Transport Department Officials, shall strictly implement the vehicular emission norms in accordance with the provisions of Motor Vehicle Act, 1988 and the Rules framed thereunder.
- j) The Municipal Authorities and the Police Administration shall also ensure that bursting of firecrackers takes place between 07.00 p.m. to 10.00 p.m. We have issued this direction keeping in view various directions issued by the National Green Tribunal as also having regard to the directions issued by the Supreme Court in the case of Arjun Gopal and Ors. Vs. Union of India from time to time and also the order dated 12th November 2020 passed by this Court in PIL (St) No.95794 of 2020 wherein on behalf of the State an undertaking was given that guidelines issued from time to time regarding firecrackers shall be strictly followed.
- k) The State Government as also the Municipal Corporations and more particularly, the Educational Institutions both in the Government and the non-Government sectors in the Mumbai Metropolitan Region, shall immediately take appropriate steps to spread awareness of the ill-effects burning / bursting of fire crackers would cause, to the existing polluted environment.”
- “8. As already observed above, the Assistant Municipal Commissioner of the wards concerned shall be personally liable for any lapse in implementation of the various directions and action plan. We also direct that the Municipal Commissioners of the respective Municipal Corporations shall not only supervise the steps to be taken under this order but also identify erring officers responsible for any lapse or lacunae in implementation of the guidelines.
9. The Court also feels it appropriate to constitute a two-member committee comprising of Director, National Environmental Engineering Research Institute (NEERI) working under the aegis of Council for Scientific and Industrial Research and the Principal Secretary, Public Health, Government of Maharashtra, to supervise and monitor the steps being taken by all Municipal Corporations on daily basis.”

3. The directions passed in the order dated 10th November 2023 and the constitution of the committee formed therein were modified to certain extent. With modifications, the following further



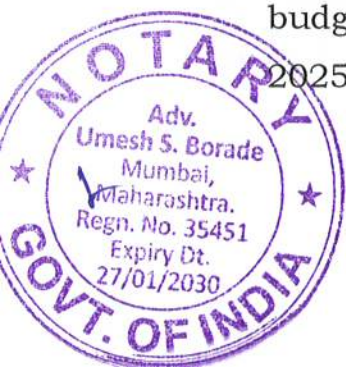
directions were passed :

- “13. Having regard to the relevant factors, we modify the constitution of the said Committee. The reconstituted Committee shall comprise of the following: - (i) An expert in the field of environment, preferably in the field of air pollution to be nominated by Director NEERI; (ii) An expert on air pollution to be nominated by the Director of Indian Institute of Technology, Mumbai; and (iii) Mr. Sudhir Shrivastav, former Additional Chief Secretary Home and Chairman, MPCB.
14. The MCGM is directed to provide all secretarial assistance to the said Committee. All the Municipal Corporations in the Mumbai Metropolitan Region shall submit daily reports on the steps being taken to curb pollution and on the levels of pollution in their respective areas. It will be open to this Committee to tender suggestions to the respective Municipal Corporations, if the Committee finds it appropriate in any given circumstances. The Committee shall prepare weekly reports based on the daily reports submitted to it, by the respective Municipal Corporations, along with its own comments. The reports shall be submitted to this Court through the Registrar General of this Court. 15. All the above directions shall be equally applicable and enforceable by the Municipal Corporations/Councils and Panchayats falling within the Mumbai Metropolitan Region.
18. In the above circumstances, we direct that the draft report shall be finalised by the authority concerned at the appropriate level, be it the Ministry in the Central Government or any officer in the CPCB. Mr. Y. R. Mishra, learned counsel, who appears for Union of India and Mr. C. M. Lokesh, who appears for CPCB shall apprise the authorities concerned (UoI and CPCB) of this order forthwith. We expect that final decision on the draft report is taken within 6 (six) weeks from today. We also direct that once the draft report is finalised, based on that, concrete steps would be required to be taken, to implement appropriate measures, to meet the challenges posed on account of rising air pollution levels, in the city of Mumbai.
23. The Municipal Commissioner of the Mumbai Municipal Corporation shall take steps to immediately inform the present order to the members of the newly constituted committee, so that the functioning of the committee shall start immediately at the premises and the requisite infrastructure, which may be made available either by the MCGM or the State Government. All the Municipal Corporations in the Mumbai Metropolitan Region are directed to submit day-to-day air pollution reports to the said committee by email or as may be permitted by the Committee.”



4. As recorded in the order dated 6th February 2024, it was stated that a High Level Coordination Committee was constituted under the Government Resolution dated 5th February 2024. The said Committee was headed by the Municipal Commissioner, MCGM and it was given certain powers for prevention, control and abatement of air pollution. The Committee was expected to coordinate the actions of the urban local bodies and to work in the areas relating to planning and execution of a programme for prevention, control and abatement of air pollution. The working of MPCB was also under lens and it was required to monitor the industrial emissions. As on 18th March 2024, there were 7268 red category industries and 7841 orange category industries in the MMR. On different dates of hearing, this Court made certain observations and expressed dissatisfaction to the steps taken by the Municipal Corporation of Greater Mumbai (MCGM) and the Navi Mumbai Municipal Corporation (NMMC). We have also observed that the Maharashtra Pollution Control Board (MPCB) is simply sailing on its affidavit filed on purported compliances or steps taken by it.

5. We observe that the annual pollution audit of the industries in the Mumbai Metropolitan Region (MMR) has been unsatisfactory. It is stated at the Bar that it takes about 7-8 months to conduct annual pollution audit of industries. It is quite a long time and the polluting units may not get sufficient time to observe the guidelines and report compliances and, in the meantime, the second audit exercise might begin. There was budgetary allocation of Rs.360 crores in the Financial year 2024-2025 for undertaking the deep clean drive at ward level but

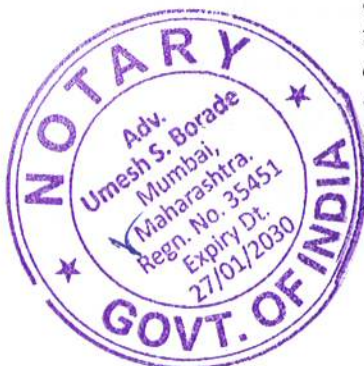


nothing worthwhile has been reported. The Court shall obviously be concerned about the spending of public money without any substantial result.

