

**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

... APPLICANT

VERSUS

JINDAL STEEL WORKS LTD. & ORS.

...RESPONDENTS

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AND IN THE MATTER OF:

SAMITA RAJENDRA PATIL & ANR.

... APPLICANT

VERSUS

JINDAL STEEL WORKS LTD. & ORS.

...RESPONDENTS

**REPLY OF RESPONDENT NO.1 AND NO. 2 TO THE
ADDITIONAL SUBMISSIONS OF THE APPLICANT
DATED 08.08.2023**

I, Umang Jaju, age 42 years of JSW Steel Ltd. (arrayed as Jindal Steel Works Limited in the Original Application), i.e., the Respondent No. 1 & 2 having its address at JSW Steel Limited - Geetapuram Dolvi, Taluka Pen, District Raigad do hereby solemnly affirm and state on oath as under:

1. I say that I am the Constituted Attorney of JSW Steel Ltd., and I have made myself conversant with the facts of the instant case and I am duly authorised to affirm the instant reply.
2. I say that the instant Reply is being filed in response to the Applicant's additional submissions dated 08.08.2023 ("**Additional Submissions**").
3. At the very outset, Respondent No.1 and Respondent No. 2 ("**Answering Respondents**") deny all and singular the contents of the Applicant's Additional Submissions as well as the Applicant's Objections to the Final Report prepared, and no part thereof be deemed to be admitted for the lack of specific traverse.



4. At the further outset, it is submitted that the Objections dated 26.03.2023 and Additional Submissions dated 08.08.2023, both filed by the Applicant are deliberate attempts to indirectly seek a review of the order dated 23.05.2017 passed by this Hon'ble Tribunal in *Samita Patil and Ors. vs. JSW Steel Ltd & Ors.*, Appeal No. 30/2016, by which the Applicants' Appeal (against the Environmental Clearance dated 25.08.2015 ("Steel Plant EC") for the expansion of the steel plant) came to be dismissed.
5. Furthermore, it is submitted that the objections filed by the Applicant to the Committee's Report are in fact an indirect challenge to another Environmental Clearance (EC) i.e., the EC dated 26.11.2015 ("Jetty EC"), granted to the jetty and the conveyor belt of the Answering Respondent's associate company. A reading of the Additional Submissions would reveal that, having chosen not to challenge the Jetty EC by way of an appeal before the expiry of the limitation period, and thus allowing it to attain finality, the Applicant is now attempting to indirectly challenge the same by way of the Additional Submissions so as to overcome the bar of limitation. Pertinently, such a course (i.e., of challenging an order appealable under Sec. 16 of the NATIONAL GREEN TRIBUNAL ACT, 2010 (NGT Act) in an Original Application under Sec. 14 of the NGT Act) has been held to be impermissible by this Hon'ble Tribunal in its judgment dated 27.05.2016 in *Narinder Shukla & Ors. v. Jagish Saphiya*, OA No. 135/2015:
- "28. When the order granting E.C, is an appealable order, and the applicant failed to challenge the E.C within the statutory period, or the period provided for condonation of delay, the same cannot be challenged in the guise of an application under section 14 of the National Green Tribunal Act, 2010."*
- [Emphasis added]
6. Above all, these Additional Submissions are a clear attempt to enlarge the scope of the OA, and subject the Answering Respondent to an unending inquisition. It is submitted that the Applicant has resorted to



such an approach since the allegations made in the OA have been belied by the record, in particular, the findings of the Expert Appraisal Committee (“EAC”) of the Ministry of Environment, Forest and Climate Change of India (“MOEFCC”) and the Maharashtra Coastal Zone Management Authority (“MCZMA”) while granting the Answering Respondent expansion ECs, as also by the High Court proceeding in, *JSW Dharamtar Port Pvt Ltd. & Ors vs. Union of India & Ors.*, WP No. (ST) 4894/2020, all of which have been brought on record before this Hon’ble Tribunal by the Answering Respondent.

7. This is further evident from the fact that the Additional Submissions are replete with assertions and suggestions to expand the scope and remit of the Committee appointed by this Hon’ble Tribunal. In essence, the suggestion in multiple paragraphs of these so-called objections, is that the Answering Respondent ought to be put through a *de novo* process for the grant of an EC for the steel plant.
8. In other words, the Applicant would like this Hon’ble Tribunal to order a fresh Environment Impact Assessment (EIA) from the Committee appointed by it, with respect to both of the ECs i.e., the Steel Plant EC and the Jetty EC. It is submitted that such an exercise is wholly untenable and will also be illegal in view of the law laid down in *Narinder Shukla* (supra) since the Applicant has already failed in its endeavour to achieve this very end in view of the dismissal of Appeal No. 30/2015 where it sought to challenge the Steel Plant EC dated 25.08.2015, and in not challenging the Jetty EC dated 26.11.2015.

JETTY EXPANSION

9. In response to *Para 1(a)* of the Additional Submissions, it is submitted that the allegation with respect to the expansion (without approval) of the jetty from 331.5 m to 1741 m is baseless. The allegation of expansion of the jetty prior to obtaining the EC is not borne from any part of the



Committee's report, and the same is a mere conjecture sought to be camouflaged as an inference from the observations of the Committee.

10. It is submitted that the expansion of the jetty from 331.5 m to 1750 m is under construction in a phased manner as permitted under the Jetty EC dated 26.11.2015 and the same has been recorded by the Joint Committee in its Report, which states:

“xiv. MoEF&CC has granted EC & CRZ clearance for expansion of jetty from 331.5 to 1,750 m on 26/11/2015. Further, amendment in expansion of jetty facility was granted by MoEF&CC on 26/03/2016 & 10/01/2020 respectively.” (Pg 109) [Emphasis added]

11. It is pertinent to note that the allegation being made is that of expansion without permission and not a violation of the conditions of the Jetty EC.
12. In response to *para 1(b)* of the Additional Submissions, it is submitted that the allegation pertaining to the breach of the mangrove buffer zone is solely based on the report of the Joint Committee. Pertinently, the Answering Respondent has objected to this finding of the Committee (*see para 60 to 65 at pg. 2252*) since it is in the teeth of an inspection report prepared by the Mangrove Cell of the MCZMA which considered the Answering Respondent's application for amendment of the Jetty EC. The said inspection was carried out in terms of the direction in the MCZMA meeting held on 20.12.2018, requiring the Answering Respondent to “*obtain an NoC from the Mangrove Cell confirming the activities are not in mangrove or its 50m buffer zone.*” (See specific condition iv).
13. Further, the MCZMA clearance for the expansion included a specific condition that recorded no activity was to take place within the buffer zone and a NOC was to be obtained from the Mangrove Cell. The MCZMA clearance dated 16.02.2019 stated:



“ii. No activity shall be carried out in mangroves or its 50m buffer zone, as per 17th Sep, 2018 High Court order in PIL 87/2006.

...

iv. 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 take cognizance of earlier clearances, court matters and complaints, if any in the matter.”

[Emphasis added]

14. It was in compliance with this requirement that the Mangrove Cell, Mumbai inspected the site on 30.04.2019, and reported, by its report dated 12.06.2019, that there were “*no mangrove trees in the proposed area.*” The inspection report also states:

“3. Proposed conveyor belt includes construction of pillars each at 40 meter interval for a length of 240 meter wherein no mangrove tree was sighted. Hence Mangrove tree cutting is not involved in the construction.

4. Google superimposed map of the proposed site in 2005 and 2019 showed no mangrove trees in the proposed area. (Annexure - III & IV)

5. ...The mangrove trees are **located 25 meter** away from the site which is protected by the boundary wall.” [Emphasis added]

15. The said MCZMA approval was then scrutinised by the EAC, which granted the Jetty EC. Thus, this allegation is also an attempt to indirectly challenge the Jetty EC.
16. It is also pertinent to note that the inspections conducted by different statutory bodies, first in 2015, prior to the grant of the Jetty EC and then in 2019 by the Mangrove Cell, categorically state that there are no mangroves in the proposed site, and hence there was no question of any destruction of the mangroves at the time of construction.
17. At the cost of repetition, it is pertinent to note that the distance of the mangroves as they stood then was expressly considered and reflected in the EC dated 26.11.2015.

