

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 122 OF 2015 (WZ)
[EARLIER OA NO. 165 OF 2020 (PB)]

AND IN THE MATTER OF:

SAMITA RAJENDRA PATIL & ANR.

... APPLICANTS

Versus

JINDAL STEEL WORKS LTD. & ORS.

...RESPONDENTS

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**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 122 OF 2015 (WZ)
[EARLIER OA NO. 165 OF 2020 (PB)]**

SAMITA RAJENDRA PATIL & ANR. ... APPLICANTS
versus
JINDAL STEEL WORKS LTD. & ORS. ...RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 & 2
TO PLACE ADDITIONAL DOCUMENTS ON RECORD**

I, Umang Jaju, the Authorised Signatory of JSW Steel Ltd. (arrayed as Jindal Steel Works Limited in the Original Application), aged 43 years, having its address at JSW Steel Limited, Dolvi Works, Geetapuram, Dolvi, Taluka Pen, District Raigad 402 107, am filing the instant Additional Affidavit to place on record certain additional documents which pertain to the project and are necessary for proper adjudication of the captioned proceedings.

1. I say that on 31.12.2019, the Maharashtra Coastal Zone Management Authority ("MCZMA") upon concluding that the Respondent No. 1's project falls within the buffer zone of a mangrove area, amended condition (ii) of its approval dated 16.02.2019 at its 142nd Meeting, and by Minutes dated 31.12.2019 directed the Respondent No. 1 to seek the permission of the Hon'ble Bombay High Court in PIL 87/2006.

A copy of the relevant portions of the Minutes of the 142nd Meeting of the MCZMA dated 31.12.2019 is hereto annexed and marked as **ANNEXURE R1/1.**

2. I say that on 12.03.2020, the Respondent No. 1, in terms of the directions issued by the MCZMA in its 142nd Minutes of Meeting dated 31.12.2019, filed WP No. 4894/2020 before the Hon'ble High Court seeking its leave to carry out construction activities within the 50m buffer zone from a mangrove area. The said permission was thereafter granted by an order dated 09.07.2020.



A copy of WP No. 4894/2020 dated 12.03.2020 filed by the Respondent No. 1 before the Hon'ble Bombay High Court is hereto annexed and marked as ANNEXURE R1/2.

3. Lastly, I seek to place on record the documents which demonstrate that Coke Oven Plant 2 originally formed a part of the EC dated 25.08.2015, which was thereafter transferred to M/s Dolvi Coke Projects Limited, by an EC dated 01.02.2018, which in turn was transferred from M/s Dolvi Coke Projects Limited to Respondent No. 1, in view of the merger of the two entities, by an EC dated 22.11.2021.

A copy of the EC dated 01.02.2018 issued by the Ministry of Environment and Forest to M/s Dolvi Coke Projects Limited is hereto annexed and marked as ANNEXURE R1/3.

A copy of the EC dated 22.11.2021 issued by the Ministry of Environment and Forest to Respondent No. 1 is hereto annexed and marked as ANNEXURE R1/4.

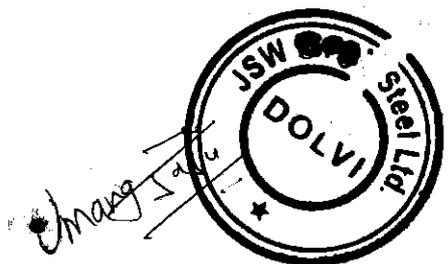
I, therefore, pray that this Hon'ble Tribunal be pleased to permit the Respondent No. 1 to place on record the documents marked as Annexure R1/1 to R1/4.

Solemnly affirmed at Mumbai

This 6th day of June, 2024.



Advocates for Respondent No. 1 & 2



Authorised Signatory of
Respondent No. 1 & 2



VERIFICATION

I, Umang Jaju, age 43 years of JSW Steel Ltd. (arrayed as Jindal Steel Works Limited in the Original Application), i.e., the Respondent No. 1 & 2, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date: 06/06/2024.

Place: Mumbai

Umang Jaju

Deponent

Respondent No. 1 & 2.

[Signature]

Advocates for Respondent No. 1 & 2.

BEFORE ME

[Signature]

Adv. Shivaji N. Dhanage
Notary Govt. Of India
Regd. No. 15376, MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199 Near Central Camera Bldg.,
D.N. Road, Fort, Mumbai - 400001
Mob : 8591970999

06 JUN 2024

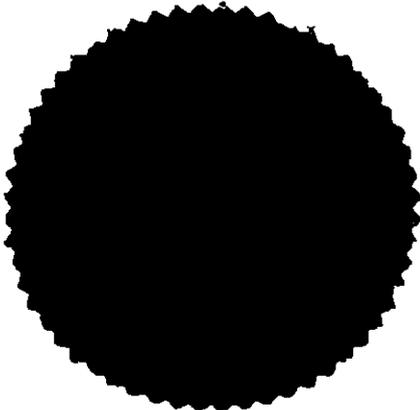


NOTED & REGISTERED

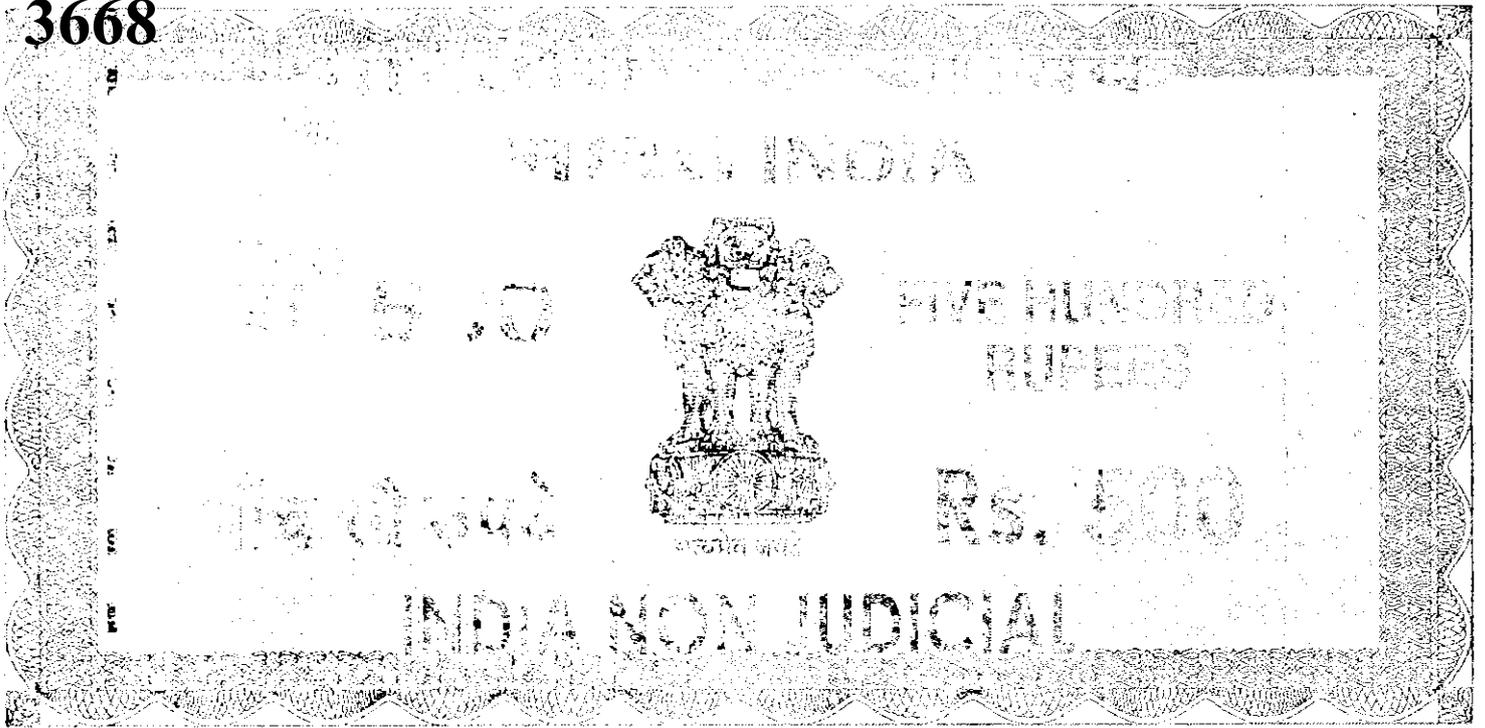
Page No. 34 Sr. No. 233

Dated 06 JUN 2024

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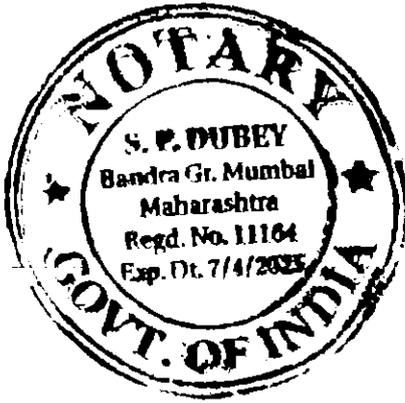
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महाराष्ट्र MAHARASHTRA

2022

BW 214249



प्रधान मुद्रांक कार्यालय, मुंबई
प.सू.वि.क. ८००००९४
- 6 APR 2023
सक्षम अधिकारी

श्री. जे. पी. वाईकर

POWER OF ATTORNEY

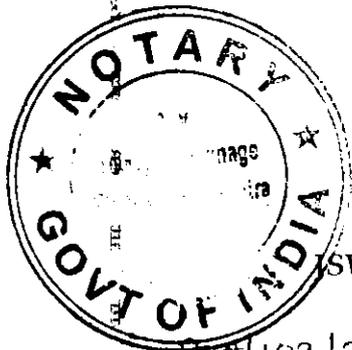
DATED THIS 6 DAY OF 2023 2023

FROM

SHRI JAYANT ACHARYA
(JOINT MANAGING DIRECTOR & CEO OF JSW STEEL LIMITED)

IN FAVOUR OF

SHRI. UMANG JAJU
ASSISTANT GENERAL MANAGER - LEGAL
JSW STEEL LIMITED - DOLVI, SALAV & ANJAR WORKS



107/103/2023

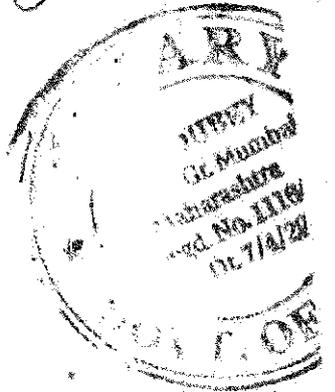
JA

जोडपत्र - २ Annexure - II

26 APR 2023

26 APR 2023

दस्तावेजा प्रकार	POA
दस्त नोंदणी करणार आहेत का	YES/NO
विक्रययोगी घर्णन -	
सुदृढीक विण्ड्या (विण्ड्याचे नाव)	JSW Steel Limited
दुसऱ्या पक्षाच्या नाव	JSW Centre,
कसले असल्यास त्यांचे नाव व पत्ता	Bandra Kurla Complex, Bandra (East), Mumbai - 400051.
सुदृढीक सुद्धा रकमस.	
सुदृढीक विण्ड्या वरील घरी मालक/विण्ड्या	
सुदृढीक विण्ड्या मालकीची सही	<i>Umaraj Raju</i>
सुदृढीक विण्ड्याची सही	<i>Umaraj Raju</i>
परवाना क्रमांक: 6000097	
सुदृढीक विण्ड्याचे ठिकाण/पत्ता	सागर बाजार मालखाने
दि. महाराष्ट्र मंत्रालय अंतर्गत नोंदणी क्रमांक: ७७७७७७७७	
मंत्रालय - ४०० ०५२	
ज्या कारणासाठी घर्णनी सुदृढीक करणे किंवा त्याची स्व कारणासाठी सुदृढीक करणे केले जाणारे व महत्त्वात बाबतचे संशयकारक आहे.	