6. As per the affidavits filed by the Corporations, thousands of notices and stop-work notices have been issued. These figures simply indicate that the proposals for establishment of industrial units, NOCs, statutory clearances and building plans have been issued without bestowing attention to the possibility of a large scale pollution being generated. In course of hearing, the learned *Amicus Curiae* indicated that this Court has already cautioned that if the air quality does not substantially improve, the Court may pass an order banning transport of construction material in and out of the construction sites. This Court further observed in the order dated 9th January 2025 that the Municipal Commissioner shall reflect on granting permissions for further building constructions.

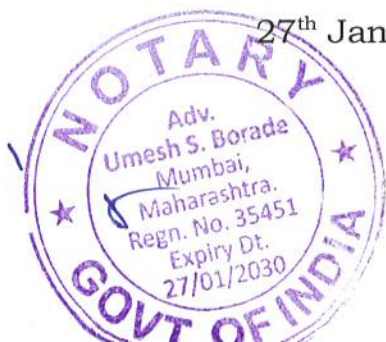
7. Constrained, this Court constituted a Committee on 28th November 2025 comprising of Conservator of Forests, Sanjay Gandhi National Park and learned Advocates of this Court to identify and undertake brief inspections of construction sites and industrial units contributing to air pollution levels. The relevant directions read as follows:

"6. After hearing the parties in this Suo Motu Public Interest Litigation, we find that despite repeated directions of this Court, air pollution during the autumn months has now become a recurring and persistent concern. We requested the learned counsels appearing in the matter to recommend a few names, who would be who can be a part of Court appointed committee. However, we have decided to constitute this Committee comprising of the following members: (i) Ms. Anitta Patil, Conservator of Forests, Sanjay Gandhi National Park; (ii) Mr. Karan Bhosale, Advocate; (iii) Ms. Namrata Vinod, Advocate; and (iv) Mr. Anant Mallya, Advocate.



7. *With assistance from MPCB and MCGM, the Committee shall identify areas within Mumbai and Navi Mumbai recording the highest AQI levels and undertake brief inspections of some of the construction sites and the industrial unit which may be contributing the air pollution, as deem fit by the Committee. The inspection shall include verification of compliance with essential conditions under the Guidelines, such as covering sites with metal sheets and green tarpaulin, provision of water sprinklers for dust suppression, installation of CCTV cameras, and deployment of sensor-based air pollution monitors and air pollution measures taken by the undertakings. We clarify that the purpose of this exercise is solely to collect data and ascertain ground-level realities contributing to rising pollution levels. In our view, such information will assist in formulating long-term remedial measures. To ensure maximum coverage, the members of the Committee are at liberty to devise a mutually convenient schedule amongst themselves and proceed with the inspections. The team shall submit a brief report on or before the next date of hearing. It is clarified that we have nominated three advocates, so that at least one of them is able to visit the site with other members of the Committee based on their availability.*
8. *The MCGM shall extend full cooperation, including logistical support such as transportation facilities, and shall deploy the necessary staff and security personnel to facilitate the team's entry at construction sites for the limited purpose of inspection. Mr. Shashank Bhole, Deputy Municipal Commissioner (Engineering) MCGM shall act as a nodal officer for the Committee. The Assistant Municipal Commissioner of each Ward shall act as the single point of coordination. The MCGM and MPCB shall forthwith circulate this order, by email and through all other modes, to all construction sites where work is ongoing, to all industrial units, to all Ward Offices, and shall ensure the smooth conduct of the site visits."*

8. There is no dispute that the air pollution level in the city of Mumbai has not gone down, rather, in the month of December 2025 it was reported very severe. The inspection report prepared by the Committee was not taken seriously by the Corporations and our displeasure is recorded in the order dated 27th January 2026. We have seen the data regarding extent of air pollution caused by the individual project proponents and this has been projected in a tabular form in the note tendered by the learned *Amicus Curiae* on 27th January 2026.



9. We are also conscious and there is no dispute at the Bar that the rising number of dockets and the limited hours of time available to the Court is a reason that this Court may not be able to examine all the affidavits filed by the Municipal Corporations and the MPCB and the reports submitted by the Expert Committee. The learned *Amicus Curiae* has therefore suggested to constitute a High Power Committee comprising of former Judges of Supreme Court and High Court.

10. Mr. Janak Dwarkadas, the learned senior counsel submitted that the Court should now hold the Assistant Municipal Commissioners at the Ward level liable for the rising air pollution level in the city of Mumbai and there should be a provision for compensation to the victims of air pollution. Mr. G. S. Hegde, the learned senior counsel submitted that there should be display boards on the project/construction sites of air pollution indicator so that non-compliance or rising pollution level is immediately reported to the Corporation. We have also heard Ms. Gulnar Mistry, the learned counsel who has raised certain concerns about infants, minor children, women and others who are said to be suffering from respiratory problems.

11. Mr. Anil V. Anturkar, the learned senior counsel appearing on behalf of the NMMC submits that the Corporation has no objection to constitution of a High Powered Committee which can look into compliance by the Corporation and its Members shall be provided the necessary and appropriate facilities commensurate with their status. The learned senior counsel has an objection as to the suggestion made by the learned *Amicus Curiae* that a mechanism should be



formulated by the High Powered Committee for compensation to the citizens impacted by the air pollution. The learned senior counsel refers to the orders passed by the Hon'ble Supreme Court in "*Vishal Tiwari (Adani Group Investigation) v. Union of India & Ors.*" (2023) 4 SCC 332 and "*Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc.*" 2025 SCC OnLine SC 1601 and submits that there is a statutory regime in place and the statutory bodies created thereunder shall look into this aspect. The learned senior counsel would also submit that presence of a medical expert in the High Powered Committee is not necessary. Mr. Shailendra Kamdar, the learned senior counsel for the MCGM has raised similar objections and suggested that an expert from Indian Institute of Tropical Meteorology (IITM), Pune should be made a part of the High Powered Committee.