“(xiii) The NIO, Goa has carried out CRZ demarcation study along with preparation of CRZ map in 1: 4,000 scale. As per this report. the project falls in CRZ-1 and CRZ-III area. The proposed jetty along with Amba River is in CRZ-1, part of the proposed stack yard and other port associated facilities including



conveyor belt are in CRZ-1 and CRZ-III. In the northern side of the Jetty, around 20m. wide mangroves are noticed all along the river, which would be left untouched since the proposed activities are 50m or more away from the mangroves. Only approach to berths will pass over the mangroves. The structures do not block any light penetration and thus mangroves can thrive and grow below. Beyond mangroves towards the landward side, most of the area is agricultural lands/ fallow lands...” [Emphasis added]

18. Both the Steel Plant EC dated 25.08.2015 and the Jetty EC dated 26.11.2015 were granted post a detailed scrutiny by the EAC of the Ministry of Environment and Forests. Further, an EC for additional conveyor streams was also granted on 10.01.2020. The EAC minutes indicate that the EAC was alive to the issue of mangroves and sought specific information regarding the location of the mangroves with respect to the proposed construction when considering the matter.
19. In particular, the EAC minutes dated 24-26.06.2015 demonstrate the level of scrutiny undertaken in the above process, as can be seen from the following observation:
- “Provide details of the plots without mangroves: The PP presented Google map showing the Plots of the Dharamtar Jetty facility. As per the village cadastral level map presented before EAC, the proposed jetty facility is lying on the land parcels.”
20. The above would reveal that the MCZMA, the EAC and the MoEFCC were cognizant of the existence of mangroves however, they have permitted the overhead construction of the conveyor belt to connect the jetty and the steel plant. It is submitted that the aforesaid observations by the EAC demonstrate deep scrutiny and application of mind and to go behind the same would amount to substitution of the wisdom of experts which has been held to be wholly impermissible by the Hon’ble Supreme Court in *Rajeev Suri v. DDA*, (2022) 11 SCC 1:

“509. Once an expert committee has duly applied its mind to an application for EC, any challenge to its decision has to be based on concrete material which reveals total absence of mind. Absent that material, due deference must be shown to the decisions of experts. The facts of the case do not reveal any deliberate concealment of fact/information from the EAC or supply of any misinformation.” [Emphasis added]



21. Further, an EC for additional conveyor streams was also granted on 10.01.2020. The process of environmental assessment for granting these expanded ECs included extensive public hearing. The EAC minutes indicate that the EAC was alive to the issue of mangroves and sought specific information regarding the location of the mangroves with respect to the proposed construction when considering the matter.
22. Apart from the MCZMA, the EAC, and the aforesaid report by the Mangrove Cell, the project of the Answering Respondent has undergone scrutiny by the Hon'ble Bombay High Court in *JSW Dharamtar Port Pvt Ltd. & Ors vs. Union of India & Ors*, WP No. (ST) 4894 of 2020, while considering the grant of permission to the Answering Respondent to carry out construction of the conveyor belt in the buffer zone. While doing so, the Hon'ble High Court reviewed the approvals granted to the Answering Respondent, and aspects of expansion of the conveyor streams leading to the jetty with reference to the effect of the same on mangroves, and in fact, explicitly gave the Answering Respondent permission to operate in the buffer zone for mangroves by its order dated 09.07.2020. Accepting the contentions of the Applicant in the OA will necessarily amount to going behind the order of the Hon'ble High Court, which is impermissible. In fact, it will amount to truncating the order of the Hon'ble High Court.
23. Thus, the allegation pertaining to operating in the buffer zone without the permission of the Hon'ble High Court is without any basis and in any case cannot be sustained, as multiple expert bodies have examined the compliance status of the Answering Respondent from the year 2015 till 2020, on this aspect.
24. In response to *Para 1(c) and (g)* of the Additional Submissions, that allege that the construction of the jetty was not permissible in CRZ -1 under the COASTAL REGULATION ZONE NOTIFICATION 2011 ("CRZ



Notification 2011”), it is submitted that the construction and operation of a jetty is a permissible activity under the provision of clause 4(i)(f) of the CRZ Notification 2011. Similarly, laying a conveying system is also a permissible activity under clause 4(ii)(d) of the CRZ Notification 2011. Accordingly, CRZ recommendation has been obtained from the MCZMA dated 24.02.2015 and subsequently, Environmental and CRZ clearance from MoEFCC, New Delhi dated 26.11.2015. Pertinently, the construction of a jetty in CRZ I in the 50m buffer zone, has also been held to be permissible by the Hon’ble Bombay High Court in *Bombay High Court in Maharashtra Maritime Board v. Union of India*, 2021 SCC OnLine Bom 3667 (Para 28):

“28. It is thus difficult to accept Mr. Jagtiani's contention that the activity of construction of a jetty merely because it falls in a buffer zone of 50 meters along the mangrove area, would amount to a prohibited activity under the CRZ-I. Such interpretation certainly is not reflected from a cumulative reading of paragraphs 3, 4 and 8 of the 2011 Notification as understood in the context of paragraph 7 of the 2011 Notification, which classifies CRZ into such different categories. If the interpretation as suggested by Mr. Jagtiani is accepted, it would negate so many of the essential activities in the CRZ I, which are clearly specified in paragraph 3 and paragraph 4 read with paragraph 8 as permissible activities as discussed above, being activities requiring waterfront and foreshore facilities, construction and operation of ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures etc. to name some.

29. In interpreting the 2011 CRZ Notification, it cannot be overlooked that the object of the notification is not merely protecting the environment but also while doing so promoting the development through sustainable manner, which is also a significant object being achieved in regulating activities in the coastal zone areas. Thus, CRZ-I cannot be interpreted to mean a zone which freezes every activity. In other words, in the present context, merely because the area is a mangrove area which is more than 1000 sq.meters requiring buffer zone of 50 meters along the mangroves to be provided as prescribed in paragraph 7 of the 2011 Notification, it cannot be inferred that no activity such as the one intended to be undertaken by the petitioner, becomes a prohibited activity. Such a reading of the Notification would render nugatory the activities specifically permitted in the CRZ-I zone as clear from the reading of paragraph 3, 4 and 8 of the 2011 Notification.”

[Emphases added]

25. In response to *Para 1(d)* of the Additional Submissions, pertaining to the applicability of the CRZ Notification 2019, it is submitted that the said notification is prospective and in fact, in terms of Regulation 6 thereof,



the CRZ Notification 2019 is only applicable after the CZMP is prepared and notified in terms of the said notification.

26. Pertinently, the CZMP has been notified for Raigad, Maharashtra, (where the Answering Respondent operates) only on 28.08.2023, and all CRZ clearances have been obtained by the Answering Respondent prior to such notification on 26.11.2015 and 26.03.2016 and 10.01.2020. Thus, the allegations levelled by the Applicant based on the CRZ Notification 2019, are misplaced, unfounded and cannot be sustained in law.
27. In response to *para 1(e)* of the Additional Submissions, wherein the Applicant seeks a new report from the Joint Committee, it is submitted that there are no allegations made by the Applicant that merit a fresh examination by the Joint Committee. Further, this appears to be yet another attempt by the Applicant to expand the scope of and prolong the OA, having realised that the allegations made thus far are untenable and the substratum of which do not stand scrutiny, in view of the report of the Committee.
28. In response to *para 1(f)* of the Additional Submissions, pertaining to the activities of the Answering Respondent not meeting the criteria for a public utility, it is submitted that such an allegation finds no basis once the expert body, (MoEFCC *vide* clearance dated 26.11.2015) and the Hon'ble Bombay High Court (*vide* order dated 09.07.2020), after due deliberation, have granted the Answering Respondent permission to operate.

CONSTRUCTION OF BRIDGE

29. In response to *para 2 (a) & (b)* of the Additional Submissions, pertaining to allegations regarding construction of a bridge being illegal, it is submitted that the Answering Respondent has obtained requisite



permissions from the MCZMA, State Level Environment Impact Assessment Authority (“SEIAA”) as well as the Hon’ble Bombay High Court in *JSW Steel Ltd. v. Union of India Thru Ministry of Environment, Forest Climate Change, And Ors.*, W.P. No. 1643 of 2019. In the said writ petition, the Answering Respondent had prayed for permission to construct the bridge at Gut. Nos. 93 in Village-Kharkaravi and Gut. No. 94 in Village Kharamchela. The petition also recorded that the construction of the bridge was required for ensuring connectivity of the existing set up and expansion in the future and the MCZMA had already granted the Answering Respondent permission in its 128th meeting.

30. Further, the Collector, Raigad had also granted permission to the Respondents *vide* communication dated 11.11.2016 in Form 7 under Rule 38 of the MAHARASHTRA LAND REVENUE (DISPOSAL OF GOVERNMENT LAND) RULES, 1971 for construction of 3 bridges at Survey No. 93 in Village- Kharkaravi and Survey No. 94 in village Kharamchela. The statutory permissions and NOC from various authorities for construction of the bridge were also made part of WP No. 1643 of 2019. The Hon’ble Bombay High Court granted permission to the Respondents in its order dated 15.10.2019 as follows:

“1. The Petitioner is constrained to file the Petition in view of orders passed in Public Interest Litigation No. 87 of 2006 requiring permissions to be granted from the Court if for any kind of development work mangroves were to be felled. The Writ Petitioner intends to lay a road on private land. The road is a private road. **A bridge needs to be constructed on a creek and falls within 50 meters buffer zone requiring permission from the MCZMA in terms of CRZ notification of the year 2011.** The State level Environmental Impact Authority has appraised the project and on 16.09.2019 has accorded the approval putting a condition therein that no mangrove is to be felled. MCZMA granted the necessary recommendations on 13.07.2019.

2. In that view of the matter, **we dispose of the Petition permitting the Petitioner to execute the works by erecting the bridge** but while doing so the Petitioner would comply with the terms on which the permission has been accorded by the 2nd Respondent in its meeting dated 15.07.2019.”