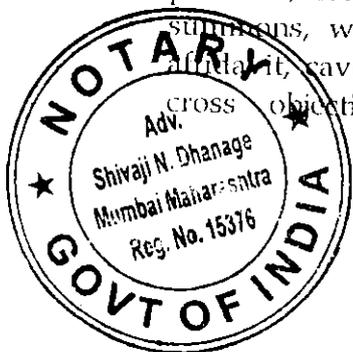
TO ALL WHOM THESE PRESENTS SHALL COME I, Jayant Acharya, Joint Managing Director & CEO of JSW Steel Limited, Indian inhabitant, resident of Mumbai, having my office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051, state as follows:

WHEREAS:

- A. I am the Joint Managing Director & CEO of JSW Steel Limited, a company incorporated under the provisions of the Companies Act, 1956 (deemed to have been incorporated under Companies Act, 2013), and having its registered office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051 (hereinafter referred to as the "Company");
- B. That vide a board resolution dated 19th May 2023, the Company has appointed me as the Joint Managing Director & CEO of JSW Steel Limited and has also resolved to enter into an agreement detailing my powers and functions.
- C. That pursuant thereto, the Company, by Agreement dated 29th May 2023 (the "Agreement") has given and conferred on me certain powers/authorities to be discharged for and behalf of the Company and to have and execute, all and singular, the same and which Agreements are subsisting and not rescinded and in full force and effect; and
- D. Under the said Agreement, the Company has also vested me with authority to further delegate the powers/authorities and for this purpose to execute where necessary a Power of Attorney in the manner more particularly therein.

NOW THESE PRESENTS WITNESS that I, Jayant Acharya, Joint Managing Director & CEO of the Company, having its registered office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051, do hereby nominate, constitute and appoint **Shri. Umang Jaju, Assistant General Manager - Legal, JSW Steel Limited, Dolvi, Salav & Anjar Works**, having employee code 1018555 (hereinafter referred to as the "Attorney") and whose specimen signature appears at the end of this document, to be the true and lawful attorney in fact and at law, to act on behalf and to do all such acts, deeds and things hereinafter mentioned in the name of and on behalf of the Company, subject to the restriction and limitation as mentioned herein below:-

1. To institute, prosecute, oppose, withdraw, appear, appeal and defend legal proceedings before all courts, judicial/quasi-judicial forums, or any other appropriate forum/authority including but not limited to arbitral tribunals, statutory or departmental authorities etc. (hereinafter referred as "Court"), whether criminal, civil or other proceedings including but not limited to arbitration, mediation, conciliation proceedings etc. (hereinafter referred as "Legal Proceedings");
2. To sign, verify, certify, file, deposit, withdraw, receive, declare, swear and affirm all documents pertaining to Legal Proceedings including but not limited to complaints, petitions, affidavits, written statements, rejoinders, vakalatnamas, pursis, affidavits, counter affidavits, caveats, review or revision application/petition, memorandum of appeals, cross objections and any other document by whatever name so called



before all or any Court or offices in India, by and against the Company, in all or any cases, whether original or appellate or in execution of the decree or otherwise;

- To institute or defend criminal actions including lodging of complaint before the appropriate police or other investigative agencies and do all incidental and necessary actions for pursuing or defending such complaints;
- To depose, appear, represent, make statement on oath or otherwise and attend the Legal Proceedings for and on behalf of the Company before any Court or other officer or authority empowered by law;
- To engage, appoint or take no-objection certificates from pleaders, solicitors, advocates, attorneys, counsels, as the case may be.

IN GENERAL, do all such necessary acts and things incidental thereto for and on behalf of the Company and to represent the Company in/ before all Courts.

AND I agree to confirm and ratify all and whatsoever the Attorney shall lawfully do or cause to be done in pursuance of these presents.

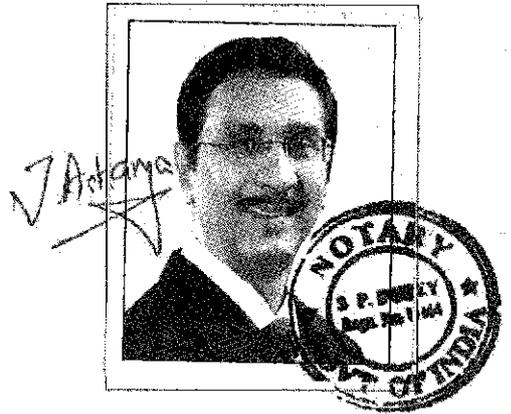
This Power of Attorney shall become inoperative (a) as soon as the Attorney ceases to be an employee of the Company; or (b) on the expiry of two (2) years from the date of issuance of this Power of Attorney; or (c) the Power of Attorney being revoked by the Company, whichever occurs earlier.

IN WITNESS WHEREOF, the principal has executed this Power of Attorney on this 7th day of July 2023.



J. Acharya

SIGNED AND DELIVERED BY
the within named Shri Jayant Acharya,
Joint Managing Director & CEO
In the presence of



BEFORE ME
S.P. Dubey
S. P DUBEY
B.A., LL.B.
NOTARY GR. MUMBAI
MAHARASHTRA
(GOVT OF INDIA)

S. P. DUBEY (Notary Govt Of India)
Notarial Register
SI NO 3090
ACCEPTED BY *17 JUL 2023*

Umanj Jaju



Umanj Jaju
Assistant General Manager - Legal
Shivaji N. Dhange
Adv.



NOTARIAL NOTARIAL NOTARIAL

Minutes of the 142nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 31st December, 2019

Minutes of the 142rd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 31st December, 2019 in Dalamal House, Mumbai. List of the members present in the meeting is enclosed as Annexure I.

Confirmation of 141st minutes of meeting:

Minutes of 141st meeting of the MCZMA confirmed with following changes -

In Add. Item No.1 last para on page no. 22 shall be replaced as follows-

"In the light of above, the Authority after deliberation decided that, the construction of the building is in non CRZ portion of the plot under reference, as per approved CZMP, 1991 and 2011, as confirmed by report & CRZ map in 1:4000 scale prepared by IRS, Chennai (MoEF authorised agency). Application of post facto clearance stands delisted from records of MCZMA as agreed by PP."

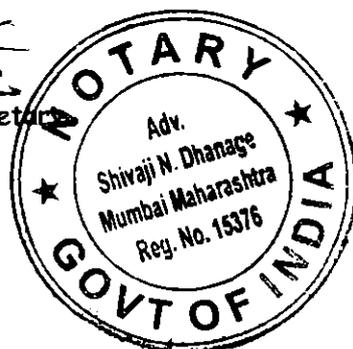
Item No.1: Complaints regarding construction of starred hotel / club house on Old. S. no. 266/1 to 6, 265/2, 265/4, 267/2, 267/3 (new S. No. 67/1 to 6, 81/2, 81/4, 52/2, 52/3), village Navghar, Tal & Dist. Thane carried out by M/s. Seven Eleven Hotels Pvt Ltd.

The Authority noted that the MCZMA is in receipt of complaints of regarding destruction of mangroves and construction of starred seven eleven hotel / club house on Old. S. no. 266/1 to 6, 265/2, 265/4, 267/2, 267/3 (new S. No. 67/1 to 6, 81/2, 81/4, 52/2, 52/3), village Navghar, Tal & Dist. Thane carried out by M/s. Seven Eleven Hotels Pvt Ltd. The Authority called all complainants to present their say in the matter.

Complainants namely, Shri. Dhiraj Parab, Shri. Brijesh Sharma, Shri. Imran Ibrahim Shaikh, Shri. Raju Goyal, Shri. Haresh Eknath Sutar, Bhavesh Dattatray Patil attended the meeting. Complaint Shri. Amol Rackvi was absent for the meeting. However, he sent representation through email dated 31.12.2019 in the matter.

The Authority heard the complaints one by one. Complainant alleged the destruction of mangroves and illegal construction of starred hotel / club house


Member Secretary



Page 1 of 30


Chairman

**Minutes of the 142nd meeting of the Maharashtra Coastal Zone Management
Authority (MCZMA) held on 31st December, 2019**

should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. The Local Body to ensure that FSI for the proposed addition and alteration is as per the town and country planning regulation existing as on 19.2.1991 before issuing commencement certificate to the project.
2. All other required permission from different statutory authorities should be obtained.

Item No. 4: Proposed construction of Solid Waste Management Project on plot bearing S. No. 7/1, C. S. No. 1303(pt) at Alibag, Dist. Raigad by Alibag Municipal Council.

Officials of the Alibaug Municipal Council presented the proposal before the Authority. The proposal is for setting up of solid waste management project involves, processing shed, platform of Process Rejects, Leachate Tank, Weigh Bridge Room on plot bearing S. No. 7/1, C. S. No. 1303(pt) at Alibag, Dist. Raigad.

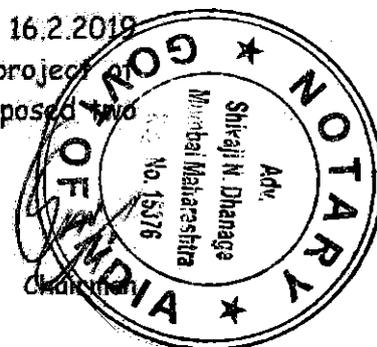
The Authority noted that the site of solid waste dumping is surrounded by Mangroves. As per approved CZMP of Alibag under CRZ 2011, the site is in 50 m mangrove buffer zone area. As per approved CZMP of Alibag under CRZ 1991, the plot under reference is situated in 50 m mangrove buffer zone.

In the light of above, the Authority after deliberation decided to reject the proposal from CRZ point of view. Alibaug Municipal Council need to explore other site for the project.

Item No. 5: Regarding amendment in CRZ clearance for the project of Dharamtar Jetty facility at village Dolvi, Dist. Raigad by M/s. JSW

The Authority noted that the MCZMA in its 128th meeting held on 16.2.2019 deliberated the proposal of amendment in CRZ clearance for the project of Dharamtar Jetty facility at village Dolvi, Dist. Raigad. JSW had proposed to


Member Secretary



**Minutes of the 142nd meeting of the Maharashtra Coastal Zone Management
Authority (MCZMA) held on 31st December, 2019**

elevated conveyor galleries, one housing six conventional pipe conveyors and another housing a bi-directional simultaneous conveyance pipe conveyor in a stacked manner.

As per decision taken in 128th MCZMA meeting, the proposal was recommended to MOEF, New Delhi subject to certain conditions. One of the condition was

- No activity shall be carried out in mangroves or its 50 m buffer zone, as per 17th Sep, 2018 High Court order in PIL 87/2006.
- The PP to obtain the NoC from the Mangrove Cell, confirming that activities are not in mangroves or its 50 m buffer zone. Mangrove cell may make site visit before granting NoC. Mangrove cell shall take cognizance of earlier clearances, court matters and complaints, if any in the matter.

Accordingly, as per conditions of the recommendation, the Mangrove Cell visited the site on 30th April, 2019 and submitted its report to MCZMA on 12th June, 2019. As per the said report, proposed conveyer belt includes construction of pillars each at 40 meter interval for a length of 240 meter where in no mangrove tree was sighted. Hence mangrove tree cutting is not involved in the construction. The proposed work is located inside the compound of the JSW steel Dolvi Plant. The Proposed site is located within the 50 meter buffer area of the mangrove forest.

MCZMA vide letter dated 22.08.2019 conveyed the report of Mangrove Cell to MoEF. This is against the specific condition no. (ii) of the MCZMA recommendation dated 16.2.2019 to MoEF&CC, New Delhi. Status of the proposal at MoEF needs to be asked to PP.

The Authority after deliberation decided that since the project activities are in 50 meter mangrove buffer zone area, prior High Court permission needs to be obtained by the M/s JSW.

After deliberation, the Authority decided that condition no. (ii) of the MCZMA recommendation shall be replaced as below:

- No activity shall be carried out in mangroves. However, prior High Court permission shall be obtained by the PP since the project activities are


Member Secretary



Page 7 of 30


Chairman

**Minutes of the 142nd meeting of the Maharashtra Coastal Zone Management
Authority (MCZMA) held on 31st December, 2019**

within 50 meter buffer zone, as per 17th Sep, 2018 High Court order in
PIL 87/2006.

Above decision of the MCZMA shall be conveyed to MoEF&CC, New Delhi.