12. After hearing the learned *Amicus Curiae* assisted by Mr. Tushar Hathiramani, Mr. A. Faizulbhoj and Ms. Vidhi Ajmera, the learned counsels, Mr. Janak Dwarkadas, the learned senior counsel on behalf of *Vanshakti*, Mr. Anil V. Anturkar, the learned senior counsel on behalf of the NMMC, Mr. Shailendra Kamdar, the learned senior counsel on behalf of the MCGM, Mr. A. A. Kumbhakoni, learned senior counsel for MPCB and Ms. Gulnar Mistry, the learned counsel on behalf of the Intervener, we have formed an opinion to constitute a High Powered Committee.

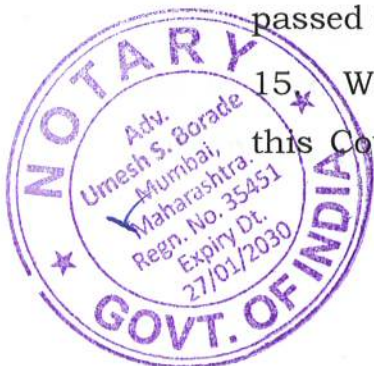
13. In the present proceeding, this Court directed the Municipal Commissioners of the respective Municipal Corporations to supervise compliance of the order passed by this Court. The Municipal Commissioners are under a duty to identify the erring officers responsible for any lapses on their part in implementation of the guidelines. There is a reference of the website/mobile App for making



the air pollution complaints and emergency mobile number which shall be publicized in the newspapers as awareness programmes. This Court is not apprised about the complaints received on the website or mobile App or through helpline and its operational status. This is also not disclosed whether any action was taken thereof and, if yes, what was the nature of the measures taken by the respondent-authorities. This Court is not apprised whether a statutory committee as proposed under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 has been constituted for Mumbai, Greater Mumbai etc. The attention of the respondent-authorities was drawn to seven major public project sites which were generating huge dust and causing severe air pollution but a periodic weekly review of those project sites, viz., Madhu Park, Bullet Train site, Versova-Bandra sea link, Mumbai Metro-3, Mumbai Trans Harbour Link, Mumbai Coastal Road etc. does not seem to be carried out or, at least, any such report is not given to the Court. This is within the sight of everyone that huge construction materials, rubble, earth and soil etc. are lying uncovered even today at several places.

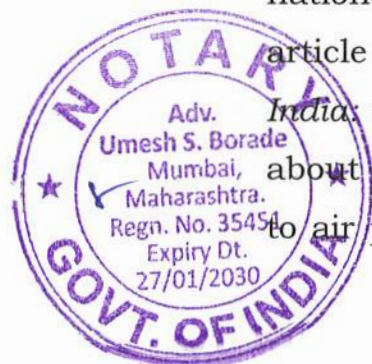
14. The statutory bodies may have been formed in the State of Maharashtra but we have not come across any suggestion or action taken by such bodies in the present proceedings, at least not reflecting in the numerous orders passed by this Court. This is also not informed to the Court that such statutory bodies, if any, existing in the State of Maharashtra have ensured statutory compliances and passed orders or issued directions for that purpose.

15. We have apprised ourselves with the previous orders passed by this Court and find that even after such observations made by this



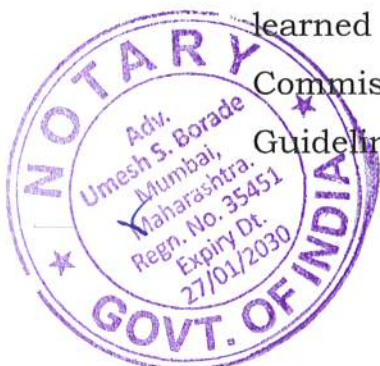
Court, the compliance so far made by the Municipal Corporations and the MPCB are not sufficient and satisfactory. This Court has been consistently observing the lackadaisical approach of authorities in ensuring compliance of the authorities despite specific directions. Mere filing of compliance affidavits is not sufficient. When we say unsatisfactory compliance, we are not criticizing the working of any individual but the collective efforts taken by the Municipal Corporations and the MPCB. The concerned authorities might have taken serious steps on their part but the result thereof indicating decrease in pollution level is not coming forth. We have observed that there are numerous spots where the air quality monitors were not installed. We have also observed that the Municipal Corporations did not even reflect on the report prepared by the Committee (constituted on 28th November 2025) in their affidavits filed in the recent dates as to inspection if at all carried by the squads of the Municipal Corporations. We have also observed that there are insufficient monitoring by the Municipal Corporations inasmuch as the 91 squads formed by the MCGM were working only on daily basis and if at all inspecting one site in a day. This was admitted at the Bar that for inspection of a construction site the total time taken may not exceed 2 to 3 hours.

16. The learned *Amicus Curiae* has submitted that the impact of air pollution is not only confined to health issues, rather, it impacts the national economy. Mr. Khambata, the learned *Amicus* referred to an article '*Health and economic impact of air pollution in the states of India: the Global Burden of Disease Study 2019*' and submitted that about 1.67 million deaths in India in the year 2019 were attributable to air pollution. Such large number of deaths accounting for 18% of



the total deaths in the country accounted for about US \$ 37 billion which was 1.36% of India's GDP. The learned *Amicus* would, therefore, submit that reduction in air pollution is necessary for physical health of the people and economic health of the nation.

17. The learned *Amicus* submits that there can be no quarrel that resuspended road side dust is the major contributory to the PM10 relating air pollution. The other sources are construction dust, demolition activity, open burning of solid dust, ready mix concrete, batching plant and industries classified in the red and orange categories. The construction dust and re-suspended road dust contribute to about 44% PM10 pollutants. The learned *Amicus* submits that there is a need for a Commando Force for checking air quality in the MMR. The Mumbai city has more than 11000 active construction sites; about 3000 plans are sanctioned in the last two years. Therefore, there should be two squads for smaller wards for air pollution mitigation enforcement. The Corporation should deploy four squads for middle size wards and six quads for larger size wards. There is a direction issued by the MPCB under section 5 of the Environment Protection Act, 1986 to the Municipal Commissioner on 2nd November 2023 to ensure strict compliance with the Bombay Air Pollution Action Plan and the Guidelines. Around 28th November 2025, it was reported that large number of sensor based air quality monitors were non-functional. It appears that there are large number of ongoing construction sites under the jurisdiction of the BMC and more than 600 sites have no sensor based air quality monitor. The learned *Amicus* suggested that the Assistant Municipal Commissioners should file weekly report on implementation of BMC's Guidelines-2023. Such report should include (i) number of