[Emphasis added]



31. It is pertinent to note that these statutory permissions as well as order of the Hon'ble Bombay High Court dated 15.10.2019 were never challenged by the Applicant and therefore attained finality.
32. The same has been specifically recorded by the Joint Committee in its report, wherein the committee recorded:

“18. Necessary permission from Hon'ble High Court vide order dated 15/10/2019 is given to M/s JSW for construction of bridge which is also duly recommended by MCZMA & SEIAA. The construction of bridge was started and the said construction is in company's land at survey no.93 of village Kharmachela and survey no.68 of village Kharkaravi.” (Page 10)

“xxi. Construction of bridge at survey no. 93 of village Kharmachela and survey no. 68 of village Kharkaravi is being done upon obtaining necessary permission from Hon'ble High Court and authorities.” (Page 112)
[Emphasis added]

33. In response to *para 2(b)* of the Additional Submissions, it is submitted that the Applicant herself has conceded to the present issue being *sub-judice* before the Hon'ble Bombay High Court in *Samita Patil & Ors vs. The State of Maharashtra & Ors.*, WP (Criminal) No 1107 of 2020. Therefore, in terms of the decision of the Hon'ble Supreme Court in *State of A.P. v. Raghu Ramakrishna Raju Kanumuru*, (2022) 8 SCC 156, this Hon'ble Tribunal ought to refrain from adjudicating on the issue that the Hon'ble Bombay High Court is already seized of.
34. In response to *para 2(c), 3(a), 3(b) and 3(c)* of the Additional Submissions, alleging dumping of industrial waste and land-filling using slag by the Answering Respondent, it is submitted that the Joint Committee expressly finds the same to be untrue. The Committee in its report specifically records that there has been no dumping of industrial waste or slag by the Answering Respondent. In light of such unambiguous finding of the Joint Committee, these allegations of the Applicant, are merely unsubstantiated allegations aimed at prejudicing this Hon'ble Tribunal. The Joint Committee has not only found no dumping on part of the Answering Respondent, but has also reported that



the dumping of waste in the area has been done by the *Gram Panchayats*.

The relevant extracts from the Joint Committee Report are as follows:

“5. No dumping of slag was reported on mangrove areas, natural drains and creeks.” (Page 6)

“xx. As per the updated report of District Collector-Raigad total mangrove destroyed due to dumping of solid waste is 0.71 ha. The foresaid report mentions that the waste was dumped by three Gram panchayats of nearby area. Because dumping of waste 0.71 ha of mangrove areas were affected and destructed.”(Page 112) [Emphasis added]

35. In response to *para 2(d)* of the Additional Submissions, wherein the Applicant seeks a new report by the Joint Committee, it is submitted that the committee observed that necessary permission by the Hon’ble High Court was obtained *vide* order dated 15.10.2019 in WP No. 1643 of 2019, and that construction of the bridge was recommended by the MCZMA and the SEIAA. There are no allegations made by the Applicant that merit a fresh examination by the Joint Committee.

A copy of W P. No. 1643 of 2019 filed before the Hon’ble High Court of Bombay without annexures is hereto marked and annexed as ANNEXURE R-1.

A copy of the order dated 15.10.2019 in W P. No. 1643 of 2019 before the Hon’ble High Court of Bombay is hereto marked and annexed as ANNEXURE R-2.

36. In response to *para 3(d)* of the Additional Submissions, relating to the Joint Committee not having undertaken site visits themselves, but appointing sub-committees for the same, it is submitted that, this Hon’ble Tribunal permitted the committee to take such assistance of other expert bodies, *vide* order dated 27.05.2021. This Hon’ble Tribunal stated:



“The Committee will be at liberty to take assistance from any other Expert Institution or individual and conduct proceedings online, except for site visit, if necessary.”

37. Moreover, the assertion that the Joint Committee did not undertake any site visits, is itself untrue, as the Joint Committee has in its Report stated that they have undertaken site visits in April 2022.

ALLEGED DESTRUCTION OF MANGROVES

38. In response to *para 4 (a) & (b)* of the Additional Submissions, pertaining to allegation of destruction of mangroves, it is submitted that these allegations (which have also been made in the complaint dated 23.07.2023) are baseless and false. They have been timed to prejudice this Hon’ble Tribunal, when the captioned OA is at the stage of final hearing. The Answering Respondent has not cut or destroyed any mangroves at any point. The areas referred to by the Applicant as Kharmachela, Kharghat & Khardombi, where alleged destruction of mangroves have occurred are not adjoining the jetty, and are situated after the railway and highway bridge, upstream of the Amba river.
39. It is further submitted, that these very allegations in the Additional Submissions are pending adjudication before the Hon’ble High Court of Bombay in WP (CrI.) No. 1107 of 2020. The Applicant through an additional affidavit dated 06.09.2023 has placed the same photographs and made the very same allegations before the Hon’ble High Court, which have been placed before this Hon’ble Tribunal.
40. In light of the decision of the Hon’ble Supreme Court in *Raghu Ramakrishna Raju* (supra) it is most respectfully submitted, that this Hon’ble Tribunal ought to refrain from adjudicating on the same. Even the Hon’ble Bombay High Court has held in *The Court on its own motion v. NHAI & Ors*, 2015 SCC OnLine Bom 6353 that once the High Court is seized of the matter, the Tribunal ought to refrain from



proceeding, in the interest of justice. The Hon'ble Bombay High Court held:

“63. We, therefore, find that continuation of proceedings before the learned National Green Tribunal about the issues with which this Court is seized of, much prior to the intervenor NGO filing an appeal before the learned Tribunal, at least in so far as territorial jurisdiction of this Court is concerned, would not be in the interest of justice.” [Emphasis added]

41. Therefore, it is humbly submitted that the Applicant be not permitted to raise identical issues that have already been raised before the Hon'ble High Court and are pending consideration before the High Court.

A copy of WP(Crl.) No. 1107/2020 filed before the Hon'ble Bombay High Court without annexures is marked and annexed as ANNEXURE R-3.

A copy of the additional affidavit dated 06.09.2023 filed by the Applicant in WP(Crl.) No. 1107/2020 before the Hon'ble Bombay High Court is marked and annexed as ANNEXURE R-4.

42. The Answering Respondents reserve the right to make further submissions and contentions including file additional reply in response to the OA and crave leave to file any such additional reply or documents if situation so arise.
43. In view of the above, it is submitted that the OA is devoid of merit and ought to be dismissed with costs.

Solemnly affirmed at

This 31st day of October 2023.

Umang Jais
Constituted Attorney of
Respondent No. 1 & 2

Adv

Advocates for Respondent No. 1 & 2



VERIFICATION

I, Umang Jaju, age 42 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:

Place:

Umang Jaju

Deponent

Respondent No. 1 & 2

Dani

Advocates for Respondent No. 1 & 2



BEFORE ME

Dhanage

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

31 OCT 2023

NOTED & REGISTERED

Page No. 80 : Sr. No. 611

Dated 31 OCT 2023



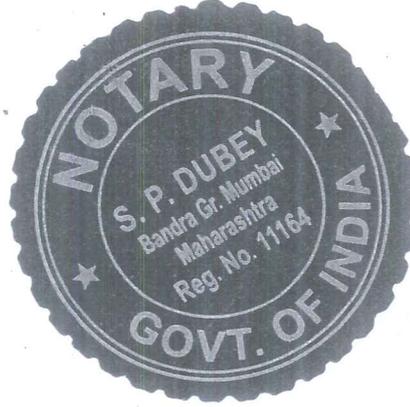
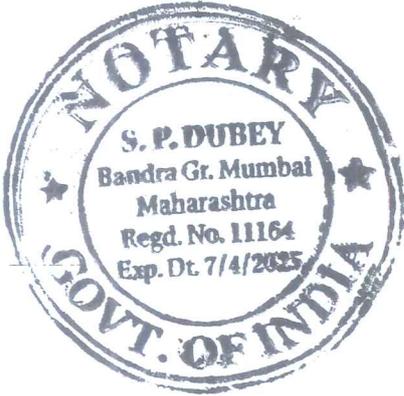
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प्रधान मुद्रांक कार्यालय, मुंबई
प.मू.वि.क्र. ८००००९४
- 6 APR 2023
सक्षम अधिकारी

श्री. जे. पी. वाईकर

POWER OF ATTORNEY

DATED THIS 7 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



POA/103/2023

J.A.