Item No. 6: Proposed reconstruction of residential building on plot bearing
S. No. 312A2, 312A, 312B, H. No. 2/2, C.S. No. 1950, 1951,
1952, 1952/1 to 6, 1953, 1953/1 to 6, 1954 at mouje Zadgaon,
Tal. & Dist. Ratnagiri by Smt. Savita D. Lanjekar

The project proponent presented the proposal before the Authority. The
proposal is for reconstruction of residential building comprises of Ground floor +
upper floor on plot bearing S. No. 312A2, 312A, 312B, H. No. 2/2, C. S. No. 1950,
1951, 1952, 1952/1 to 6, 1953, 1953/1 to 6, 1954 at mouje Zadgaon, Tal. & Dist.
Ratnagiri.

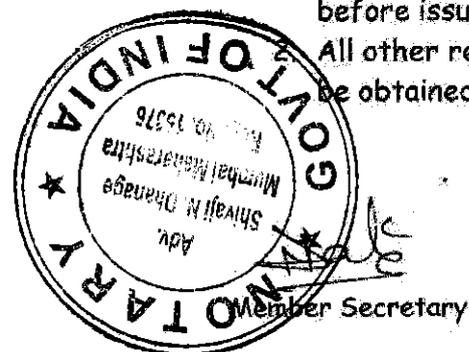
As per the approved CZMP of 2011, the plot under reference falls in CRZ-II area
& is situated on landward side of existing road. As per the Development plan of
Ratnagiri, the plot under reference is falls in residential zone. Total plot area is
1210 sqm.

The Authority noted that considering the site as in CRZ II area, reconstruction
of building could be permissible subject to FSI of the town country planning
regulations existed as on 19.2.1991. Concern planning Authority should strictly
ensure that the proposed construction is within the limit of permissible FSI of
1991 norms.

After deliberation, the Authority decided to recommend the proposal from
CRZ point of view to concerned planning Authority subject to compliance of
following conditions:

1. The Local Body to ensure that FSI for the proposed reconstruction is as
per the town and country planning regulation existing as on 19.2.1991
before issuing commencement certificate to the project.

All other required permission from different statutory authorities should
be obtained.




Chairman

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4894 OF 2020

District: Raigad

In the matter of Article 226 of the
Constitution of India;

And

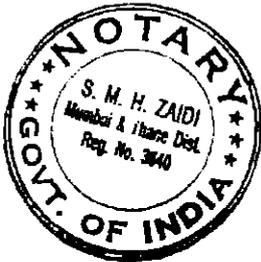
In the matter of Judgment and Order
dated 17th September 2018 in PIL No. 87
of 2006;

And

In the matter of Interim Orders dated
6th October 2005 and 27th January 2010
in PIL No. 87 of 2006;

And

In the matter of Order dated 2nd
November 2018 in Notice of Motion No.
278 of 2018 in PIL No. 87 of 2006;



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(2)

2

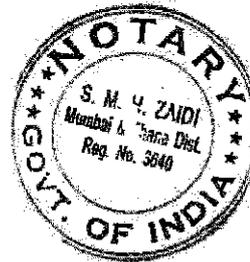
And

In the matter of development of a project of public interest in an area affected by 50 meters mangroves buffer zone;

And

In the matter of imposition of the condition of obtaining leave of this Hon'ble Court prior to execution of the project.

1. JSW Dharamtar Port Pvt Ltd.)
 A private limited company incorporated)
 Under the provisions of the Companies)
 Act, 1956, having its registered office at)
 JSW Centre, Bandra Kurla Complex)
 Bandra (East), Mumbai 400 051)
2. JSW Steel Limited)
 A Public Limited Company incorporated)
 Under the provisions of the Companies)
 Act, 1956, having its registered office at)
 JSW Centre, Bandra Kurla Complex)
 Bandra (East), Mumbai 400 051)



And

Its Site office at:)
 Dolvi Works, Geetapuram,)
 Dolvi, Taluka Pen, Dist. Raigad 402 107)
 Maharashtra).... Petitioner



3

3

VERSUS

1. Union of India)
 Through the Ministry of Environment, Forest)
 and Climate Change, Paryavaran Bhavan,)
 New Delhi 110 002)
 And also at)
 Aayakar Bhavan, 2nd floor,)
 Maharshi Karve Road, New Marine Lines,)
 Mumbai - 400 020)
2. Maharashtra Coastal Zone Management Authority)
 Through the Additional Chief Secretary,)
 Environment Department, 2nd Floor,)
 Room No. 217, Annexe Building,)
 Mantralaya, Mumbai- 400 032.)
3. State of Maharashtra)
 Environment Department)
 through the Office of Government Pleader,)
 High Court, Bombay, PWD Building,)
 Fort, Mumbai 400 001)
4. Chief Conservator of Forest (Mangrove Cell),)
 through the Office of Government Pleader,)
 High Court, Bombay, PWD Building,)
 Fort, Mumbai 400 001).. Respondents



TO,
 THE HON'BLE THE CHIEF JUSTICE AND OTHER
 PUISNE JUDGES OF THE HON'BLE HIGH COURT
 OF JUDICATURE AT BOMBAY



4

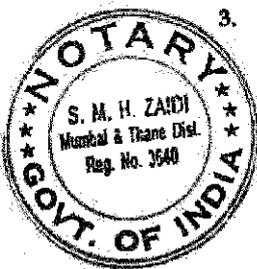
4

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHEWETH

PARTIES:

1. The Petitioner No.1 is a private limited company having its place of business at the address mentioned in the cause title hereinabove and is a part of reputed JSW Group. The Petitioner No.1 is a special purpose vehicle established to handle bulk and breakbulk cargo more particularly in respect of Petitioner No.2 and its facility / plant situated at Dolvi, Raigad, *inter alia*, including the jetty facility therein.
2. The Petitioner No.2 is a Public Limited Company having its place of business at the address mentioned in the cause title hereinabove and is a flagship Company of JSW Group. The Petitioner No.2 is a leading integrated steel manufacturer, producing a variety of high strength and high-end steel and steel products for various sectors.
3. The Petitioners are presently concerned with the proposed project being implemented by the Petitioner No.1 for and on behalf of Petitioner No.2 being construction of additional conveyor belts/streams for the earlier approved and under execution 'Expansion of Existing Dharamtar Jetty Facility' in village Dolvi, District Raigad (hereinafter referred to as "said project").
4. The Respondent No.1 is the Union of India through its Ministry of Environment and Forest, being the nodal agency in the administrative structure of the Government for the planning, promotion, coordination and overseeing the implementation of India's environmental and forestry



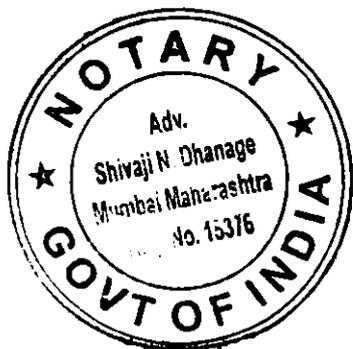
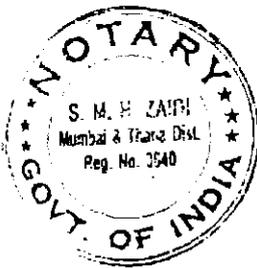
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policies, including but not limited to grant of environment clearance. The Respondent No.2 is Maharashtra Coastal Zone Management Authority constituted under the CRZ Notification 1991 under the provisions of the Environment (Protection) Act, 1986 ("EPA"), responsible for regulation of activities in Coastal Regulation Zones ("CRZ") and grant of CRZ clearances. The Respondent No.3 is the State of Maharashtra. The Respondent No.4 is the Chief Conservator of Forest (Mangroves Cell).

5. All the Respondents are State within the meaning of Article 12 of the Constitution of India and as such, amenable to the writ jurisdiction of this Hon'ble Court.

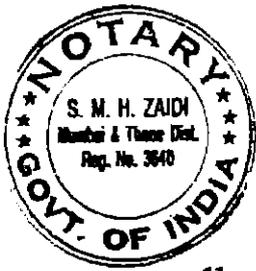
PURPOSE OF THIS PETITION:

6. The Petitioners, by way of the present Petition under Article 226 of the Constitution of India, is seeking leave of this Hon'ble Court and directions to the Respondent Authorities to permit the Petitioners to carry out the work of the said project, in accordance with the permissions granted to it.
7. Such directions to the authorities with leave of this Hon'ble Court is being sought for by the Petitioners in the teeth of the Judgment and Order dated 17th September 2018 passed by this Hon'ble Court in PIL No. 87 of 2006 (hereinafter referred to as "Mangroves Judgment") read with the Order dated 2nd November 2018 in Notice of Motion No. 278 of 2018 in PIL No. 87 of 2006 (hereinafter referred to as "Motion Order"). This Hon'ble Court, by way of the Mangroves Judgment has given a finding that in view of the applicability of public trust doctrine, the Respondent No.3 is duty bound to protect and preserve mangroves and destruction of the same cannot be permitted unless leave is granted by this Hon'ble Court in the public interest. Further, by way of the Motion Order, this Hon'ble Court granted

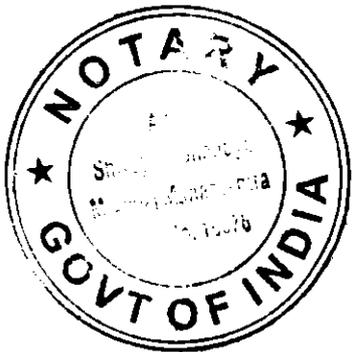


the Petitioners have been permitted to execute the said project, only with the leave of this Hon'ble Court.

10. It is pertinent to mention that, the said project is one of the great importance as the same is a key component of the proposed expansion of existing 5 MTPA integrated steel plant of the Petitioner No.2 into 10 MTPA and proposed expansion of its existing 300 MW captive power plant to 600 MW, for which expansion, all requisite permissions including Environment Clearance ("EC") has been granted. The proposed expansion is coming up on the plot admeasuring about 600 to 800 acres of land and some of the auxiliary facilities are coming adjacent to the existing set up of the Petitioner No.2. The said project is necessary to effectively service the increased production capacity of the expanded plant of the Petitioner No.2 and would effectively put to use the available waterway transportation corridor of the Amba River/ Dharamtar Creek, thereby reducing the load of transfer / transportation of materials of a 10 MTPA steel plant on the road transport infrastructure. By implementing the said project, the Petitioners would also do away with the requirement of augmenting the road infrastructure, which would necessarily have a larger adverse impact on the environment.



11. The proposed expansion of the existing plant of the Petitioner No.2 is almost complete to the tune of over 67%. The existing project has been in operation for over two decades. The said project will help in handling and transportation of raw materials and finished products, in a manner that is least detrimental to the ecology and environment. The expanded project of the Petitioner No.2, as a whole is of great socio-economic importance as the project will create employment opportunities for the local residents, thereby improving the overall socio economic conditions in nearby



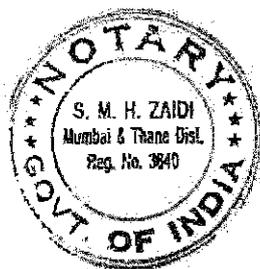
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villages. All requisite environment impact amelioration and mitigation measures have been put in place and approved by the concerned environmental authorities. It is germane to reiterate that the execution of the said project does not involve any destruction of mangroves.

12. The said project is thus premised on the principle of public utility, sustainable development and eco-friendly transportation systems, which will have no appreciable adverse environmental impact and will only serve to benefit the local residents in a trickle-down manner.
13. The said project has been proposed by the Petitioner instead of roads to avoid changing the topographic and geographic nature of the site. Road transportation causes increase in the fugitive emissions which is eliminated due to transportation through the conveyor belt.
14. It is pertinent to note that, the expansion of the Petitioner No.2 and the expansion of the existing jetty facility, have already been accorded all requisite statutory permissions including EC by the Respondent No.1 and the successful implementation of the same is inextricably linked with the execution of the said project. It is also pertinent to note that, the Respondent No.2 has not come to a finding that the said project is impermissible under law and has only imposed a condition that leave be obtained prior to the final execution of the said project.
15. Further, the Petitioners are approaching this Hon'ble Court, invoking its extra ordinary jurisdiction under Article 226 of the Constitution of India, seeking a direction to the Respondent Authorities to permit the Petitioners to execute the said project, in light of the finding given by this Hon'ble Court at paragraph 83(viii) of the Mangroves Judgment and the leave granted by this Hon'ble Court in the Motion Order. In view of the limited



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relief sought by the Petitioner in the form of the direction to the Respondent statutory authorities, the Original Petitioner in PIL No. 87 of 2006, which is a private Non- Governmental Organization (NGO) is not impleaded as party to the present proceedings.