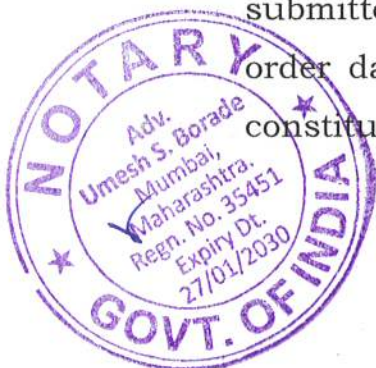
construction sites (ii) number of air quality monitors, and (iii) non-compliance of the guidelines and action taken thereon. The Corporations should not clear any construction proposal and issue stop-work notice to the ongoing sites where non-compliance has been reported. There should be real time linkage of sensor based air monitors at construction site with central dashboard and that should be made accessible to general public. Further, there should be a clear mandate that one fourth of the monitors are not working at the construction site then the construction activity must be stopped. The number of CCTV cameras should be increased at large construction sites and there must be real time footage of the site monitor readily available.

18. The learned *Amicus* has suggested certain other measures which are supported by Mr. Janak Dwarkadas, Mr. G. S. Hegde, the learned senior counsel and the learned counsel appearing for the intervenors. The learned *Amicus* suggests that a Higher Powered Committee (HPC) consisting of a retired Judge of the Supreme Court or High Court, a technical expert in the field of air pollution and a medical expert be constituted. The HPC can (i) monitor and supervise compliance with the orders passed and directions issued by this Hon'ble Court (including but not limited to implementation of the Action Plans/Guidelines formulated by the BMC and MPCB). The HPC can review weekly reports submitted by Municipal Commissioner, BMC and Navi Mumbai Municipal Corporation/ Additional Municipal Commissioners (ward-wise) [Mumbai city and MMR area] and the MPCB and make recommendations to them for formulation of immediate, medium and long-term measures to combat air pollution in Mumbai City and the MMR. The HPC may



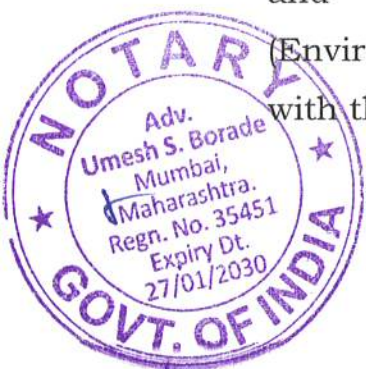
advise on the formulation of a Graded Response Action Plan for the city of Mumbai and prepare and file reports with this Court on a quarterly basis, starting from 30th June 2026. The learned *Amicus* also suggested; (i) to direct the State Government to provide all assistance and cooperation to the HPC, including providing necessary and adequate infrastructure and access to the State machinery (including the Police) required to carry out the functions entrusted to the HPC and/or to conduct inspections (if and when necessary); (ii) the costs and expenditure incurred by the HPC for carrying out the entrusted functions be met by the State Government; (iii) The BMC shall appoint a nodal officer to co-ordinate between the HPC and the BMC/NMMC/MPCB and the State Government; and (iv) the HPC is empowered to consult experts for any assistance in the carrying out of entrusted functions, if so required and the costs and expenditure for this too to be borne by the State Government.

19. We are in agreement with the aforesaid suggestions of the learned *Amicus*. Having regard to the background noted in the earlier orders of this Court, we deem it appropriate to constitute a High Power Committee comprising Shri Amjad A. Sayed, former Chief Justice of the Himachal Pradesh High Court and Smt. Anuja Prabhudessai, former Judge of this Court. The HPC shall perform the functions set out above, including monitoring and supervising compliance with the orders of this Court and reviewing the reports submitted by the Municipal Commissioner and other officials of the BMC, NMMC and MPCB. The HPC may also consider the report submitted by the Advocate's Committee constituted by this Court by order dated 28th November 2025 and the reports of the Committee constituted by order dated 6th November 2023. Upon consideration of



the material placed before it, the HPC shall make recommendations to the Corporations and MPCB for immediate, medium-term and long-term measures to combat and prevent air pollution in Mumbai and the MMR region, including advising them on the formulation of a Graded Response Action Plan for Mumbai and Navi Mumbai. The HPC may submit its preliminary report to this Court by 5th March 2026 and then on a monthly basis. The HPC may also suggest additional measures to ensure effective compliance and reduction of pollution. The HPC may seek inputs, as and when required, from Mr. Virendra Sethi, Emeritus Fellow, Environmental Science and Engineering, IIT Bombay, and Dr. Indu Khosla, MBBS, DCH, MD (Pediatrics), RCPCH Fellow in Pediatric Pulmonology (UK), and may consult any other expert body if necessary.

20. To enable the HPC to discharge its functions effectively, the BMC shall extend full logistical support and cooperation, including provision of suitable office space, vehicle, secretarial assistance, and such other infrastructure as the HPC may require. The HPC may hold meetings either physically or virtually, and may conduct site visits or convene meetings at such locations as it deems appropriate. We expect that the HPC would be meeting once a week initially and then subject to the volume of work. The BMC shall pay each Member of the HPC an honorarium of Rs. 1,00,000/- per sitting. The Registrar (Judicial-I) is directed to furnish to the HPC, by the next week, the copies of all relevant papers, proceedings, orders and written submissions filed in this Public Interest Litigation, in both physical and electronic form. The Deputy Municipal Commissioner (Environment), MCGM, shall act as the Nodal Officer for coordination with the HPC.



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21. Any failure to render assistance to High Power Committee or refusal or disobedience of any request, order, directions of the High Power Committee shall be treated as breach of this order and appropriate proceedings including contempt proceedings shall be initiated against the concerned persons.