जोड़पत्र - 2 Annexure - II

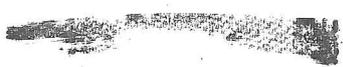
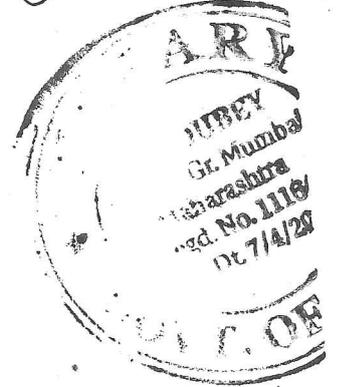
26 APR 2023

26 APR 2023

दस्तावा प्रकार	POA
दस्त नोंदणी करणार आहेत का	YES/NO
मिळवणीचे वर्णन -	
मुद्रांक विक्रय विभागाचे जाव	JSW Steel Limited
दुसऱ्या पक्षाकड्याचे नाव	JSW Centre,
हस्त अदाव्याज कर्तोचे जाव व पत्ता	Bandra Kurla Complex, Bandra (East), Mumbai - 400051.
मुद्रांक शुल्क रक्कम -	
मुद्रांक विक्रीचे वेळी जी क्रमांक/दिनांक	
मुद्रांक विक्रय विभागाची सही	
मुद्रांक विक्रेत्याची सही	
परवाना क्रमांक: (000098)	
मुद्रांक विक्रीचे लिखाण/पत्र	सागर सागलाने
दि महाराष्ट्र मंत्रालय ऑफ डेव्हलपमेंट ऑफ इन्फ्रास्ट्रक्चर, ऑ.प. इ.क.प.	
मंत्रालय - ४०० ०३२.	
ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्या कारणासाठी मुद्रांक खरेदी केल्यापासून ६ महिन्यात वाचरणे बंधनकारक आहे.	

Umaraj Raju

[Signature]



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, suits, petitions, complaints, pleadings, appeals, applications, petitions, minutes, chamber, summons, written statements, rejoinders, vakalatnamas, pursis, affidavits, counter affidavit, 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;

3. 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;
4. 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;
5. 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.

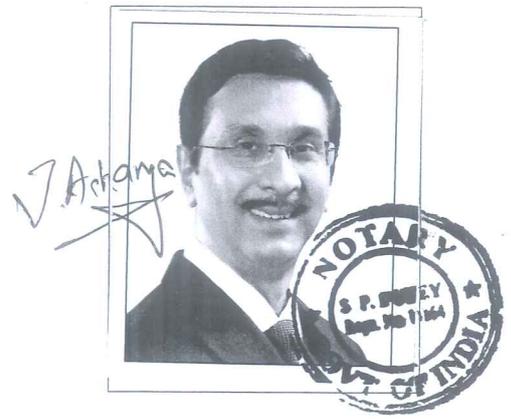
AND I agree to confirm and ratify all and whatsoever the Attorney shall lawfully do or cause to be done in pursuance of these presents.

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 7 day of JUL 2023.



J. Acharya
 SIGNED AND DELIVERED BY
 the within named Shri Jayant Acharya,
 Joint Managing Director & CEO of JSW Steel Limited
 In the presence of



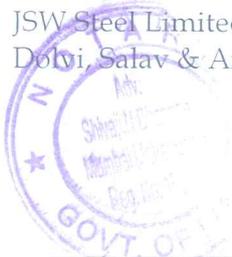
S. P. DUBEY (Notary Govt Of India)
 Notarial Register
 SI NO 3090
 ACCEPTED BY 17 JUL 2023

BEFORE ME
S. P. Dubey
S. P DUBEY
 B.A.,L.L.B.
NOTARY GR. MUMBAI
MAHARASHTRA
'GOVT OF INDIA'

Umang Jaju
 UMANG JAJU
 Assistant General Manager - Legal
 JSW Steel Limited
 Dohi, Salav & Anjar W

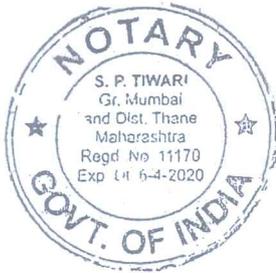


NOTARY
 NOTARIAL NOTARIAL
S. P DUBEY
 Bandra Gr. Mumbai
 Maharashtra
 Regd. No. 11164
 Exp. Dt. 7/4/2025
GOVT. OF INDIA



8/18/272/23/01/15

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. ^{ST 2519} 1643 OF 2019

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



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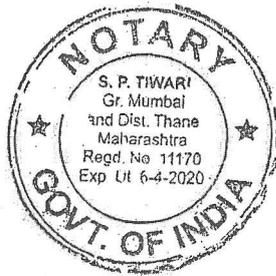
In the matter of Order dated 2nd November 2018 in Notice of Motion No. 278 of 2018 in *PIL No. 87 of 2006*;

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 non-processing of the Petitioner's Application for grant of CRZ Clearance and imposition of the condition of obtaining leave of this Hon'ble Court prior to execution of the project.



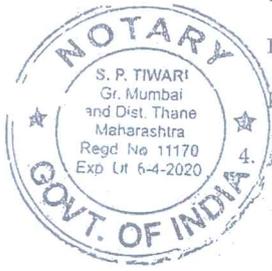
JSW Steel Limited)
A Public Limited Company incorporated)
Under the provisions of the Companies Act, 1956)
Having its registered office at)
JSW Centre, Bandra Kurla Complex)
Bandra (East), Mumbai 400 051)
And	
Its Site office at:)
Dolvi Works, Geetapuram,)
Dolvi, Taluka Pen, Dist. Raigad 402 107)
Maharashtra).... Petitioner

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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

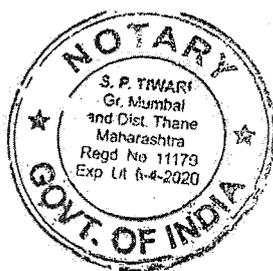
THE HUMBLE PETITION OF THE
 PETITIONER ABOVENAMED



MOST RESPECTFULLY SHEWETH

PARTIES:

1. The Petitioner 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 is a leading integrated steel manufacturer, producing a variety of high strength and high-end steel products for various sectors. The Petitioner is currently carrying out the proposed project of construction of a road bridge on land in villages Kharkaravi and Kharmachela (hereinafter referred to as "the said Project").
2. 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 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).
3. 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.



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PURPOSE OF THIS PETITION:

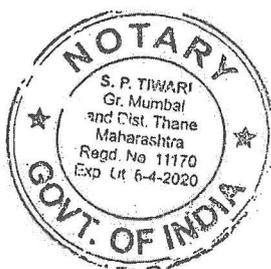
4. The Petitioner, by way of the present Petition under Article 226 of the Constitution of India, is seeking directions to the Respondent Authorities to process the application for grant of CRZ clearance in accordance with law and to permit the Petitioner to carry out the work of its project more particularly described hereinbelow, in accordance with the permissions granted to it and with the leave of this Hon'ble Court.
5. Such directions to the Authorities with the leave of this Hon'ble Court is being sought for by the Petitioner in the teeth of the Judgment and Order dated 17th September 2018 passed by this Hon'ble Court in *PIL No. 87 of 2006* read with the Order dated 2nd November 2018 in *Notice of Motion No. 278 of 2018* in *PIL No. 87 of 2006*. 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. Further, by way of the Order dated 2nd November 2018, this Hon'ble Court granted liberty to the Applicant therein, who had filed the *Notice of Motion No. 278 of 2018* seeking leave as being sought for by the present Petitioner, to prefer a fresh petition independently presenting a case to be considered by this Hon'ble Court on its own merits and in light of the findings recorded at paragraph 83(viii) of the Judgment and Order dated 17th September 2018 vis-à-vis projects of public importance.
6. Further, the present Petition is being filed in the teeth of the condition imposed by the Respondent No. 2 while considering the application of the



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Petitioner for grant of CRZ clearance in respect of the said project in its 128th meeting. The Respondent No. 2 has deferred processing the application of the Petitioner qua the said project till such time leave as sought for in the present Petition is granted by this Hon'ble Court in the CRZ clearance granted to the project of the Petitioner being Condition No.2, wherein the Respondent No. 2 has directed the Petitioner to obtain prior leave of this Hon'ble Court.

7. 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. The bridge crosses a creeklet and the portion of such proposed bridge falls within the 50 meters buffer zone, which is permissible under the CRZ notification 2011, however, with the leave of this Hon'ble Court.
8. 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 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, separated by a small creeklet of varying width of 7 to 9 mtrs. The said project is necessary to establish connectivity between the existing set up of the Petitioner and the proposed expansion and is therefore, crucial to the successful implementation of the expanded project. The proposed expansion is coming within the existing plant and some of the ancillary units are coming in other part of the creeklet which falls in the



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villages Kharmachela and Kharghat for which connectivity through bridge for proposed expansion at both side is essential and as such without ancillary unit being operational, the main unit, with significant input cost will not be put to use. The proposed expansion on the existing land parcel is almost complete to the tune of over 50%. The existing project has been in operation for over two decades and the proposed land for expansion does not have any approach from the main road and thus, the said project will help in handling and transportation of personnel, raw materials and finished products, in a manner that is least detrimental to the ecology and environment. The expanded project 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.