16. It is in these premises, that the Petitioner is approaching this Hon'ble Court under its extra ordinary jurisdiction under Article 226 of the Constitution of India, seeking a direction to the statutory authorities to allow the implementation and execution of the said project.

FACTS:

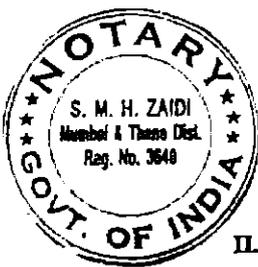
17. The brief facts giving rise to the present Petition are being set out hereunder:

- I. The Petitioner No.2 is a body corporate, incorporated under the provisions of the Companies Act, 1956. The Petitioner No.2 is presently carrying out its existing project being steel plant works at Dolvi and proposes to expand the same i.e. expansion of integrated steel plant from 5 MTPA to 10 MTPA and power plant from 300 MW to 600 MW. Vide EC dated 25th August 2015, the Respondent No.1 has accorded environment clearance to the proposed expansion.

- II. The said project is proposed on land falling under Survey No. 32 and 36 of Juibapuji Village which is land privately owned by the Petitioners and the same is partly affected by the 50 meters buffer zone of mangroves.

- III. Description of the project and permissibility under the CRZ Notification 2011:-

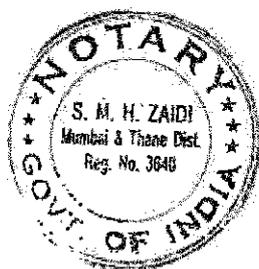
- a) The Petitioner No.1 is the project proponent in respect of the said proposed project, to develop connectivity between the expanded



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plant of the Petitioner No.2 and the existing jetty, which is also under expansion. As such, the Petitioners are expanding the existing jetty from a quay of 331.5 meters (which would ordinarily have a maximum handling capacity of approximately 8.5 MTPA) to an expanded quay of 1750 meters (having a maximum handling capacity of approximately 33.95 MTPA) to match the corresponding increase in the production capacity of the integrated steel plant of the Petitioner No.2. The said project of the Petitioners is for augmenting the existing material transfer connectivity between the integrated steel plant to the jetty by way of conveyors by adding six additional conveyor streams to the existing two conveyor streams.

- b) The expansion of the existing jetty facility was accorded Environmental and CRZ clearance under the provisions of EIA Notification 2016 and CRZ Notification 2011 on 26th November 2015. The expansion of the existing jetty necessitated augmentation of the conveyor streams, by increasing the number, proposed to pass along the side of the integrated steel plant, taking radial diversion to feed its various units. A new transmission line was also proposed in furtherance thereof.
- c) The Petitioners submit that the said Project is a permissible activity under the prevailing CRZ Notification 2011 and has been found to be as such by the Respondent Nos.1 and 2 who are the relevant expert statutory authorities. A copy of the CRZ Notification 2011 is annexed hereto and marked as Exhibit "A".



IV. Technology/Methodology employed:-



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- a) The proposed conveyors are an extension of the existing conveyor system to take the material further south to the other units of the integrated steel plant (under expansion) and developing a crucial and adequate link with the expanded jetty.
 - b) The said project involves construction of two elevated conveyor galleries, one housing six conventional pipe conveyors and another housing a bi-directional simultaneous conveyance pipe conveyor, in a stacked manner.
 - c) The corridor will also carry power transfer towered line from the grid fine point at the electrical substation of the integrated steel plant and will also carry utility lines such as Pipe Conveyor, water pipeline like treated waste water marine discharge pipes, compressed air, Power, ICT cables, etc.
 - d) There is no waste water and solid waste generation contemplated during the operation phase of the said project which will take approximately six months for completion of construction and commissioning from the date of commencement.

Need/Importance of the said Project:-

- a) It is pertinent to mention that, the said project is one of the great importance as the same is a key component of the proposed expansion of existing 5 MTPA integrated steel plant of the Petitioner No.2 into 10 MTPA and proposed expansion of its existing 300 MW captive power plant to 600 MW, for which expansion, all requisite permissions including EC has been granted. The proposed expansion is coming up on the plot admeasuring about 600 to 800 acres of land and some of the



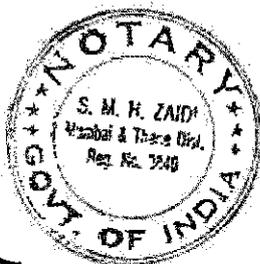
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auxiliary facilities are coming adjacent to the existing set up of the Petitioner No.2. The said project is necessary to effectively service the increased production capacity of the expanded plant of the Petitioner No.2 and would effectively put to use the available waterway transportation corridor of the Amba River/ Dharamtar Creek, thereby reducing the load of transfer / transportation of materials of a 10 MTPA steel plant on the road transport infrastructure. By implementing the said project, the Petitioners would also do away with the requirement of augmenting the road infrastructure, which would necessarily have a larger adverse impact on the environment.

- b) The proposed expansion of the existing plant of the Petitioner No.2 is almost complete to the tune of over 67%. The existing project has been in operation for over two decades. The said project will help in handling and transportation of raw materials and finished products, in a manner that is least detrimental to the ecology and environment. The expanded project of the Petitioner No.2, as a whole is of great socio-economic importance as the project will create employment opportunities for the local residents, thereby improving the overall socio economic conditions in nearby villages. All requisite environment impact amelioration and mitigation measures have been put in place and approved by the concerned environmental authorities. It is germane to reiterate that the execution of the said project does not involve any destruction of mangroves.

- c) The said project is thus premised on the principle of public utility, sustainable development and eco-friendly transportation systems,



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which will have no appreciable adverse environmental impact and will only serve to benefit the local residents in a trickle-down manner.

- d) The said project has been proposed by the Petitioner instead of roads to avoid changing the topographic and geographic nature of the site.
- e) It is pertinent to note that, the expansion of the Petitioner No.2 and the expansion of the existing jetty facility, have already been accorded all requisite statutory permissions including EC by the Respondent No.1 and the successful implementation of the same is inextricably linked with the execution of the said project. It is also pertinent to note that, the Respondent No.2 has not come to a finding that the said project is impermissible under law and has only imposed a condition that leave be obtained prior to the final execution of the said project.

VI. Permissions / clearances obtained :-

- a) On 24th February 2015, the Respondent No.2 was pleased to recommend the proposed expansion of the existing jetty facility from the CRZ point of view. Annexed hereto and marked as Exhibit "B" is a copy of the recommendation of the Respondent No.2 dated 24th February 2015 for the expansion of the existing jetty.



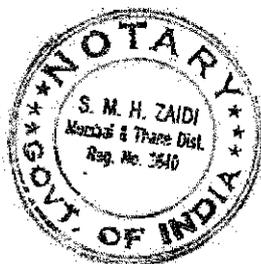
- b) On 26th November 2015, the Petitioner No.1, pursuant to positive recommendations from the Expert Appraisal Committee ("EAC") in its meetings held on 23rd - 24th April 2015 and 24th - 26th June 2015, was granted Environment and CRZ clearance for expansion



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of the existing jetty facility, under the provisions of the EIA Notification 2006 and CRZ Notification 2011, by the Respondent No.1. Annexed hereto and marked as Exhibit "C" is a copy of the clearance dated 26th November 2015 granted by the Respondent No.1 for the expansion of existing jetty.

- c) Thereafter, pursuant to an application dated 9th December 2015, the Respondent No.1 was pleased to issue amended Environment and CRZ clearance to the Petitioner No.1 for the expansion of the existing jetty, on 26th March 2016, a copy of which is annexed hereto and marked as Exhibit "D".
- d) The proposal for the said project was presented before the Respondent No.2, seeking amendment in the Environment and CRZ clearance granted for expansion of the existing jetty. The Respondent No.2 duly deliberated the proposal in its 128th meeting held on 20th December 2018 and was pleased to recommend the proposal from the CRZ point of view subject to certain terms and conditions. This recommendation was communicated vide letter dated 16th February 2019, a copy of which is annexed hereto and marked as Exhibit "E". It is apposite to note that condition no. ii of the communication dated 16th February 2019 stipulated that no activity should be carried out in mangrove areas or its 50 meters buffer zone.
- e) One of the conditions stipulated by the Respondent No.2 in their recommendation granted in their 128th meeting was for the Respondent No.4 to assert the presence of mangroves in the proposed site of the said project. A site visit was accordingly



carried out on 30th April 2019 pursuant to which a report was thereafter filed by the Deputy Conservator of Forest, Mangrove Cell of the Respondent No.4's office. Such report dated 12th June 2019 categorically stated that sparse mangrove trees were located at distance from the site and were protected by a boundary wall and that there were no mangroves, sparse or otherwise, present on the site. Annexed hereto and marked as Exhibit "E-1" is a copy of the site visit report of the Deputy Conservator of Forest, Mangrove Cell along with its annexures.

- f) The proposal was thereafter considered by the EAC in their 43rd meeting held on 20th - 22nd August 2019 when certain further details were sought and the proposal was accordingly deferred. A copy of the relevant excerpt of the Minutes of the 43rd Meeting of the EAC is annexed hereto and marked as Exhibit "F".
- g) The EAC in its 46th meeting held on 25th November 2019, took into consideration the proposal along with the additional information which had been duly submitted by the Petitioner No.1 to the Respondent No.1 on 27th July 2019. After detailed deliberation, the EAC was pleased to recommend the proposed amendment to the Environment and CRZ clearance. A copy of the relevant excerpt of the Minutes of the 46th Meeting of the EAC is annexed hereto and marked as Exhibit "G".
- h) In its 142nd meeting held on 31st December 2019, the Respondent No.2, after due deliberation, decided to modify condition no. ii in the recommendation dated 16th February 2019 to the extent that no construction should be carried in mangrove areas but as regards



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the buffer zone, the proposed activity was recommended for permission to be carried out, subject to leave being obtained by the Petitioner No.1 from this Hon'ble Court. Annexed hereto and marked as Exhibit "H" is a copy of the relevant excerpt of the Minutes of the 142nd Meeting of the Respondent No.2.

- i) The proposal for amendment in the Environment and CRZ clearance granted to the Petitioner No.1 for expansion of the existing jetty was allowed and approved by way of amended Environment and CRZ clearance dated 10th January 2020, for the said project, by the Respondent No.1, after detailed deliberation, in accordance with law. Annexed hereto and marked as Exhibit "I" is a copy of the amended Environment and CRZ clearance dated 10th January 2020.

VII. Requirement of approaching this Hon'ble Court :-

- a) As per the condition no. ii of the recommendation granted by the Respondent No.2 on 16th February 2019, as modified by the Respondent No.2 in its 142nd meeting held on 31st December 2019, the Respondent No.2 has directed the Petitioners to obtain leave of this Hon'ble Court prior to execution of the said project as the site for the same was affected by the 50 meters buffer zone of mangroves.
- b) By an Order dated 6th October 2005 in *PIL No. 87 of 2006*, a complete freeze was imposed on development activities in areas affected by mangroves. The said Order came to be modified by a further Order dated 27th January 2010 in *PIL No. 87 of 2006*, wherein this Hon'ble Court was pleased to direct that nothing would prevent statutory

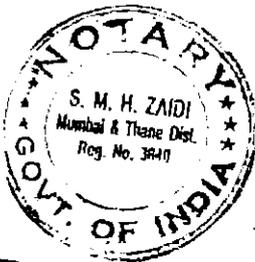


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bodies to approach competent authorities to seek permission for their respective projects as required in accordance with law for the projects in mangrove areas and that such application would be considered strictly in accordance with law keeping in mind the principle of sustainable development and that grant of such permission would be subject to the approval of this Hon'ble Court. Annexed hereto and marked as Exhibit "I" and "J-1" are copies of the Orders dated 6th October 2005 and 27th January 2010 in *PIL No. 87 of 2006*.

c) In furtherance of the Order dated 27th January 2010, this Hon'ble Court had been pleased to grant similar permissions in fit cases wherein the Applicants / project proponents have sought to execute projects. Annexed hereto and marked as Exhibit "K", "K-1", "K-2", "K-3", "K-4", "K-5", "K-6" and "K-7" respectively are copies of the following orders:-

- (i) Order dated 2nd March 2015 in NM (L) No. 75 of 2015;
- (ii) Order dated 10th July 2015 in NM No. 213 of 2013;
- (iii) Order dated 12th January 2016 in NM (L) No. 869 of 2015;
- (iv) Order dated 22nd November 2016 in NM (L) No. 784 of 2015;
- (v) Order dated 22nd November 2016 in NM No. 406 of 2016;
- (vi) Order dated 22nd November 2016 in NM No. 404 of 2016;
- (vii) Order dated 28th November 2016 in NM No. 307 of 2016.
- (viii) Order dated 23rd March 2018 in NM No. 153 of 2018.