22. Liberty to apply. Post the matter on 5th March 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]



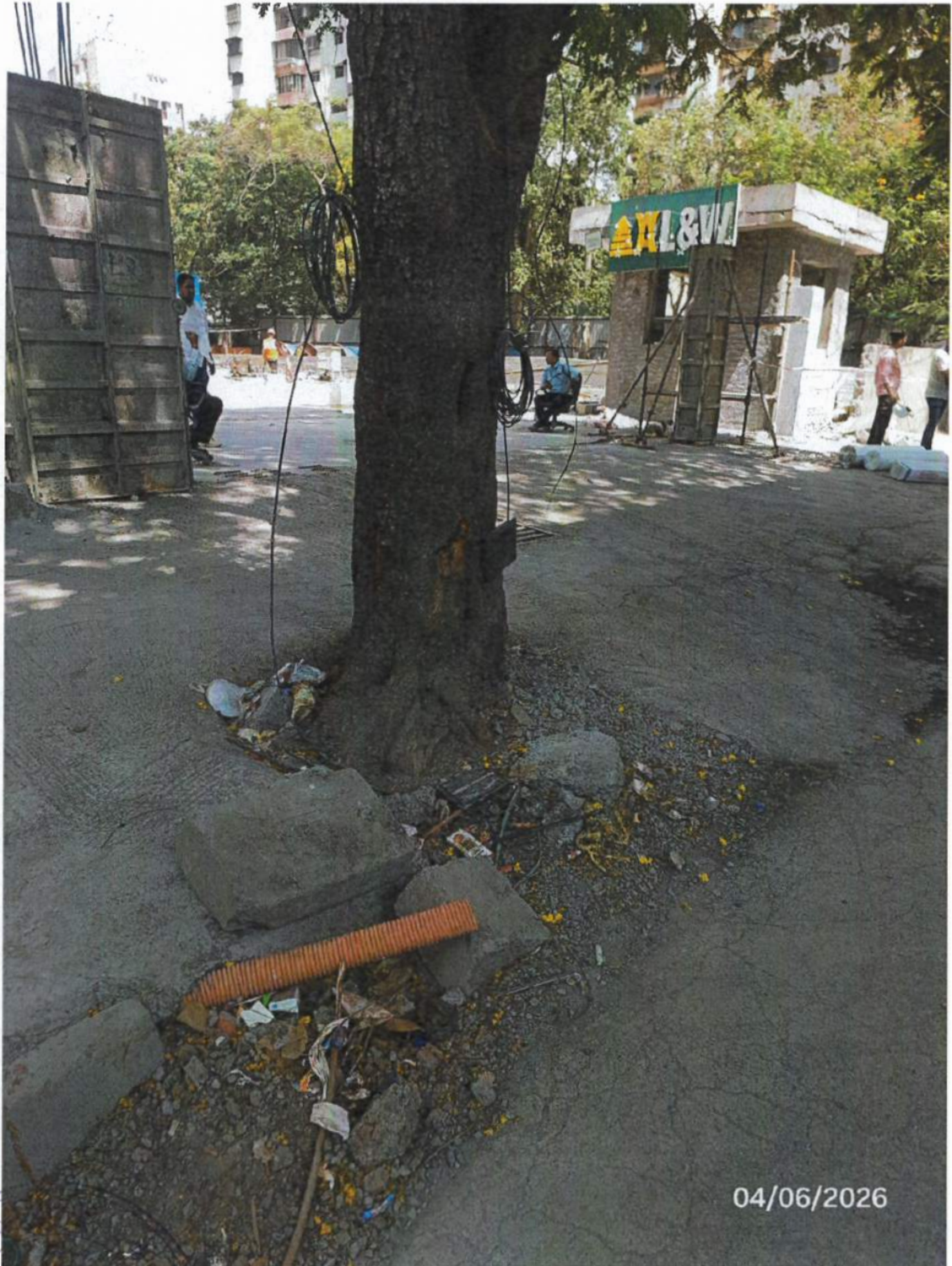
Annexure – D (Colly)