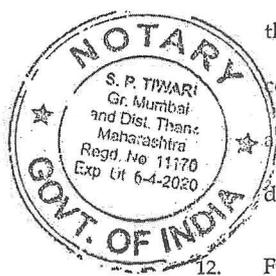
9. The said project is thus premised on the principle of public utility, sustainable development and ecofriendly transportation systems, which will have no appreciable adverse environmental impact and will only serve to benefit the local residents in a trickle-down manner. In fact, the Petitioner had initially proposed three bridges. A CRZ Application had been duly made in furtherance of such proposed project of three bridges, which initially envisaged minimal destruction / clearing of mangroves. In the meantime, the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006* came to be passed during the pendency of such application and in view thereof the Petitioner, in order to adhere to the principle of



sustainability, revised its proposal for the construction of a singular bridge.

10. The said project has been proposed by the Petitioner instead of roads to avoid changing the topographic and geographic nature of the site. The bridge is proposed in a strategic manner so as to reduce the adverse impact of heavy transportation vehicles including reduction of carbon fuel emissions from such vehicles. The construction of the bridge will also safeguard the environment as the same is proposed over the creeklet and the sparse vegetation abutting the same and not cutting across it, thereby ensuring that the said project does not alter the course of the creeklet or affect the vegetation, which, the construction of a road to connect the existing set up and proposed expansion, would cause.

11. It is pertinent to note that, the proposed expansion 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, 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.



12. Further, the Petitioner is 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 Petitioner to execute the said project, in light of the finding given by this Hon'ble Court at paragraph 83(viii) of the Judgment and Order dated 17th

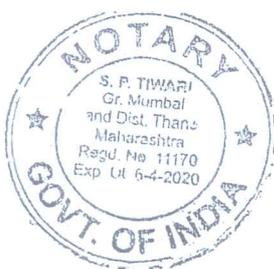


September 2018 in *PIL No. 87 of 2006* and the leave granted by this Hon'ble Court in the Order dated 2nd November 2018 in *Notice of Motion no. 278 of 2018*. In view of the limited relief sought by the Petitioner in the form of the direction to the Respondent statutory authorities, the Original Petitioner in *PIL No. 87 of 2006*, which is a private Non- Governmental Organization (NGO) is not impleaded as party to the present proceedings.

13. 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 process the application of the Petitioner for grant of CRZ clearance and for such authorities to allow the implementation and execution of the said project.

FACTS:

14. The brief facts giving rise to the present Petition are being set out hereunder:
- I. The Petitioner is a body corporate, incorporated under the provisions of the Companies Act, 1956. The Petitioner is presently carrying out the existing project 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. Some part of the proposed expansion is planned on adjacent land owned by the Petitioner and the said project is proposed to establish connectivity link between the proposed expansion and the existing plant. After receiving the EC the Petitioner had duly commenced the construction of project facilities falling on the land of the existing plant, however the ancillary units on the adjacent portion of land are not commenced for want of permission for constructing a suitable crossing of



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a small creeklet dividing the existing land. Vide EC dated 25th August 2015, the Respondent No.1 has accorded environment clearance to the proposed expansion. A copy of the EC dated 25th August 2015 in respect of the proposed expansion is annexed hereto and marked as Exhibit-A.

II. The said project is proposed on land falling under Gut No.93 of village Kharkaravi and Gut No. 94 of village Khamachela with the proposed bridge envisaged to cross over and above the creeklet and the same being partly affected by the 50 meters buffer zone of mangroves.

III. Description of the project and permissibility under the CRZ

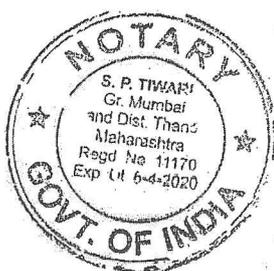
Notification 2011:-

- a) The Petitioner is the project proponent in respect of the said proposed project, to develop transport connectivity between the existing plant of the Petitioner and the adjacent expansion land.
- b) The said Project being a construction of a bridge is permissible under the provisions of the CRZ Notification dated 6th January 2011. As per Clause 3 of the Notification, the activities which are prohibited in CRZ areas are set out, with sub clause (iv)(a) setting out the exception to such prohibitions, which exception includes land reclamation, bunding or disturbing the natural course of sea water required for setting up, construction, modernization or expansion of foreshore facilities such as bridges. Clause 3(iv)(a) is reproduced hereinbelow for ease of reference:

"3. *Prohibited activities within CRZ, - The following are declared as prohibited activities within the CRZ,-*

....

(iv) *Land reclamation, bunding or disturbing the natural course of seawater except those, -*



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- (a) *Required for setting up, construction or modernization or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;" (emphasis supplied)*
- c) As per Clause 8(i)(ii)(b), the construction of bridges is permissible in CRZ I areas, after obtaining prior clearance /approval from the concerned CZMA. The relevant excerpt of Clause 8 is reproduced hereinbelow for ease of reference:-

"8. Norms for regulation of activities under this Notification:-

- (i) *The development or construction in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-*

I. CRZ-I,-

...

- (b) *construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA." (emphasis supplied)*



- d) Thus, the Petitioner submits that it is indubitably clear that the said Project is a permissible activity under the prevailing CRZ Notification 2011. A copy of the CRZ Notification 2011 is annexed hereto and marked as Exhibit "B".

IV. Technology/Methodology employed: -

- a) Site identification will be done based on engineering aspects, access requirements as well as environmental considerations. No mangroves will be destroyed as part of the proposed construction.



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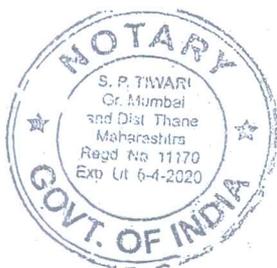
- b) The inert waste, if any, generated during the construction stage shall be used for filling or levelling purposes within the premises of the Petitioner or the project site. Additional solid waste, if any, will be handled as per the internal standard management practices and in accordance with law.
- c) During the construction phase, standard work practice by skilled work force and water sprinkling shall be ensured to prevent any adverse effect on the surrounding ecology.
- d) Minimal excavation would be carried out for the purpose of piling work at predefined locations so as not to affect the tidal action of the creeklet or its surrounding sparse vegetation. Pile foundation will be carried out on either side of the existing creeklet and concrete structures will be erected above such foundation.
- e) Fabrication of bridge slabs and other structures will be carried out at specifically demarcated locations within the premises of the Petitioner. Bridge slabs prestressing will be carried out on the site with road laying being done on the bridge structure as per norms.
- The construction materials being concrete, steel, and rubber shall be sourced from local vendors to ensure indigenous economic growth.
- g) There is no waste water and solid waste generation contemplated during the operation phase of the said project which will take approximately 12 months for completion of construction and commissioning from the date of commencement.



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V. Need/Importance of the said Project:-

- a) The proposed bridge crosses a creeklet and the portion of such proposed bridge falls within the 50 meters. buffer zone, which though otherwise permissible under the CRZ notification 2011, is as on date, by virtue of the directions contained in the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*, subject to the finding of this Hon'ble Court recorded at paragraph 83(viii).
- b) It is pertinent to mention that, the said project is one of great importance as the same is a key component of the proposed expansion of existing 5 MTPA integrated steel plant 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, separated by a small creeklet of varying width of 7 to 9 mtrs. The said project is necessary to establish connectivity between the existing plant of the Petitioner and the proposed expansion as it is ancillary unit on which main unit is relying for supply of raw / semi-finished products and is therefore, crucial to the successful implementation of the expanded project. The existing plant has been in operation for over two decades and the proposed land for expansion does not have any approach from the main road and thus, the said project will help in handling and transportation of personnel, raw materials and finished products, in a manner that is least detrimental to the ecology and environment. The expanded project as a whole is of great socio



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economic importance as this will create employment opportunities for the local residents, thereby improving the overall socio economic conditions in nearby villages. 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 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 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. In fact, the Petitioner has proposed the said project instead of roads to avoid changing the topographic and geographic nature of the site. The bridge is proposed in a strategic manner so as to reduce the adverse impact of heavy transportation vehicles including reduction of carbon fuel emissions from such vehicles. The constructions of the bridge will also safeguard the environment as the same are proposed over the creeklet and the sparse vegetation abutting the same and not cutting across it, thereby ensuring that the said project does not alter the course of the creeklet or affected the vegetation, which, the construction of a road to connect the existing set up and proposed expansion, would cause.



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VI. Permissions / clearances obtained:-

Pursuant to the letter dated 15th April 2015, bearing Outward No. Land Reference/Kat-1/2770/514/2015 sent to the Sub Divisional Engineer (PWD), Pen, the Sub Divisional Engineer (PWD) was pleased to grant NOC for the construction of the three bridges by way of letter dated 20th August 2015 sent to the Tahsildar, Pen and the copy of the same was forwarded to the Petitioner for the purpose of information. Annexed hereto and marked as Exhibit 'C' is a copy of the NOC granted by the Sub Divisional Engineer dated 20th August 2015.

- a) Pursuant to the order passed by the Collector, the Revenue Department has assessed the tax amount to be paid by the Petitioner for carrying out the said work of construction of 3 bridges. Accordingly, an order was passed for paying the amount for carrying out the construction, on 30th June, 2016. Annexed hereto and marked as Exhibit "D" is a copy of the said order dated 30th June, 2016.