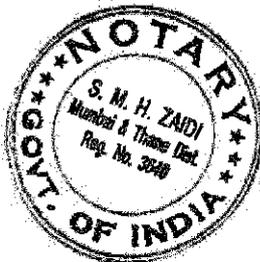
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- d) Thereafter, by a Judgment and Order dated 17th September 2018 in PIL No. 87 of 2006, this Hon'ble Court was pleased to dispose of the said PIL, with various findings and directions. Paragraph 83(viii) of the said Judgment provided that no destruction of mangroves could take place unless this Hon'ble Court deemed it necessary for the public good or public interest. Paragraph 83(viii) is reproduced hereinbelow for ease of reference:-

"In view of applicability of public trust doctrine, the State is duty bound to protect and preserve mangroves. The mangroves cannot be permitted to be destructed by the State for private, commercial or any other use unless the Court finds it necessary for the public good or public interest;"

Annexed hereto and marked as Exhibit "L" is a copy of the Judgment and Order dated 17th September 2018 in PIL No. 87 of 2006.

- e) Thereafter, a pending Notice of Motion No. 278 of 2018 which had been taken out in PIL No.87 of 2006 in furtherance of the Order dated 27th January 2010 and conditions in the CRZ clearance and EC of prior permission of this Hon'ble Court, came to be heard on 2nd November 2018 when, this Hon'ble Court was pleased to observe that the Applicant, in view of the disposal of the PIL No. 87 of 2006, should file a fresh petition independently raising issues for the consideration of this Hon'ble Court, which would be considered on its own merits in light of the finding at paragraph 83(viii) of the Judgment and Order dated 17th September 2018. Annexed hereto and marked as Exhibit "M" is a copy of the Order dated 2nd November 2018 in Notice of Motion No. 278 of 2018.



VIII. Permission granted by this Hon'ble Court for similarly situated

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public utility projects:-

- a) This Hon'ble Court has considered similar public utility projects and in light of the finding at paragraph 83(viii) of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*, has been pleased to grant leave as contemplated in the said judgment.
- b) By way of order dated 15th January 2019, in *Writ Petition No.317 of 2019*, this Hon'ble Court, was pleased to grant leave to the Mumbai Rail Vikas Corporation, the Petitioner therein, to remove about 37 nos. of mangroves and diversion of 0.38 Ha. of mangroves forest land in accordance with paragraph 83(viii) of the Judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*. Annexed hereto and marked as Exhibit - "N" is a copy of the order dated 15th January 2019 in *Writ Petition No.317 of 2019*.
- c) Thereafter, this Hon'ble Court considered the grant of similar leave in respect of the plea of the Maharashtra State Road development Corporation for felling of 1585 nos. of mangrove trees and diversion of 2.9907 Ha of mangroves forest land for the Versova-Bandra Sea-link project, in *Writ Petition (L) No. 17 of 2019*. In view of the requisite permissions for the same more particularly, CRZ Clearance and stage-I forest clearance having been granted in such case, this Hon'ble Court was pleased to grant leave by way of order dated 8th February 2019, a copy of which is annexed hereto and marked as Exhibit - "O".
- d) In *Writ Petition (L) No. 44 of 2019*, the Petitioner-Maharashtra Maritime Board, was seeking to execute three jetty projects in the 50 m buffer zone of mangroves and in view of conditions imposed



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in the CRZ clearance and in view of the finding at paragraph 83(viii) of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*, sought similar leave from this Hon'ble Court, which came to be granted vide order dated 25th February 2019, a copy of which is annexed hereto and marked as Exhibit - "P".

e) Similarly, in *Writ Petition (L) No.741 of 2019*, the Petitioner being the Mumbai Metropolitan Region Development Authority, was seeking to execute the project of a flyover at Kalanagar which would involve diversion of 0.0484 Ha. of mangroves land and felling of 14 nos. of mangrove trees. In view of the requisite permissions for the same more particularly, CRZ Clearance and stage-I forest clearance having been granted in such case, this Hon'ble Court was pleased to grant leave by way of order dated 12th March 2019. Annexed hereto and marked as Exhibit- "Q" is a copy of the order dated 12th March 2019 in *Writ Petition (L) No.741 of 2019*.

f) On 15th October 2019, this Hon'ble Court passed an Order in *Writ Petition No. 1643 of 2019*, filed by the Petitioner No. 2, permitting the Petitioner No. 2 to construct a bridge in the 50m buffer zone of mangroves pursuant to receipt of approval from the State Level Environment Impact Assessment Authority. It bears mentioning that the construction of the bridge was also linked with the expansion of the existing activities of the Petitioner No. 2. Annexed hereto and marked as Exhibit "R" is a copy of the Order dated 15th October 2019 in *Writ Petition No. 1643 of 2019*.



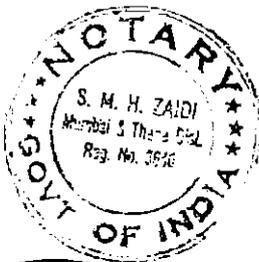
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g) Two further Writ Petitions being *Writ Petition No.1646 of 2019* and *Writ Petition No.2188 of 2019* were filed by the Mumbai Metropolitan Region Development Authority, seeking to execute two different projects being:

- the proposed construction of car maintenance yard at Malwani for the Mumbai Metro Line-2A contemplating diversion of mangroves forest land and cutting of 86 nos. of mangroves;
- the proposed construction of the elevated corridor between Airoli Bridge to Thane Belapur Road which contemplated cutting of 63 nos. of mangroves.

By orders dated 19th December 2019, this Hon'ble Court was pleased to permit the execution of these two projects subject to compliance with the condition of the permissions granted. Annexed hereto and marked as Exhibit-R-1 and R-2 respectively are copies of the orders dated 19th December 2019 in *Writ Petition No.1646 of 2019* and *Writ Petition No.2188 of 2019*.

h) By an order dated 19th December 2019, in *Writ Petition No.2189 of 2019*, this Hon'ble Court was pleased to permit the Maharashtra State Road Development Corporation to execute the proposed construction of a bridge across Thane Creek, pursuant to grant of CRZ Clearance and Forest Clearance for diversion of reserved mangroves land and destruction of 430 nos. of mangroves. Annexed hereto and marked as Exhibit-S is a copy of the order dated 19th December 2019, in *Writ Petition No.2189 of 2019*.



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- i) A similar order was passed on 19th December 2019, in *Writ Petition No. 12462 of 2019*, wherein this Hon'ble Court was pleased to permit the Petitioner therein being the Agriculture, Dairy Development, Animal Husbandry and Fisheries Department of the Government of Maharashtra to execute the proposed upgradation of fishery facilities in Raigad District. In this project, no destruction of mangroves was contemplated although the activities were proposed in the 50 mtrs. buffer zone of mangroves. Considering the public importance of the project, this Hon'ble Court was pleased to permit the Petitioner therein to execute the project in terms of paragraph 83 (viii) of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*. Annexed hereto and marked as Exhibit-T is a copy of the order dated 19th December 2019 in *Writ Petition No. 12462 of 2019*.
- j) Similar orders in terms of paragraph 83 (viii) of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006* was passed by this Hon'ble Court for two projects of public importance of the City and Industrial Development Corporation of Maharashtra, which were to be implemented in mangrove areas. Annexed hereto and marked as Exhibits-U and U-1 respectively are copies of the orders dated 19th December 2019 in *Writ Petition (St) No.22362 of 2019* and *22364 of 2019*.
- k) Thus, this Hon'ble Court has, in fit cases of public utility projects, granted leave to construct in mangrove areas, in line with the finding at paragraph 83(viii) of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*.



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18. In the premises aforesaid, the Petitioner is approaching this Hon'ble Court, seeking necessary directions to give effect to the lawful, valid and subsisting permissions/clearances granted by the concerned statutory authorities and for leave to execute the said Project, on the following amongst other grounds which are taken without prejudice to one another.

GROUND:

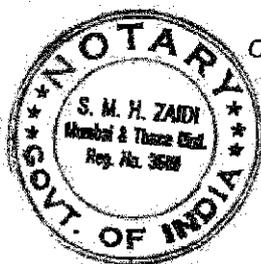
- A. That this Hon'ble Court, by way of the Judgment and Order dated 17th September 2018 has given a finding that in view of the applicability of public trust doctrine, the Respondent No.3 is duty bound to protect and preserve mangroves and destruction of the same cannot be permitted for private, commercial or any other use unless this Hon'ble Court finds it necessary for public interest. The said project is one of the great importance as the same is a key component of the proposed expansion of existing 5 MTPA integrated steel plant of the Petitioner No.2 into 10 MTPA and proposed expansion of its existing 300 MW captive power plant to 600 MW, for which expansion, all requisite permissions including EC has been granted. The proposed expansion is coming up on the plot admeasuring about 600 to 800 acres of land and some of the auxiliary facilities are coming adjacent to the existing set up of the Petitioner No.2. The said project is necessary to effectively service the increased production capacity of the expanded plant of the Petitioner No.2 and would effectively put to use the available waterway transportation corridor of the Amba River/ Dharamtar Creek, thereby reducing the load of transfer / transportation of materials of a 10 MTPA steel plant on the road transport infrastructure. By implementing the said project, the Petitioners would also do away with the requirement



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of augmenting the road infrastructure, which would necessarily have a larger adverse impact on the environment.

- B. It is submitted that the said project squarely falls within the category of public utility project as contemplated in paragraph 83 (viii) of the Judgment and Order dated 17th September 2018. The proposed expansion of the existing plant of the Petitioner No.2 is almost complete to the tune of over 67%. The existing project has been in operation for over two decades. The said project will help in handling and transportation of raw materials and finished products, in a manner that is least detrimental to the ecology and environment. The expanded project of the Petitioner No.2, as a whole is of great socio-economic importance as the project will create employment opportunities for the local residents, thereby improving the overall socio economic conditions in nearby villages. All requisite environment impact amelioration and mitigation measures have been put in place and approved by the concerned environmental authorities. It is germane to reiterate that the execution of the said project does not involve any destruction of mangroves.



- C. That the said project is thus premised on the principle of public utility, sustainable development and ecofriendly transportation systems, which will have no appreciable adverse environmental impact and will only serve to benefit the local residents in a trickle-down manner;

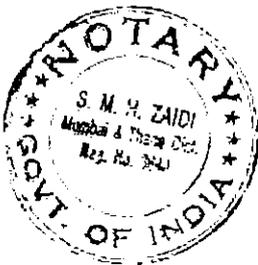
- D. That Notice of Motion No. 278 of 2018 which had been taken out in PIL No.87 of 2006 in furtherance of the Order dated 27th January 2010 and conditions in the CRZ clearance and EC of prior permission of this Hon'ble Court, came to be heard on 2nd November 2018 when, this



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Hon'ble Court was pleased to observe that the Applicant, in view of the disposal of the *PIL No. 87 of 2006*, should file a fresh petition independently raising issues for the consideration of this Hon'ble Court, which would be considered on its own merits in light of the finding at paragraph 83(viii) of the Judgment and Order dated 17th September 2018. The present Petitioner is similarly placed and this Hon'ble Court ought to permit the Petitioner to execute the said project in view of its indubitable public benefit.