concrete/ cement has been illegally poured around the base/ root area of trees



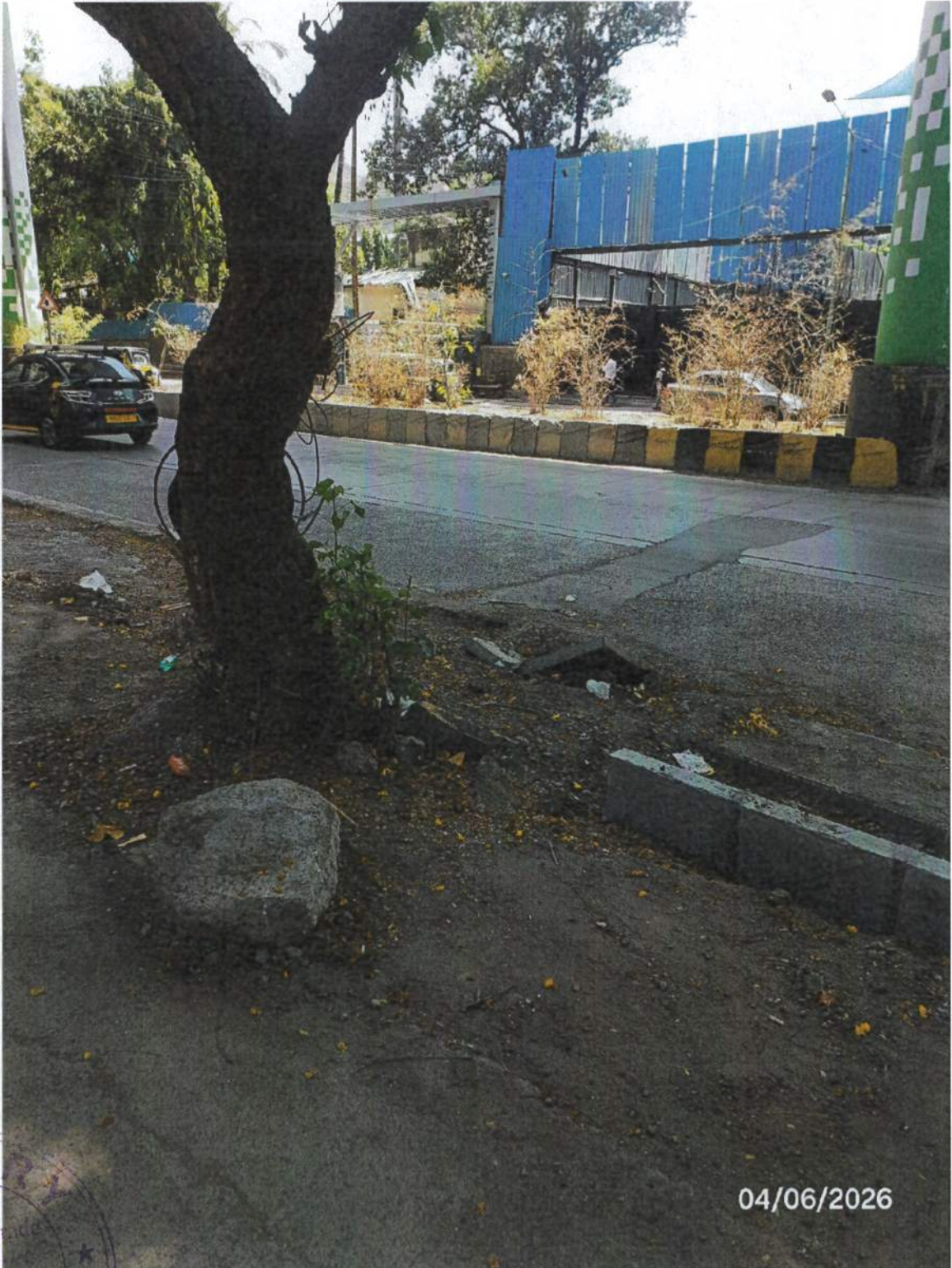
04/06/2026





04/06/2026

NOTA
Adv.
Umesh S. Bote
Mumbai,
Maharashtra.
Regn. No. 35451
Expiry Dt.
27/01/2030
GOVT. OF INDIA



04/06/2026



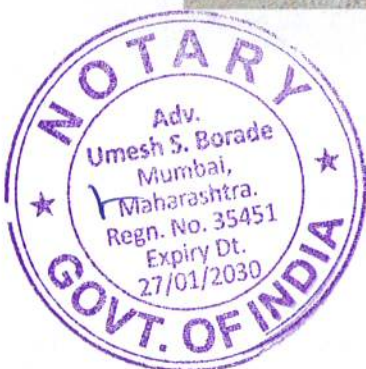


04/06/2026

NOTAR
Adv.
Umesh S. Boriche
Mumbai
Maharashtra
Regn. No. 35451
Expiry Dt.
27/01/2030
GOVT. OF INDIA

Annexure – E (Colly)

Cutting of Trees





NOTAR
Adv.
Umesh S. Borade
Mumbai,
Maharashtra.
Regn. No. 35451
Expiry Dt.
27/01/2030
GOVT. OF INDIA

04/06/2026

Annexure – F (Colly)

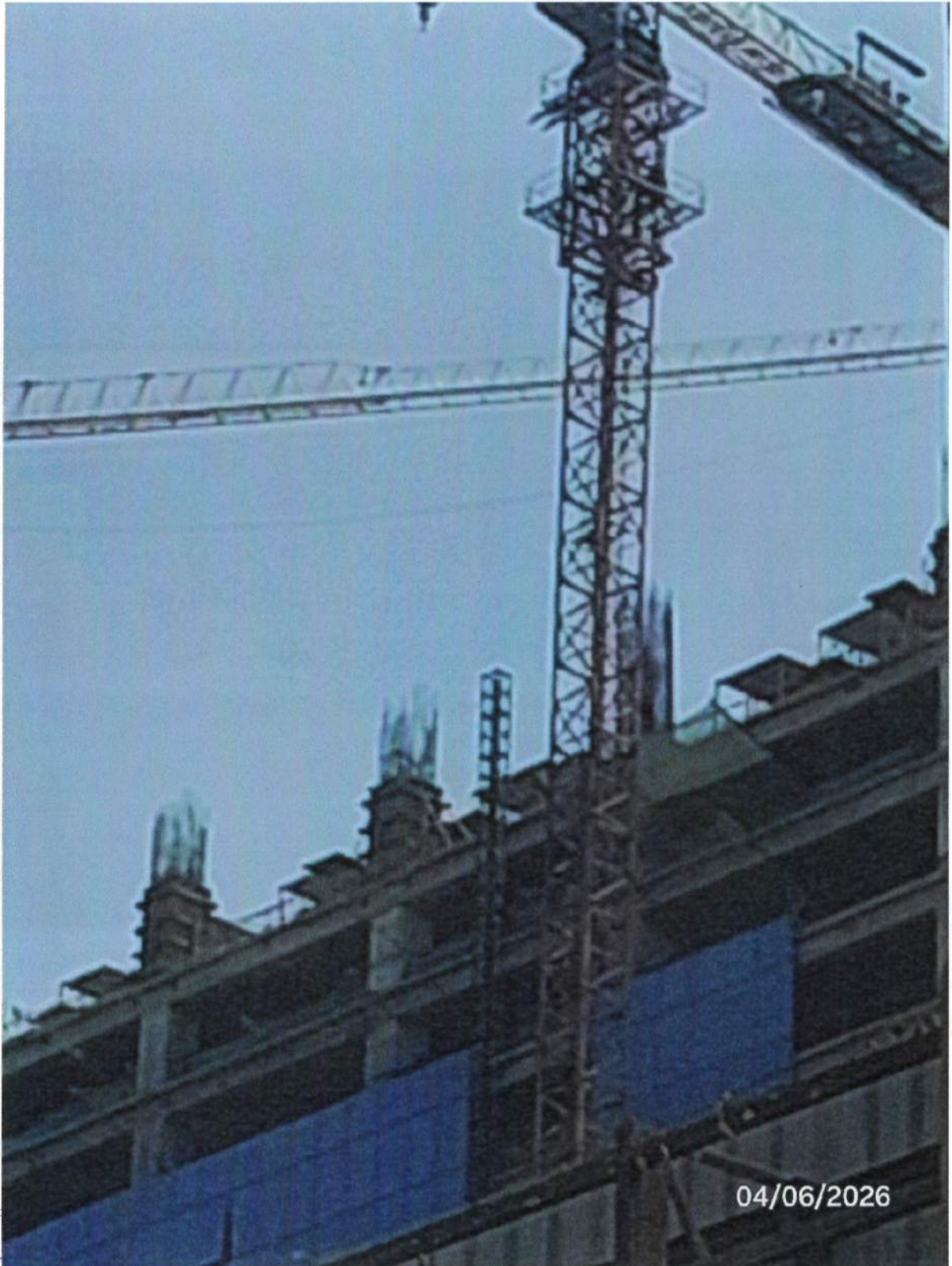
Failure to erect at least 35-foot high tin/metal sheet around periphery of construction site