Pursuant to the letter dated 11th November, 2016, bearing reference no. Mah Sha/Jamin/A-6/JSW/NALA CROSSING/2016 sent by Collector Raigad, the Collector was pleased to issue an order permitting construction of bridges subject to NOC from MCZMA. Annexed hereto and marked as Exhibit "E" is a copy of the said order of the Collector dated 11th November, 2016.

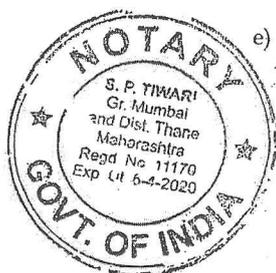
- c) The Maharashtra Maritime Board was pleased to grant NOC by way of letter dated 27th August 2015 for the construction of three bridges. It is pertinent to note that while granting the said NOC, the



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Maharashtra Maritime Board was pleased to observe that there is no obstacle in the flow of the creeklet owing to the construction of the three bridges. Annexed hereto and marked as Exhibit 'F' is a copy of the NOC dated 27th August 2015 granted by the Maharashtra Maritime Board.

d) Thereafter, by way of an Application dated 7th March 2018, the Petitioner applied to the Respondent No.2 for grant of CRZ clearance initially for construction of three bridges along with requisite Form 1 and Environment Impact Assessment Report ("EIA Report"). Annexed hereto and marked as Exhibit 'G' is a copy of the Application dated 7th March 2018 along with Form 1. The Petitioner craves leave to refer to and rely upon the EIA Report dated May 2018, as and when produced.



e) In the interregnum, in view of the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*, with a view to avoid a construction in mangroves area, the Petitioner submitted a revised application on 30th October 2018 with the Respondent No.2 for grant of CRZ clearance to the revised proposal being the said project comprising a single bridge. A revised EIA Report was duly submitted along with the Application dated 30th October 2018. Annexed hereto and marked as Exhibit 'H' is a copy of the Application dated 30th October 2018. The Petitioner craves leave to refer to and rely upon the revised EIA Report for construction of a single bridge, as and when produced.

f) The proposal of the Petitioner thereafter came to be considered by the Respondent No.2 in its 128th meeting dated 20th December,

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2018, when *inter alia* the Respondent No.2 was pleased to observe that the Petitioner should approach this Hon'ble Court for leave as the project area was affected by 50 mtrs buffer zone of mangroves. Annexed hereto and marked as Exhibit "I" is a copy of the Minutes of the 128th Meeting of the Respondent No.2 (MCZMA).

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

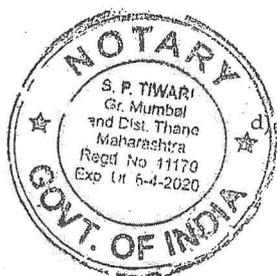
- a) As per the condition imposed by the Respondent No.2 in the 128th Meeting, the Petitioner is required to approach this Hon'ble Court seeking approval for the said project, pending which, a final decision on the proposal of the Petitioner is being kept in abeyance.
- b) By an Order dated 6th October 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 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 "I-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



at

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.



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*.

15. 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, for the Respondent No.2 to process the application for grant of CRZ clearance to the said project and approval to the Petitioner to execute the said Project, on the following amongst other grounds which are taken without prejudice to one another.



GROUND:

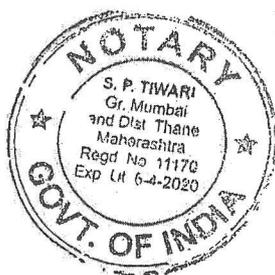
- A. That this Hon'ble Court, by way of the Judgment and Order dated 17th September 2018 has given a finding that in view of the applicability of public trust doctrine, the Respondent No.3 is duty bound to protect and



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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. In the present case, the project is being executed by the Petitioner to establish a necessary transportation link between its existing set up which has been running in furtherance of all statutory permissions since the year 1994 and the proposed expansion, which is lawful and has been granted all requisite clearances including EC. The said project is for the benefit of the citizen inasmuch that it would reduce the adverse impact that would be caused if roads were to be constructed instead of the proposed bridge and further benefit in terms of positive socio-economic impact. Thus, 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;

- B. 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 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.



A handwritten signature in black ink, appearing to be "S. P. Tiwari".



C. 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. The bridge crosses a creeklet and the portion of such proposed bridge falls within the 50 mtrs. buffer zone, which though otherwise permissible under the CRZ notification 2011, is as on date, by virtue of the directions contained in the judgment and order dated 17th September 2018 in *PIL No. 87 of 2006*, subject to the finding of this Hon'ble Court recorded at paragraph 83(viii).

D. 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 proposed expansion is coming up on the plot admeasuring 600 acres, adjacent to the existing set up of the Petitioner, separated by a small creeklet of varying width of 7 to 9 mtrs. The said project is necessary to establish connectivity between the existing set up of the Petitioner and the proposed expansion and is therefore, crucial to the successful implementation of the expanded project.



E. The existing project has been in operation for over two decades and the proposed land for expansion does not have any approach from the main road and thus, the said project will help in handling and transportation of personnel, raw materials and finished products, in a manner that is least detrimental to the ecology and environment.

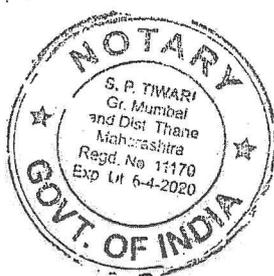
F. The expanded project as a whole is of great socio economic importance as the raw material will be sourced from local vendors and will create employment opportunities for the local residents, thereby improving



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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 measures have been put in place and approved by the requisite environmental authorities qua the proposed expansion and thus, no grave, 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.

- G. That the proposed expansion 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.
- H. That the said Project being a bridge project is permissible under the provisions of the CRZ Notification dated 6th January 2011. Upon a conjoint reading of Clauses 3 (iv) (a) and 8(i) I(ii)(b) 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



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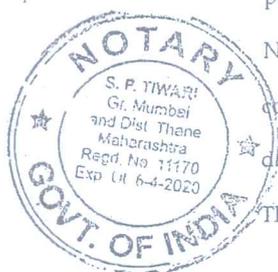
Respondent No.2's condition of obtaining leave / approval of this Hon'ble Court. In light of the finding recorded at paragraph 83 (viii) of the said Judgment, this Hon'ble Court ought to release the said project from such rigors, keeping in mind its undoubted public utility and the fact that it is otherwise permissible in law and does not contemplate any destruction of mangroves.

- I. Necessary permissions have been granted to the said project, in accordance with law. The Petitioner has altered its position, financially and otherwise, on the *bonafide* legitimate expectation that the Petitioner will be allowed to act in furtherance of such permissions. Significant monies have been defrayed by the Petitioner till date. Thus the case of the Petitioner is squarely hit by the doctrine of legitimate expectations.
- J. That the said project is otherwise legal, premised on the principles of sustainable development and is in the benefit of the public at large.

16. 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 128th Meeting held on 20th December, 2018 imposed the condition of obtaining leave of this Hon'ble Court prior to passing a final decision on the application of the Petitioner for grant of CRZ clearance.

Thus, the present Petition does not, suffer from any delay or laches.

17. 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.



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18. The Petitioners crave leave to add to alter or amend any of the aforesaid grounds.
19. That having regard to the nature of reliefs claimed the Petitioners do not have any other equally efficacious or adequate alternate remedy.
20. 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.
21. 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.
22. The Petitioners will rely upon the documents a list whereof is enclosed.
23. The Petitioners have paid the requisite Court fees of Rs. 250 /-.
24. 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 No.2 to process the application of the Petitioner dated 30th October 2018 (Exhibit H) in accordance with law;
- b) 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 Petitioner to



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execute the proposed project of bridge at Gat Nos. 93 in Village-Kharkaravi and Gut No. 94 in village Khamachela and grant leave as contemplated in the Minutes of the 128th Meeting of the Respondent No.2, in accordance with paragraph 83(viii) of the Judgment and Order dated 17th September 2018 in PIL No. 87 of 2006 (Exhibit L), in view of the public importance of the project;

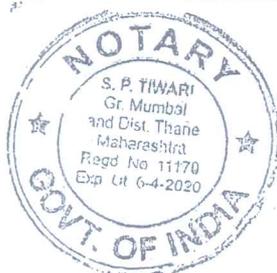
- c) costs;
- d) For such further and other reliefs as this Hon'ble Court may consider fit and proper under the facts and circumstances of the present case.

Mumbai, dated this 23rd day of January 2019

Smit Chakrabarti
For Vidhi Partners, Advocates

Advocates for the Petitioner

Ashok Kumar
Petitioner



VERIFICATION

I, P. Ashok Kumar, Aged: about 36 years, an Adult, Indian Inhabitant, the 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 24 are stated on information and belief, and I believe the same to be true.

Solemnly declared at Mumbai)
this 23rd day of January, 2019)

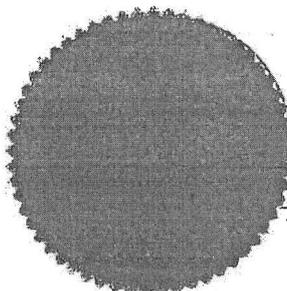
[Signature]
for the Petitioner. 