- E. The intervention of this Hon'ble Court is necessary and expedient since the said project, as such, does not involve any destruction/removal of mangroves as corroborated by the site visit report of the Deputy Conservator of Forest, Mangrove Cell dated 12th June 2019.
- F. That the said project is one of the great importance as the same is a key component of the proposed expansion of its existing 300 MW captive power plant and 5 MTPA integrated steel plant, for which expansion, all requisite permissions including EC has been granted. The said project is necessary to establish connectivity and is therefore, crucial to the successful implementation of the expanded project.
- G. The expanded project as a whole is of great socio economic importance as the raw material will be sourced from local vendors and will create employment opportunities for the local residents, thereby improving the overall socio economic conditions in Dolvi. The entire project has been conceptualized and approved as a model of sustainable development as the inert waste generated during the construction stage shall be used for filling and levelling purposes within the site premises. All requisite environment impact amelioration and mitigation



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measures have been put in place and approved by the requisite environmental authorities qua the proposed expansion and thus, no grave or any adverse impact is foreseen with the implementation of the proposed expansion, much less, the execution of the said project. It is germane to reiterate that the execution of the said project does not involve any destruction of mangroves.

- H. That the proposed expansions of the existing steel plant and the existing jetty has already been accorded all requisite statutory permissions including EC by the Respondent No.1 and the successful implementation of the same is inextricably linked with the execution of the said project. It is also pertinent to note that that the Respondent No.2 has not come to a finding that the said project is impermissible under law and has only imposed a condition that leave be obtained prior to the final processing of the application of the Petitioner for CRZ clearance and has kept its final decision in abeyance till such time.
- I. That the said Project is permissible under the provisions of the CRZ Notification dated 6th January 2011. Upon a conjoint reading of Clauses 3 and 8 of the CRZ Notification 2011, it is indisputably clear that the said project is permissible in accordance with law. As such, the only impediment in executing the said project are the rigors imposed by this Hon'ble Court in the Judgment and Order dated 17th September 2018 and the Respondent No.2's condition of obtaining leave / approval of this Hon'ble Court. In light of the finding recorded at paragraph 83 (viii) of the said Judgment, this Hon'ble Court ought to release the said project from such rigors, keeping in mind its undoubted public utility and the fact that it is otherwise permissible in law and does not contemplate any destruction of mangroves.



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J. Necessary permissions have been granted to the said project, in accordance with law. The Petitioners have altered their position, financially and otherwise, on the *bonafide* legitimate expectation that the Petitioners will be allowed to act in furtherance of such permissions. Significant monies have been defrayed by the Petitioners till date. Thus the case of the Petitioners is squarely hit by the doctrine of legitimate expectations.

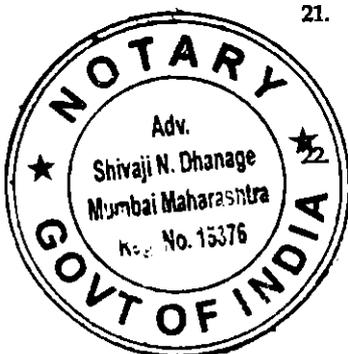
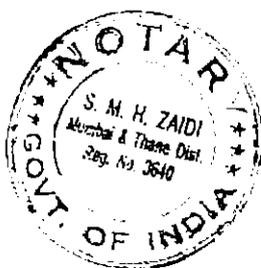
K. That the said project is otherwise legal, premised on the principles of sustainable development and is in the benefit of the public at large.

19. The orders based on which the present Petition is preferred have been passed on 17th September 2018 and 2nd November 2018. The Respondent No.2 has, in its 142nd Meeting held on 31st December, 2019 imposed the condition of obtaining leave of this Hon'ble Court prior to execution. Amended EC and CRZ Clearance has been granted to the Petitioner No. 1 on 10th January 2020. Thus, the present Petition does not, suffer from any delay or latches.

20. The Respondents are situated in Maharashtra. The Petitioners and the said project is situated in Maharashtra. All correspondences, applications, clearances, approvals and agreements arise out of / are granted / have been executed in Maharashtra. Hence the entire cause of action has arisen in Maharashtra and this Hon'ble Court has territorial jurisdiction to entertain the Writ Petition.

21. The Petitioners crave leave to add to alter or amend any of the aforesaid grounds.

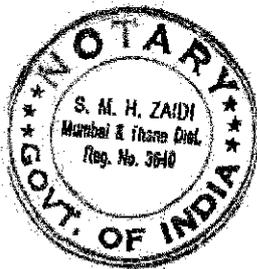
That having regard to the nature of reliefs claimed the Petitioners do not have any other equally efficacious or adequate alternate remedy.



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23. No caveat has been filed by the Respondents or any of them and the Petitioners have not been served with any caveat with respect to the above matter. The Petitioners undertake to serve a copy of the Petition, if so directed by this Hon'ble Court.
24. That the Petitioners have not filed any other Writ petition on the same cause of action either in this Hon'ble Court or in other High Court or in the Hon'ble Supreme Court of India.
25. The Petitioners will rely upon the documents a list whereof is enclosed.
26. The Petitioners have paid the requisite Court fees of Rs. 250/-.
27. The Petitioners therefore, pray that:
- a) This Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondent authorities to permit the Petitioners to execute the said project being augmentation of the existing conveyor streams by construction of additional conveyor streams between the integrated steel plant of the Petitioner No.1 and the jetty facility of the Petitioner No.2 and grant leave as contemplated in condition no. ii of the recommendation granted by the Respondent No.2 on 16th February 2019, as modified by the Respondent No.2 in its 142nd meeting held on 31st December 2019, in terms of paragraph 83(viii) of the Judgment and Order dated 17th September 2018 in *PIL No. 87 of 2006*, in view of the public importance of the project;

b) costs;



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c) For such further and other reliefs as this Hon'ble Court may consider fit and proper under the facts and circumstances of the present case.

Mumbai, dated this 12 MAR 2020 day of February 2020

For Vidhii Partners, Advocates
Subit Chakrabarti
Advocates for the Petitioner

Rajiv Baxi
Petitioner
(Rajiv Bakshi)

VERIFICATION

I, RAJIV BAKSHI, Aged: about 59 years, an Adult, Indian Inhabitant, the Authorised Signatory Constituted Attorney of the Petitioner abovenamed, having my address at JSW Steel Ltd, JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400 051,

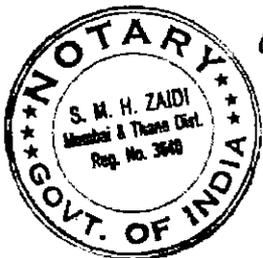
do hereby solemnly declare that what is stated in Paragraphs 1 to 9 is true to my own knowledge, and that what is stated in the remaining paragraphs 10 to 16 are stated on information and belief, and I believe the same to be true.

Solemnly declared at Mumbai)
this 12 MAR 2020 day of February, 2020)

Before Me
for the Petitioner

Subit Chakrabarti
Advocates for the Petitioner

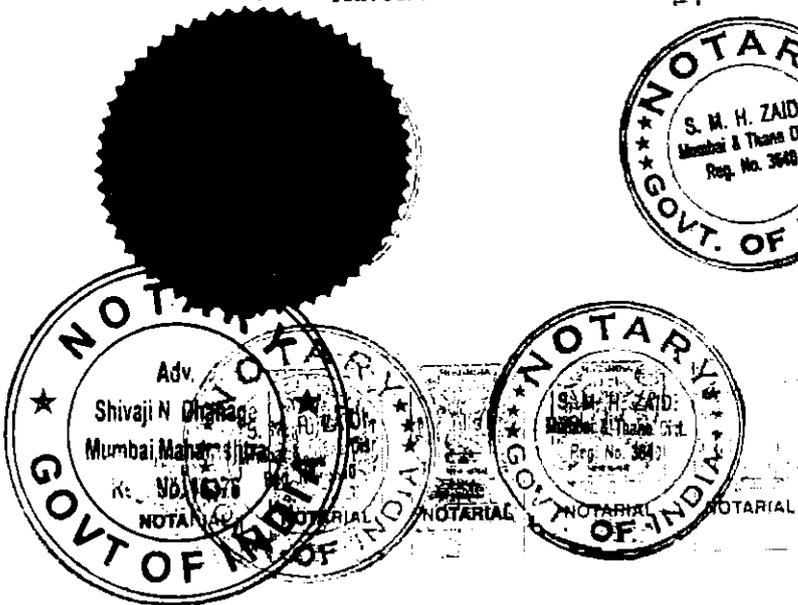
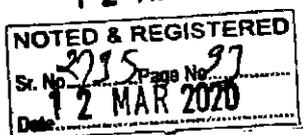
Rajiv Baxi



BEFORE ME

S. M. H. ZAIDI
NOTARY 12/03/2020
Government of India
Mumbai & Thane Dist

12 MAR 2020



ANNEXURE - R1/3

3705

F. No. IA-J-11011/497/2017-IA.II(I)

Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003
E-mail: sharath.kr@gov.in
Tel: 011-24695319

Dated: 1st February, 2018

To

The Vice President,
M/s Dolvi Coke Projects Limited,
Geetapuram, Dolvi, Taluka Pen,
District Raigad, Maharashtra 402107

Subject: 3.5 (1.0 +2.5) MTPA Coke oven and By- Product Plant -- Transfer of 1.0 MTPA Coke Oven and by-product plant from EC of 3 to 5 MTPA and 2.5 MTPA Coke Oven with by-product plant from EC of Expansion of Integrated Steel Plant from 5 to 10 MTPA and Power Plant from 300 MW to 600 MW (Gas Based) of M/s JSW Steel Limited at Geetapuram, Village Dolvi, Tehsil Pen, District Raigarh in Maharashtra to M/s Dolvi Coke Projects Limited regarding.

Sir,

This has reference to your online proposals no. **IA/MH/IND/41055/2015** dated 15th January, 2016; **IA/MH/IND/18771/2012**, dated 10th August 2016 and your communications dated 21st November 2016; 23rd May 2017; 22nd June 2017; 20th July 2017; and 2nd November 2017 for partial transfer of **3.5 (1.0+2.5) MTPA Coke Ovens including by-product plant** from M/s JSW Steel Limited to M/s Dolvi Coke Projects Limited.

2.0 The Environmental Clearance to the expansion project of Integrated Steel plant from 3.0 MTPA to 5.0 MTPA at Village Dolvi, Taluka Pen, District Raigad in Maharashtra was accorded vide letter J-11011/166/2011-IA-II (I) dated 21st November 2012 to M/s JSW Steel Ltd and further expansion of its project up to 10 MTPA was accorded environmental clearance vide letter J-11011/76/2013-IA II (I) dated 25th August 2015.

3.0 Details of production capacities of various units of Integrated Steel Plant (5 MTPA to 10 MTPA) and Gas Based Power Plant (300 MW to 600 MW) of M/s JSW Steel Limited located at Geethapuram, Village Dolvi, Tehsil Pen, District Raigad in Maharashtra vide letter J-11011/76/2013-IA II (I) dated 25th August 2015 is given below:

Sl No	Item	Total Capacity as per EC dated 25 th Aug 2015
1	DRI (Gas based Mega Module)	4.0 MTPA
2	Pellet Plant	8.0 MTPA
3	Coke Oven including By-product plant	4.5 (1+1+2.5) MTPA
4	Sinter Plant	14.0 MTPA
5	Blast furnace including pig casting	8.1 MTPA



Sl No	Item	Total Capacity as per EC dated 25 th Aug 2015
6	SMS (CONARC)	5.2 MTPA
7	SMS-BOF	6.0 MTPA
8	Ladle Furnace (LF)	2X200t+250t +2X300t
9	VD/VOD & RH-TP	1X200t+1X205t +2X300t
10	CSP (HRC Coil) Thin Caster-cum-Hot Strip Finishing Train	3.5 MTPA
11	Conventional Slab Caster	Total 6 strands (9.4 MTPA)
12	Billet Caster	6 strands (1.5 MTPA)
13	Plate Mill	1.5 MTPA
14	CRM	2.5 MTPA
15	Galvanizing Line	0.6 MTPA
16	Electrical Steel CRGO Line	0.4 MTPA
17	Tin Plate Mill	0.4 MTPA
18	Colour Coating line	0.5 MTPA
19	Lime/doloPlant	3600 tpd
20	Oxygen Plant	7600 tpd
21	Hot Rolling Mill	5.0 MTPA
22	Bar Mill	1.4 MTPA
23	Slag & Clinker grinding unit	10.0 MTPA
24	Captive Power Plant	600 MW
25	Township (Area)	150 Acres

4.0 M/s JSW Steel Limited has proposed to transfer 3.5 (1.0 +2.5) MTPA Coke ovens including by-product plant (Sl. No. 3 of above table) from Integrated Steel Plant (5 MTPA to 10 MTPA) and Gas Based Power Plant (300 MW to 600 MW) granted Environmental Clearance vide J-11011/76/2013-IA II (I) dated 25th August 2015 to M/s Dolvi Coke Projects Limited.