Annexure – G (Colly)

Failure to properly enclose the construction site with green cloth/ jute sheets / tarpaulin on all the sides





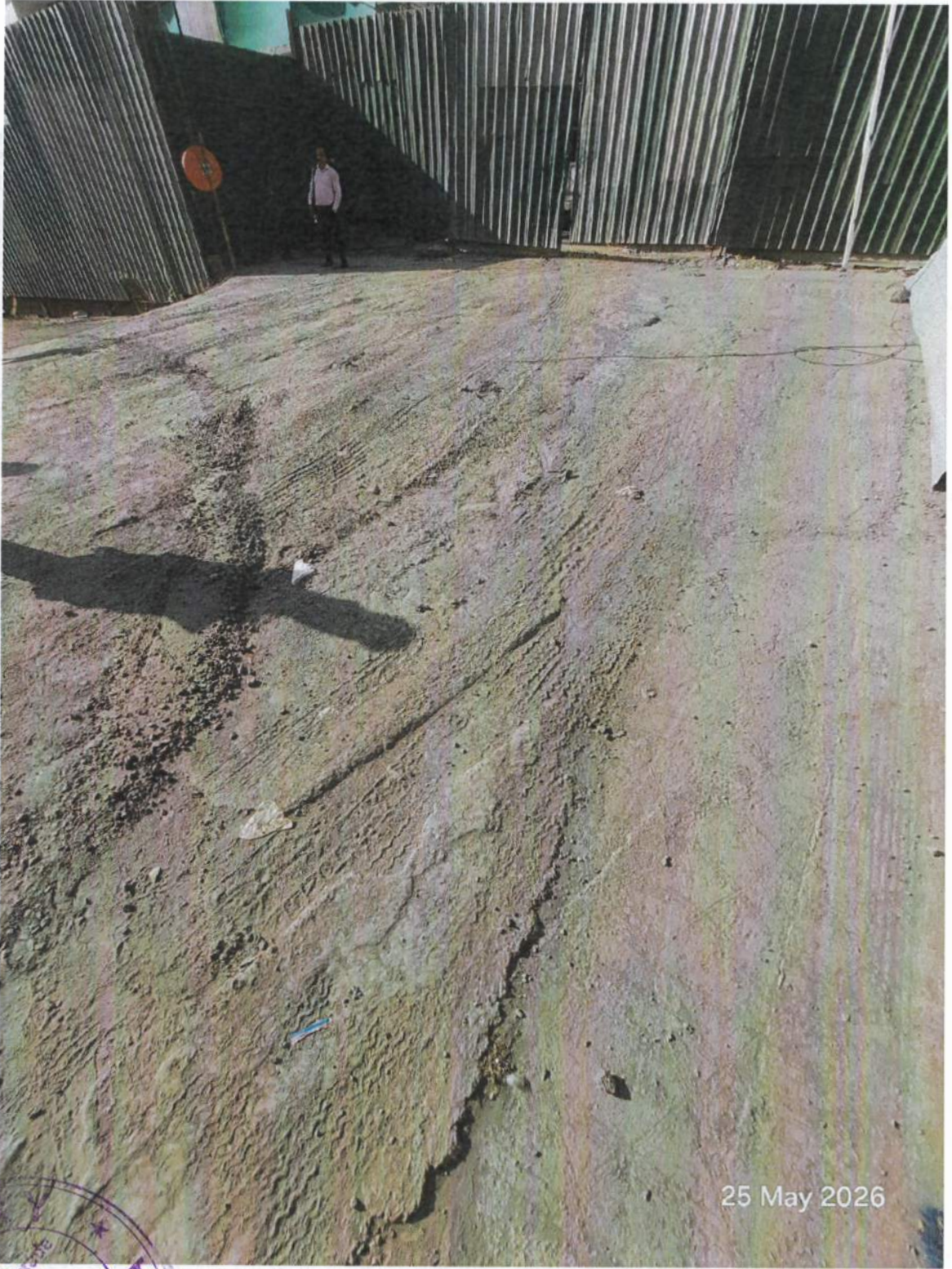
NOTARY
Adv.
Umesh S. [unclear]
Mumbai,
Maharashtra.
Regn. No. 35451
Expiry Dt.
27/01/2030
GOVT. OF INDIA

Annexure – H (Colly)

Dust on the road



NOTARY
Adv.
Umesh S. Borade
Mumbai,
Maharashtra.
Regn. No. 35451
Expiry Dt.
27/01/2030
GOVT. OF INDIA