[Signature]
Advocates for the Petitioner

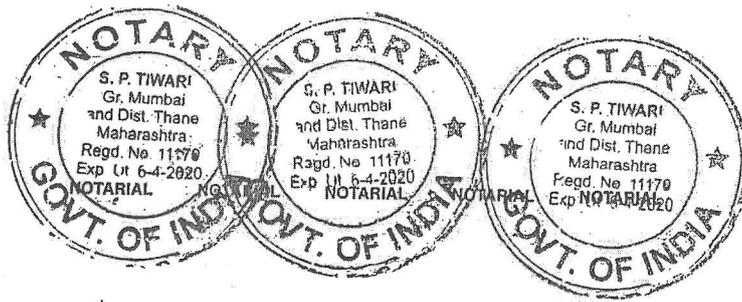
 Before Me

BEFORE ME
[Signature]
S. P. TIWARI
M.A., LL.B.
NOTARY
Maharashtra
(Govt of India)

REGISTER	272	23/1
No.		219



23 JAN 2019





2019:BHC-AS:30763-DB



(13) WP 1643-19.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1643 OF 2019

JSW Steel Ltd. .. Petitioner
Vs.
Union of India & Ors. .. Respondents

Mr. Milind Sathe, Senior Advocate a/w. Mr. Saket Mone, Mr. Subit Chakrabarti and Mr. Abhishek Salian i/b Vidhi Partners for the Petitioner.

Ms. Sharmila U. Deshmukh for Respondent No.2.

Mr. A. A. Kumbhakoni, Advocate General a/w. Mr. P. P. Kakade, Govt. Pleader, Ms. Nisha Mehra, AGP for Respondent Nos.3 & 4-State.

Mr. Rui Rodrigues a/w. Mr. N. R. Prajapati for Respondent No.1-UOI.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 15th OCTOBER, 2019.

P.C. :

1. The Petitioner is constrained to file the Petition in view of orders passed in Public Interest Litigation No. 87 of 2006 requiring permissions to be granted from the Court if for any kind of development work mangroves were to be felled. The Writ Petitioner intends to lay a road on private land. The road is a private road. A bridge needs to be constructed on a creek and falls within 50 meters buffer zone requiring permission from the MCZMA in terms of CRZ notification of the year 2011. The State level Environmental Impact Authority has appraised the project and on 16.09.2019 has accorded the approval putting a condition therein that no mangrove is to be felled.





(13) WP 1643-19.doc

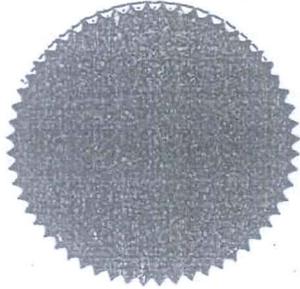
MCZMA granted the necessary recommendations on 13.07.2019.

2. In that view of the matter, we dispose of the Petition permitting the Petitioner to execute the works by erecting the bridge but while doing so the Petitioner would comply with the terms on which the permission has been accorded by the 2nd Respondent in its meeting dated 15.07.2019.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]





IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO 1107 OF 2020
DISTRICT: RAIGAD

In the matter of article 226 of the
Constitution of India

And

In the matter of section 482 of
the code of criminal procedure,
1973

And

In the matter of breach of
conditions imposed by MCZMA;

And



In the matter of cutting and destruction of Mangroves by the Respondent JSW Company;

And

In the matter of violation of guidelines as per Judgment dated 17.09.2018 in PIL 87 of 2006;

And

In the matter, of the offence punishable u/s 15 of the Environment protection act, 1986, Section 30 & 32 of Indian forest act, 1927, Forest (conservation) regulation Act 1980, CRZ regulations, Section 55 (1) & (2) of the Biodiversity act, 2002 and Section 34 of Indian Forest act, 1927;

And

In the matter of the non-registration of an FIR by the respondents.

- 1. Samita Rajendra Patil,]
- Age: 39 Years .]
- Occupation: Housewife,]



Residing at:]
Sulbha Sadan, Prabhu Aali Pen,]
Taluka Pen, Dist. Raigad]

2. Sunil Moreshwar Kothekar)
Age 47 years, Occ.Agriculturist)
Residing at village Kharmachela)
Tal. Pen, District Raigad.)... Petitioners

V/s

1. The State of Maharashtra]
Through The Director General]
& Inspector General of Police,]
Maharashtra State Having]
Office at: Maharashtra State]
Police Headquarters Opp-]
Regal Cinema, Shahid Bhagatsingh]
Marg, Mumbai]
2. The Commissioner of Police, Raigad]
Having Office at Alibaug, Raigad]
3. The Senior Inspector of Police]
Vadkhal Police Station,]
Pen, Alibaug]
4. Konkan Commissioner]
5, Madam Cama Rd, Mantralaya,]
Fort, Mumbai, Maharashtra 400032]
5. Maharashtra Coastal Zone]
Management Authority Through]
the Additional Chief Secretary,]
Environment Dept. 2nd Floor,]



- Room No. 217, Annex Building,]
 Mantralaya, Mumbai- 400 032]
6. State Of Maharashtra]
 Environment Dept. Through the]
 office of Govt. pleader]
 High Court, Bombay, PWD Building,]
 Fort, Mumbai- 400 001,]
7. Chief Conservator of Forest]
 (Mangrove cell) ,Through the office]
 of Govt. pleader]
 High Court, Bombay, PWD Building,]
 Fort, Mumbai- 400 001]
8. Tahasildar]
 Tahasil Office , Pen, Alibaug]
9. Sub Divisional Officer,]
 SDO Office Pen, Alibaug]
10. Forest Circle Officer,]
 Pen, Alibaug]
11. JSW Steel Ltd.]
 A Public Ltd. Com. incorporated,]
 under the provisions of Indian]
 Companies Act, 1956 having its]
 Registered office at, JSW center,]
 Bandra Kurla Complex, Bandra- (E),]
 Mumbai-400 051]
 and its site office at;]
 Dolvi works, Geeta Puram,]
 Dolvi, Taluka- Pen, Dist. Raigad.]... Respondents



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

HUMBLE APPLICATION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

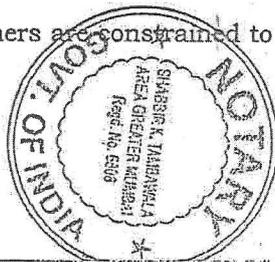
1. The present Petition is filed for seeking directions to Respondent Nos.1 to 15 to forthwith decide the representations made by the Petitioners against the mass destruction of mangroves made by Respondent No.11 and dumping of hazardous wastes into the nearby villages and also to file FIR regarding offences under Environment Protection Act 1986 and various other enactments for cutting of Mangroves at the site area of the Respondent No.11 Company and other consequential reliefs.

2. The Petitioners state that Respondent No 1 is the State of Maharashtra which is represented by the Director General Inspector General of Police Maharashtra State. The Respondent No 1 is responsible for the overall supervision over the State of Maharashtra and hence the Respondent No. 1 is a requisite party to the present proceedings. The Respondent No 2 is the Commissioner of Police Raigad. The Respondent No 2 is responsible for the overall supervision of the Police Force in Raigad and hence the same is a requisite party to the present proceedings. The Respondent No 3 is the Senior Inspector of Police Vadhkhal Police Station, Pen,



Alibaug. The Petitioner has made a representation to the Respondent No 3 prior to approaching this Hon'ble court and hence the Respondent No 3 is a requisite party to the present proceedings. The Respondent No. 3 to 10 are the local authorities who are responsible for the preservation of the Mangroves area and having total ignorance towards the illegality of the Respondent No. 11. The Respondent No. 11 is JSW Company having its site at address mentioned in the cause title.

3. The Petitioners state that the present Respondent No.11 company has destroyed the mangroves and dumped the industrial waste generated while constructing the bridge in pursuant to the permission granted by this Hon'ble Court by destroying the kharbandisti and closing the natural sea water creek on Survey No.94/1 land belonging to the government. The Petitioners have made the complaint to various authorities about the same and they have failed to take any action. The Petitioners further state that the present Respondent Nos.1 to 10 have failed to take any preventive and criminal action against the Respondent No.11 by registering First Information Report in connection with offences punishable under Environment Protection Act, 1986, Indian Forest Act, 1927, Forest (Conservation) Regulation Act 1980, CRZ regulations and Biodiversity Act, 2002 against the Owner and Managing Directors Office bearers etc of the Respondent No.11. Hence the Petitioners are constrained to approach this



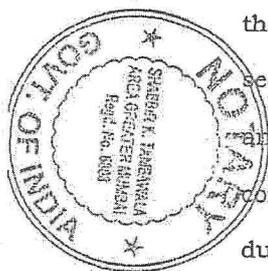
Hon'ble Court for seeking various reliefs including registration of FIR.