5.0 It was reported that the proposed 3.5 (1.0 +2.5) MTPA Coke ovens including by-product plants are located within the premises of the Integrated Steel Plant (5 MTPA to 10 MTPA) and Gas Based Power Plant (300 MW to 600 MW) of M/s JSW Steel Limited and the bounded between Latitudes from 18° 40'19" to 18° 40'22" N and Longitude- 73° 03'05"- 73° 03'08" E

6.0 The raw material requirement for the proposed 3.5 (1.0 +2.5) MTPA Coke ovens including by-product plants will be 3.72 MTPA of Hard Coking Coal; 2.59 MTPA of Semi hard Coking Coal.

7.0 The total water requirement for the 3.5 (1.0 +2.5) MTPA Coke ovens including by-product plants is 717.5 m³/hr. Required water will be sourced from JSW Steel Limited, out of the total water requirement of 4833.3 m³/hr. The Power requirement will be 28 MW.

8.0 The capital cost of the 3.5 (1.0+2.5) MTPA Coke oven and By-product plant is Rs. 2520 Crs and Rs.126 crores will be earmarked towards environmental cost as capital.

9.0 In the proposed recovery type coke oven batteries will be twin flue, under jet, regenerative design with fireclay and silica construction. The recovery type coke oven battery complex broadly consists of Coal preparation Plant; Coke oven battery; Wet Quenching / Coke; Dry Quenching (CDQ) Plant; Coke Handling plant; By Product Plant; Effluent treatment (BOD) Plant.



10.0 No court case or violation under EIA Notification, 2006 to the project or related activity reported by project proponent.

11.0 The proposal was considered in the Expert Appraisal Committee (Industry-I) in its 19th meeting held during 8th - 9th June 2017; 20th meeting held during 10th - 11th July 2017 and 21st meeting held during 10th - 11th August, 2017.

12.0 After detailed deliberations, the committee recommended for the transfer of Environmental Clearance of 3.5 (1.0+2.5) MTPA Coke oven and By-product plant from M/s JSW Steel Limited (parent company) to M/s Dolvi Coke Projects Limited (new company) with specific and general conditions.

13.0 Further, the PP has submitted the following documents for partial transfer of Environmental Clearance for the 3.5 (1.0+2.5) MTPA coke oven plant from Environmental Clearance of Integrated Steel Plant of M/s JSW Steel Limited.

- i. Undertaking Certificate from M/s Dolvi Coke Projects Limited on Non-judicial stamp paper for complying all the conditions as recommended by EAC
- ii. Undertaking from M/s JSW Steel Limited for complying the conditions specified by EAC regarding no increase in pollution, no conflict in sharing common infrastructure, ESC to be implemented by M/s JSW Steel Ltd.
- iii. Certificate of Incorporation of M/s Dolvi Coke Projects Limited from Registrar of Companies (RoC), Mumbai.

13.0 The Ministry of Environment, Forest and Climate Change, based on the recommendations of the Expert Appraisal Committee (Industry-I), hereby decided to transfer the Environmental Clearance of 3.5 (1.0+2.5) MTPA Coke ovens including by-product plant from Environmental Clearance granted for Integrated Steel Plant (5 MTPA to 10 MTPA) and Gas Based Power Plant (300 MW to 600 MW) of M/s JSW Steel Limited (parent company) to M/s Dolvi Coke Projects Limited (new company) under clause 11 of EIA Notification, 2006 and subsequent amendments subject to strict compliance of the following Specific and General conditions:

A. Specific Conditions:

- i. The project proponent should install 24x7 air and water monitoring devices to monitor air emission and effluent discharge, as provided by CPCB and submit report to Ministry and its Regional Office.
- ii. The PP should ensure treatment of effluent from Coke Oven plant. The plant should be designed to meet the cyanide standards stipulated by MoEF&CC under E (P) A, 1986.
- iii. The commitment made by the PP for plantation of the green belt over 33% of project area should be expedited. Three rows of green belt, 12-15 meters wide, all along the periphery of the plant should be planted.
- iv. The CSR plan as submitted by the PP in the area of health care, rural infrastructure development, education, sports and cultural activity, Swachh Bharat Abhiyan with respect to the earlier projects and the ongoing project at Dolvi site are very slow in implementation. The CSR activities should be implemented expeditiously and simultaneously with the implementation of the project, and annual report on CSR activity should be submitted to the Ministry.
- v. At least 5 % of the total cost of the project should be earmarked towards the Enterprise Social Commitment (ESC) based on local needs. The proponent should prepare a detailed CSR Plan for every next 5 years for the existing-cum-expansion project, which includes village-wise, sector-wise (Health, Education, Sanitation, Health, Skill Development and infrastructure requirements such as strengthening of village roads, avenue



plantation, etc) activities in consultation with the local communities and administration. The CSR Plan will include the amount of 2% retain annual profits as provided for in Clause 135 of the Companies Act, 2013 which provides for 2% of the average net profits of previous 3 years towards CSR activities for life of the project. A separate budget head should be created and the annual capital and revenue expenditure on various activities of the Plan should be submitted as part of the Compliance Report to RO, at Bhopal. The details of the CSR Plan should also be uploaded on the company website and should also be provided in the Annual Report of the company.

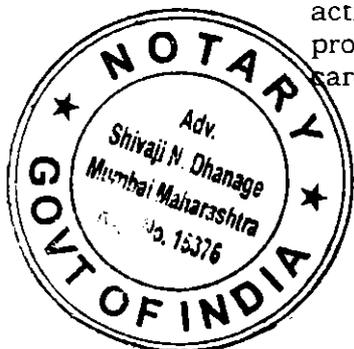
- vi. No development should be done on the creek-ward side of the land. Land area between HTL to 100 mts or width of the creek, whichever is less, on the landward side should be kept free from any type of development.
- vii. No waste water will be discharged outside the plant boundary during normal operation. In case it become necessary to discharge effluent meeting norms fit to the marine environment, permission of the relevant authority should be obtained.
- viii. No untreated effluent should be reused for any process.
- ix. Measures should be taken to reduce PM levels in the ambient air. Stack of adequate height & diameter with continuous stack monitoring facilities for all the stacks should be provided and sufficient air pollution control devices viz. Electrostatic precipitator (ESP), bag house, bag filters etc. should be provided to keep the emission levels below 50mg/Nm³ and installing energy efficient technologies in the Plant.
- x. On-line ambient air quality monitoring and continuous stack monitoring facilities for all the stacks should be provided and sufficient air pollution control devices. Gaseous emission levels including secondary fugitive emissions from all the sources should be controlled within the latest permissible limits issued by the Ministry vide G.S.R. 414(E) dated 30th May, 2008 and regularly monitored. Guidelines / Code of Practice issued by the CPCB should be followed.
- xi. Dust suppression system and bag filters should be installed to control the fugitive dust emissions at conveyor and transfer points, product handling, loading and unloading points.
- xii. Water consumption should not exceed as per the CREP standard prescribed for the steel plants. Additional water, if any, required for the plant project operations. Should be met form rainwater stored in rainwater harvesting structures.
- xiii. Rainwater harvesting scheme should be prepared so that the rainwater can be collected, re-used and may be used for ground water recharge. The concrete drains should be de-silted and regular supervision of the areas should be carried out so that blocking of drains may be avoided for quick discharge of rainwater. Efforts should further be made to use maximum water from the rain water harvesting sources. If needed, capacity of the reservoir should be enhanced to meet the maximum water requirement.
- xiv. All the effluents should be treated and reused for dust suppression/green belt development. No effluent should be discharged and 'zero' discharge should be adopted.
- xv. Full utilization of fly ash should be ensured as per Fly Ash Notification, 1999 and subsequent amendment in 2003 and 2010. All the fly ash should be provided to cement and brick manufacturers for further utilization and Memorandum of Understanding should be submitted to the Ministry's Regional Office at Bhopal.



- xvi. Hazardous materials required during construction phase and in plant operations should be stored properly as per the regulations and reused/recycled as per the E(P)A Rules.
- xvii. Vehicles and construction machinery are properly maintained to minimize the exhaust emission as well as noise generation to meet prescribed standards.
- xviii. Risk and Disaster Management Plan along with the mitigation measures should be prepared and implemented.
- xix. All the recommendations made in the Charter on Corporate Responsibility for Environment Protection (CREP) for the Steel Plants should be implemented.
- xx. All the commitments made to the public during public hearing/public consultation should be satisfactorily implemented and adequate budget provision should be made accordingly.
- xxi. All the permanent workers should be covered under ESI Scheme. The company should have the provision for treatment of its workers at the local Nursing Homes & Hospitals in case of emergency. Annual Medical Check-up on some medical parameters like Blood test, Chest X-Ray, Eye test, Audiometry, Spirometry etc. should be conducted amongst the employees of the Company.

B. General Conditions

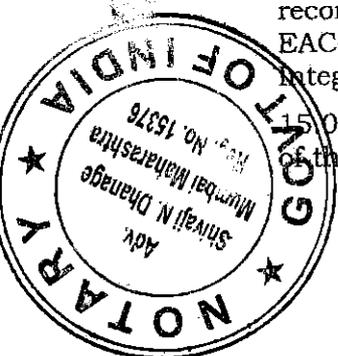
- i. The project authorities must strictly adhere to the stipulations made by the Maharashtra Pollution Control Board and the State Government.
- ii. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change (MoEFCC).
- iii. At least four ambient air quality monitoring stations should be established in the downward direction as well as where maximum ground level concentration of PM10, PM2.5, SO2 and NOx are anticipated in consultation with the SPCB. Data on ambient air quality and stack emission shall be regularly submitted to this Ministry including its Regional Office at Nagpur and the SPCB/CPCB once in six months.
- iv. Industrial wastewater shall be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. The treated wastewater shall be utilized for plantation purpose.
- v. The overall noise levels in and around the plant area shall be kept well within the standards (85 dB A) by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise levels should conform to the standards prescribed under EPA Rules, 1989 viz, 75 dBA (daytime) and 70 dBA (nighttime).
- vi. Occupational health surveillance of the workers should be done on a regular basis and records maintained as per the Factories Act.
- vii. The company should develop rain water harvesting structures to harvest the rain water for utilization in the lean season besides recharging the ground water table.
- viii. The project proponent should also comply with all the environmental protection measures and safeguards recommended in the EIA/EMP report. Further, the company must undertake socio-economic development activities in the surrounding villages like community development programmes, educational programmes, drinking water supply and health care etc.



- ix. Requisite funds shall be earmarked towards capital cost and recurring cost/annum for environment pollution control measures to implement the conditions stipulated by the Ministry of Environment, Forest and Climate Change (MoEFCC) as well as the State Government. An implementation schedule for implementing all the conditions stipulated herein shall be submitted to the Regional Office of the Ministry at Nagpur. The funds so provided shall not be diverted for any other purpose.
- x. A copy of clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/Municipal Corporation, Urban Local Body and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the web site of the company by the proponent.
- xi. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of the MOEFCC at Nagpur. The respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; PM10 SO2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- xii. The project proponent shall also submit six monthly reports on the status of the compliance of the stipulated environmental conditions including results of monitored data (both in hard copies as well as by-mail) to the Regional, Office of MOEFCC, the respective Zonal Office of CPCB and the SPCB. The Regional Office of this Ministry at Bangalore / CPCB / SPCB shall monitor the stipulated conditions.
- xiii. The environmental statement for each financial year ending 31st March in Form-Vas is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental conditions and shall also be sent to the respective Regional Office of the MOEFCC at Nagpur by e-mail
- xiv. The Project Proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB and may also be seen at Website of the Ministry of Environment, Forest and Climate Change (MoEFCC) at <http://envfor.nic.in>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same should be forwarded to the Regional office at Nagpur.
- xv. Project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of commencing the land development work.