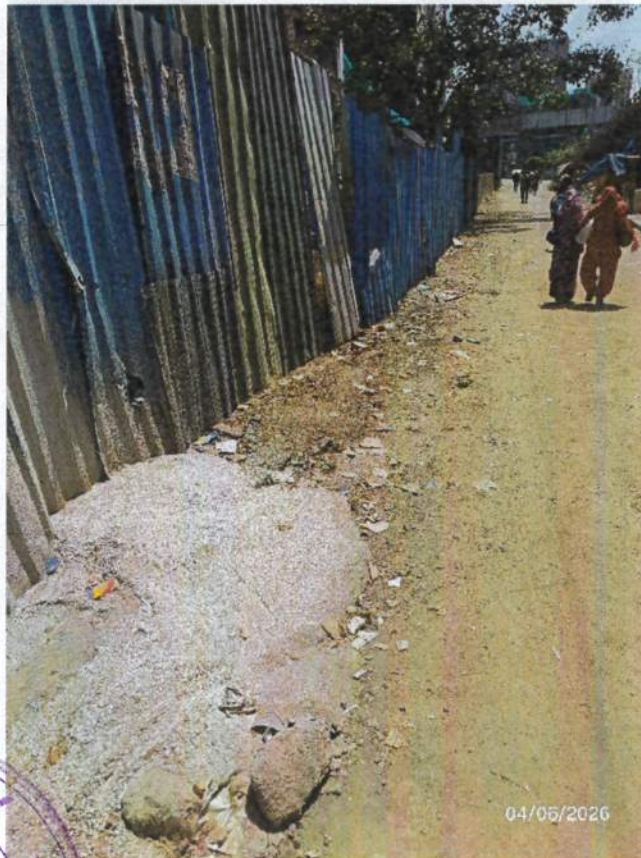
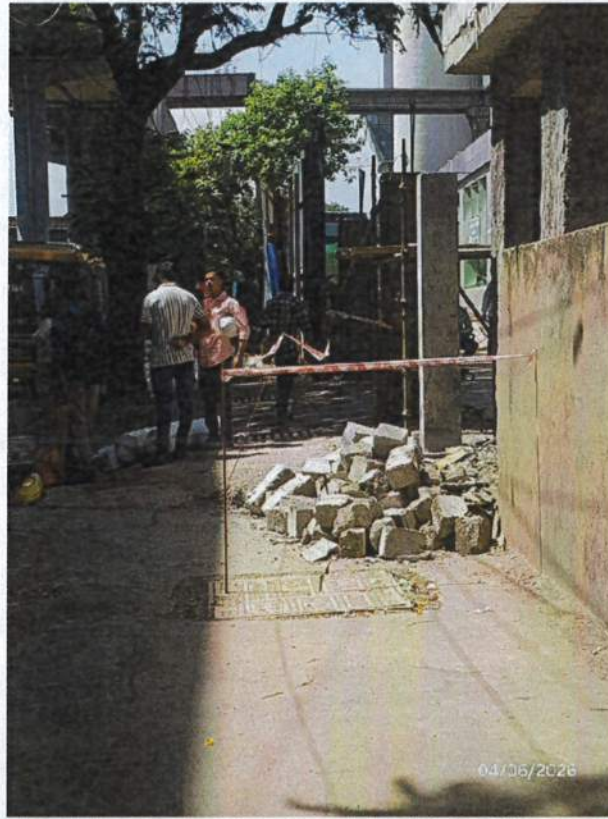


25 May 2026

NOTARY
Adv.
Ajmesh S. Bhatte
Mumbai,
Maharashtra
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Annexure – I (Colly)

Dumping and throwing construction debris, garbage and concrete on the public road.





NOTARY
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 Umesh S. Borade
 Mumbai,
 Maharashtra.
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 27/01/2030
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Annexure – J (Colly)

Uneven Concrete on the Footpath causing inconvenience to pedestrian



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Umesh S. Borade
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Maharashtra
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27/01/2030
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Yellow sign on the fence with illegible text.

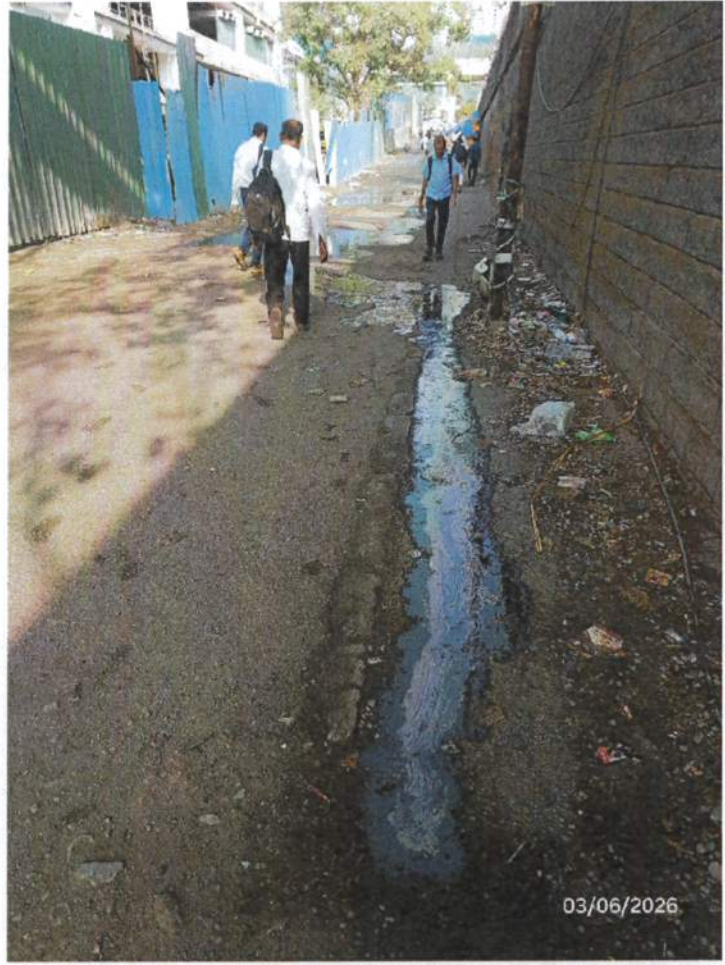
04/06/2026

NOTARY
Adv. Umesh S. Borade
Mumbai, Maharashtra
Regn. No. 35451
Expiry Dt. 27/01/2030
★ **GOVT. OF INDIA**

Annexure – K (Colly)

Discharge of construction waste water onto the main road



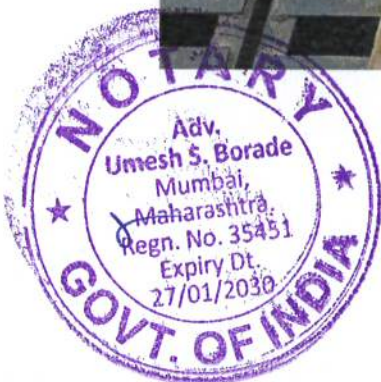


NOTARY
★
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Umesh S. Borade
Mumbai,
Maharashtra.
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Expiry Dt.
27/01/2030
★
GOVT. OF INDIA



Annexure – L (Colly)

A steel reinforcement bar (steel rod) is protruding outward.





NOTARY
Adv.
Umesh S. Borade
Mumbai,
Maharashtra.
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Expiry Dt.
27/01/2030
GOVT. OF INDIA



Annexure – M (Colly)

Damaged footpath



NOTARY
★ Adv. Umesh S. Borade ★
Mumbai,
Maharashtra.
Regn. No. 35451
Expiry Dt.
27/01/2030
★ GOVT. OF INDIA ★

35451



04/06/2026

NOTARY
Adv.
Umesh S. Borade
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Expiry Dt.
27/01/2030
GOVT. OF INDIA