14.0 M/s Dolvi Coke Projects Limited shall abide by all the commitments and recommendations made in the EIA/EMP report and that during presentation to the EAC; commitments made during the Public hearing held on 28.01.2014 for Integrated Steel Plant.

15.0 The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.



16.0 The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.

17.0 The PP shall ensure no change in the pollution load; and no conflict in sharing in common facilities in day to day operations.

18.0 All the liabilities regarding environmental issues of Coke Ovens including by-product plant will be the responsibility of the new company i.e. M/s Dolvi Coke Projects Limited.

19.0 The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and rules.

20.0 This Environmental Clearance is partial modification of the J-11011/76/2013-IA II (I) dated 25th August 2015.

21.0 Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

This issues with the approval of Competent Authority.

Sharath
1/2/18
(Sharath Kumar Pallerla)
Scientist 'F' / Director

Copy to:-

1. **The Secretary**, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai.
2. **The Secretary**, Department of Forests, Govt. of Maharashtra, Mantralaya, Mumbai
3. **The Additional Principal Chief Conservator of Forests**, Regional Office (WCZ), Ministry of Environment, Forest and Climate Change, Nagpur
4. **The Chairman**, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office complex, East Arjun Nagar, New Delhi-1100032.
5. **The Member Secretary**, Central Ground Water Authority, A-2, W3, Curzon Road Barracks, K.G. Marg, New Delhi-110001.
6. **The Chairman**, Maharashtra Pollution Control Board, Kalpatru Point, Sion Circle, Sion (East), Mumbai-400 022, Maharashtra.
7. **The District Collector**, Raigad District, Maharashtra.
8. **Guard File / Record file / Monitoring file.**
9. **MOEF&CC Website.**

Sharath
1/2/18
(Sharath Kumar Pallerla)
Scientist 'F'/Director



F. No. IA-J-11011/497/2017- IA-II(I)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003
E-mail: r.sundar@nic.in
Tel: 011-24695304

Dated: 22nd November, 2021

To

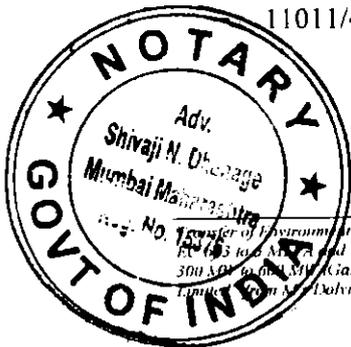
Dr. Anand Rai,
Associate Vice President (Head-Environment)
M/s JSW Steel Limited,
Geetapurm Dolvi Pen,
District Raigad, Maharashtra - 402107
E-mail: anand.rai@jsw.in; Mobile: 9609771413

Subject: Transfer of Environment Clearance accorded for 3.5 MTPA Coke Oven and by-product plant located Geetapuram, Village Dolvi, Tehsil Pen, District Raigad, Maharashtra from M/s. Dolvi Coke Projects Limited to M/s. JSW Steel Limited – regarding.

Ref. : (i) Ministry's EC letter No. IA-J-11011/76/2013- IA-II(I) dated 25/08/2015
(ii) Ministry's EC letter No. IA-J-11011/497/2017- IA-II(I) dated 01/02/2018
(iii) Online proposal no. IA/MH/IND/229646/2021 dated 06/11/2021

Sir,

1. Reference is invited to your online proposal no. IA/MH/IND/229646/2021 dated 06/11/2021 seeking transfer of Environment Clearance cited above from M/s Dolvi Coke Projects Limited to M/s JSW Steel Limited.
2. The Ministry of Environment, Forest and Climate Change (MoEF&CC) has examined the application submitted by you and the following points are noted:
 - i. M/s. JSW Steel Limited was originally accorded EC on 25/08/2015 for expansion of integrated steel plant from 5 MTPA to 10 MTPA at Geetapuram, Village Dolvi, Tehsil Pen, District Raigad, Maharashtra under the provisions of EIA notification, 2006. As per the EC accorded, the total capacity of the Coke Ovens including by product plant was 4.5 MTPA [Existing: 2 MTPA and Expansion: 2.5 MTPA].
 - ii. Subsequently, the EC dated 25/08/2015 was partly transferred by transferring 3.5 MTPA Coke Ovens including by product plant in the name of M/s. Dolvi Coke Projects Limited (A Sister Company of M/s. JSW Steel Limited). Accordingly, part transfer EC was granted to M/s. Dolvi Coke Projects Limited by MoEF&CC vide letter no. IA-J-11011/497/2017- IA-II(I) dated 01/02/2018.



F. No. 11011/497/2017- IA-II(I) dated 01/02/2018
Transfer of Environment Clearance titled "3.5 (1.0 + 2.5) MTPA Coke oven and By- Product Plant -- Transfer of 1.0 MTPA Coke Oven and by-product plant from EC No. IA-J-11011/76/2013- IA-II(I) dated 25/08/2015 and 2.5 MTPA Coke Oven with by-product plant from EC of Expansion of Integrated Steel Plant from 5 to 10 MTPA and Power Plant from 300 MW to 600 MW (Gas Based) of M/s JSW Steel Limited at Geetapuram, Village Dolvi, Tehsil Pen, District Raigad in Maharashtra to M/s Dolvi Coke Projects Limited from M/s Dolvi Coke Projects Limited to M/s JSW Steel Limited"

iii. Implementation status of the 3.5 MTPA Coke Ovens including by product plant

Sanctioned capacity as per part transfer EC dated 01/02/2018*	Implementation status as on date
3.5 MTPA Coke Ovens including by product plant	3.0 MTPA

* Part transfer of EC was accorded on 1/02/2018 in partial modification to the EC dated 25/08/2015. Hence, EC is valid till 24/08/2022 as per the provisions of EIA Notification, 2006.

iv. Reasons for transfer of EC:

M/s. Dolvi Coke Projects Ltd. has been merged with M/s. JSW Steel Limited ('the Transferee Company') pursuant to the captioned Scheme of Amalgamation under Section 230 to Section 232 of the Companies Act, 2013. The Scheme of Amalgamation has been sanctioned by the Hon'ble National Company Law Tribunal, Mumbai Bench and Ahmedabad Bench (NCLT). The certified true copy of the order of the NCLT has been filed with Registrar of Companies on 1st September 2019 to make the Scheme of Amalgamation effective. As provided in the Scheme, all the assets, and liabilities pertaining to M/s. Dolvi Coke Projects Ltd. has been transferred into M/s. JSW Steel Limited on a going concern basis along with all its rights, privileges and obligations. In view of this, transfer of Environment Clearance dated 01/02/2018 is requested from M/s Dolvi Coke Projects Limited to M/s JSW Steel Limited.

Sl. No.	Name of Company	CIN No.	Status w.r.t. Change of ownership
A.	M/s Dolvi Coke Projects Limited	U23209MH2014PLC254395 [Presently there is no CIN Number for M/s. Dolvi Coke Projects Ltd, since the company is merged with M/s. JSW Steel Ltd]	As per Sl. No. 1 (f) of Form-7, the project proponent has submitted that the proposal involves change of ownership. Further, the CIN No. of both the companies are found to be different. In view of the same, the proposal involves transfer of Environment Clearance from M/s Dolvi Coke Projects Limited to M/s JSW Steel Limited with change of ownership.
B.	M/s JSW Steel Limited	L27102MH1994PLC152925	

v. Documents submitted for EC transfer:

- Form No.7 for transfer of Environmental Clearance.
 - Letter of Authority dated 27/10/2021 authorizing Dr. Anand Rai, Associate Vice President (Head-Environment) of M/s JSW Steel Limited to correspond and execute documents with MoEF&CC.
 - Undertaking by way of Affidavit in a non-judicial stamp paper dated 16/09/2021 by M/s JSW Steel Limited stating that they will abide by and comply with all the conditions/environmental safeguards stipulated in the Environment Clearance dated 01/02/2018.
- Copy of NCLT Mumbai bench, Mumbai order CP/(C.A.A.)/1004/MB/2019 dated 06/06/2019 w.r.t. Scheme of Merger of M/s Dolvi Coke Projects Limited



Transfer of Environment Clearance accorded for 3.5 MTPA Coke Oven and by-product plant located Geetapuram, Village Dolvi, Tehsil Pan, District Raigad, Maharashtra, from M/s. Dolvi Coke Projects Limited to M/s. JSW Steel Limited.

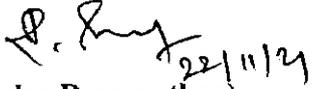
- with M/s JSW Steel Limited under Section 230 to Section 232 of the Companies Act, 2013 and other relevant provisions of the Companies Act, 2013.
- v. Scheme of Amalgamation of M/s. Dolvi Coke Projects Limited with M/s. JSW Steel Limited.
 - vi. Copy of NCLT Ahmedabad Bench, Ahmedabad order no. CP (CAA) 62 of 2019 in CA (CAA) No. 151/230-232/NCLT/AHM/2018 dated 14/08/2019 w.r.t. company scheme petition filed under sections 230 to 232 of the Companies Act, 2013 seeking sanction of the proposed Scheme of Amalgamation of M/s Dolvi Coke Projects Limited.
 - vii. Copy of Certificate of Incorporation of M/s. JSW Steel Limited dated 16/06/2005 bearing CIN Number L27102MH1994PLC152925.
 - viii. Copy of Certificate of Incorporation of M/s Dolvi Coke Projects Limited dated 15/03/2014 bearing CIN Number U23209MH2014PLC254395.
3. This Ministry hereby accepts your request to transfer the Environment Clearance accorded by MoEF&CC vide letter no. IA-J-11011/497/2017- IA-II(I) dated 01/02/2018 from M/s Dolvi Coke Projects Limited to M/s JSW Steel Limited, subject to satisfactory compliance to all the stipulated specific and general conditions. You are also requested to obtain Consent to Operate from Maharashtra Pollution Control Board in the name of M/s. JSW Steel Limited.
 4. M/s. JSW Steel Limited shall comply with the all specific and general conditions stipulated in the Environment Clearance letter of even no. dated 01/02/2018.
 5. In case, there is a change in the scope of the project, fresh Environment Clearance shall be obtained.
 6. This issues with the approval of the Competent Authority.

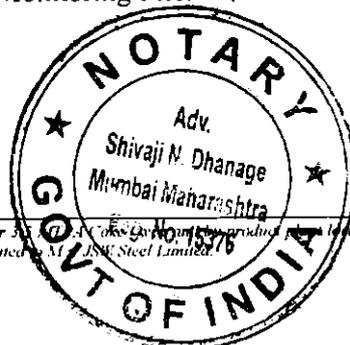
Yours faithfully,


(Sundar Ramanathan)
Scientist 'E'

Copy to:-

1. Secretary, Department of Environment and Forest, Govt. of Maharashtra, Secretariat, Mumbai.
2. Regional Officer, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur-440001
3. Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office complex, East Arjun Nagar, New Delhi-1100032.
4. Member Secretary, Central Ground Water Authority, A-2, W3, Curzon Road Barracks, K.G. Marg, New Delhi-110001.
5. Chairman, Maharashtra Pollution Control Board, Kalpatru Point, Sion Circle, Sion (East), Mumbai-400 022, Maharashtra.
6. District Collector, Raigad District, Maharashtra.
7. Guard File/Record File/Monitoring File.
8. MoEF&CC Website


(Sundar Ramanathan)
Scientist 'E'



Transfer of Environment Clearance accorded for M/s. Dolvi Coke Projects Limited to M/s. JSW Steel Limited, dated 01/02/2018, issued by MoEF&CC, New Delhi, Maharashtra from M/s. Dolvi Coke Projects Limited, M/s. JSW Steel Limited, located Geetapuram, Village Dolvi, Tehsil Pon, District Raigad, Maharashtra.