4. The brief facts leading to the filing of the present Petition are as under:

- a) The Petitioner No.1 is a respectable citizen of India and she is a social and environmental activist working in the Raigad District. The Petitioners further state that the Petitioners are also directly affected on account of the environmental damage caused by the Respondent No.11 company in their manufacturing activity to surrounding areas. The Petitioners further state that the Petitioner No.2 is an Agriculturist and permanent resident of village Kharmachela. The Petitioner No.2 is owner of Survey No.63/2 admeasuring 22.4 Guntha, this other brothers namely, Shri Lahu, Narayan, Pandurang own and possess their respective shares in Survey No.3/1 admeasuring 17Guntha each. Similarly, the cousins of Petitioner No.2, Shri Dyaneshwar, Mahendra Santosh are owners of S.No. 3/2 and 63/1. Dnyaneshwar and Mahendra each possess 26 and 25 guntha respectively in Survey No.3/2 whereas Santosh possess 22.4 guntha in Survey No.63/1. Similarly the other farmers from Survey No.27, 61/2, 84/85, 62/4/1 etc. possess their land in the surrounding area of the Survey No.94, where in the bridge is sought to be constructed by Respondent No.11. The Petitioners are enclosing herewith the chart of some of the agriculturist referred hereinabove



including the Petitioners and his family members to show their respective survey numbers and holding in village Kharmachela. The Petitioners further state that the lands adjoining to Survey No.94 are all agricultural lands belonging to various villages Kharmachela, Khar Dhombi etc. The Petitioners further state that there is a Arabian sea creek which comes upto village Kharmachela, which is passing through Survey No.94 and various other lands and at present, on side of that creek, the Respondent No.11 is established and on other side, the agricultural lands of villagers of Kharmachela are situated. The Respondent No.11 company is in process of purchasing the land from various villagers for expansion of their project and they are interested in purchasing the lands belonging to the Petitioners also for expansion of their project. The Respondent No.11 company has also constructed a Jetty on Arabian sea and because of the waves created, the kharbandisti is also destroyed in the past and as a sequeater, the sea water entered in the agricultural land and lands became unfertile. The Respondent No.11 company has also dumped the waste material generated during the manufacturing activities on the lands purchased by them, which gets mixed during the rainy season in the water and destroys the fertility of the adjoining land also. Therefore there is a serious dispute amongst the villagers and the company on account of the same. Hereto annexed and marked as Exhibit 'A' is

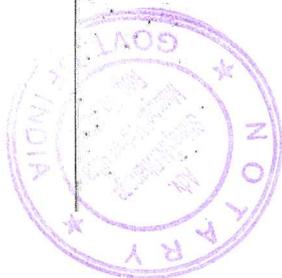
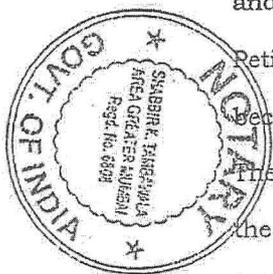


the Chart showing the names of some of the villagers and their survey numbers, which are situated in village Kharmachela.

- b) The Petitioners further state that the Respondent No.11 company is having its plant at the address mentioned above which comes under the coastal region fall within CRZ-1. The Petitioners state that the area comprises the said Plant of Respondent No.11 is fully covered by Mangroves and the mangroves are declared as a "protected forest" by the State Government.
- c) The Petitioners further state that there is a kharbandisti which is under the control of Government protecting the agricultural activities of the villagers' land from the sea water entering in their land. The company's premises is situated beyond the natural creek and the kharbandisti. The Petitioners further state that the Respondent No.11 company had proposed the expansion of their project and also purchased certain agricultural lands in Kharmachela village which is adjoining to the lands belonging to the villagers of Kharmachela. The Respondent No.11 Company is manufacturing the steel. In the said manufacturing activity, the air, water and land pollution is caused on a large scale. The Respondent No.11 Company is discharging their effluents, wastes in the creek, adjoining lands and it has already polluted the water, soil. Similarly the Respondent No.11 Company is also dumping the waste



material produced while manufacturing the steel in the adjoining lands belonging to the villagers. Some of the villagers have sold their land to the Company and the company is dumping the said waste material produced while manufacturing the steel in the adjoining lands belonging to the villagers. The Petitioners further state that the said waste material mixed in the water and spread over the adjoining land and destructed the soil fertility rendering the lands belonging to the Petitioners and villagers. The agricultural department has given the certificates to that effect in the past. Similarly the Respondent No.11 company has also destroyed the kharbandisti and as a sequeater, the sea water entered in the field of the villagers. The Respondent No.11 company wants to purchase the lands of the Petitioners and the villagers for their expansion project. The Petitioners and villagers are not inclined to sell the land because their entire livelihood depends upon those land. Therefore the Respondent No.11 company is dumping the industrial waste rendering the agricultural lands belonging to the Petitioners unfertile. Therefore the Petitioners have already approached the Hon'ble National Green Tribunal for seeking redressal of their grievance pertaining to pollution caused in the past to their lands and surrounding areas. The Petitioners further seek leave to rely and refer the said papers and proceedings before Ld. Green Tribunal. It is pertinent to note that the Ld. Green Tribunal has passed interim



order that the Respondent Company shall not cut/ destruct the mangroves in the plant area. Hereto annexed and marked as Exhibit 'B' is the copy of Order of Ld. NGT. The Petitioners state that the MCZMA has filed Affidavit before the Ld.NGT, which includes the report, which shows cutting of mangroves made by the Respondent Nb.11. Hereto annexed and marked as Exhibit 'C' is the copy of Affidavit alongwith Report filed by MCZMA, Respondent No.5.

- d) The Petitioners further state that every day huge waste material is created in manufacturing process and the Respondent No.11 is dumping the same on every day in and around village Kharmachela, Gadab, Dolvi, Vave Vadkhal, Baneghat, Kolve, Jui Bapuji in Taluka Pen, Village Shaba Tal. Alibag. It appears that no land fill site is allotted and therefore the entire surrounding area is affected by this dumping. The Petitioners further state that this large area is also covered by mangroves and some are also destroyed.

The Petitioners state that it is observed by the Petitioners that Respondent No.11 company has started construction of road, bridge on the land bearing Survey No.94, village Kharmachela, Taluka Pen belonging to the State Government. The same is described as 'Sarkari Khajan'. According to the Petitioners' knowledge, the same is not allotted to the Respondent No.11. It is full of mangroves. The sea water creek passes through Survey

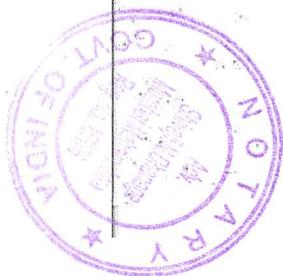


No.94. The Respondent No.11 is trying to construct road, bridge on the said creek in Survey No.94 village Kharmachela destroying the mangroves, kharbandisti and dumping the industrial waste on the same. Hereto annexed and marked as Exhibit 'D' is the copy of 7/12 extract of Survey No.94/1 of village Kharmachela, Tal.Pen, District Raigad and Map of the Villages which shows the area of land where the company proposed to expand its project.

- f) The Petitioners state that after getting information about construction and Illegal Mangroves cutting by the Respondent No. 11, the Petitioner immediately visited the site and requested the site officer to stop the construction. The Petitioners further state that she also asked the concern officer for the permissions. Hereto annexed and marked as Exhibit 'E' is the copy of Photographs of site which shows mass destruction of Mangroves by the Respondent No. 11.



- g) Now without disclosing these facts to this Hon'ble Court and without impleading the Petitioners in the present Petition, the Respondent No.11 succeeded in getting the permission to construct the road. The Petitioners further state that on the basis of this order, the Respondent No.11 company wants to construct road by destroying the kharbandisti and they will get an access to dump the industrial waste on the lands purchased by them which are adjacent to the lands belonging to the



Petitioners. In the monsoon season, the lands belonging to the Petitioners get completely flooded with water where the Petitioners are cultivating rice crop. On account of the industrial waste is being dumped upon the lands, it gets mixed with the water and destroys the fertility of the adjoining lands. Hereto annexed and marked as Exhibit. 'F' is the copy of Certificate issued by the Agricultural Department of Raigad, Alibag and Exhibit-'G' is the copy of the Affidavit of Respondent No.5 alongwith Report of Maharashtra Pollution Control Board.

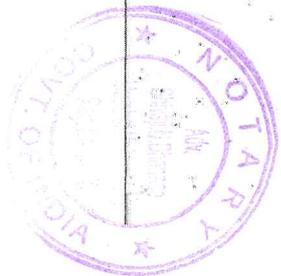
- h) The Petitioners further state that the natural mangroves surrounding the kharbandisti from the main sea and the kharbandisti protecting the sea water being entered in their land. Therefore the Petitioners are directly affected of granting the permission to construct the bridge, which has destroyed the mangroves, the kharbandisti and same will be used for dumping the industrial hazardous waste on the lands purchased by the company for expansion of their project which is situated in the surrounding areas of the lands belonging to the Petitioners and other villagers of village Kharmachela.

- i) It appears from the order passed by this Hon'ble Court that Respondent No.11 company has given an impression to this Hon'ble Court that they are constructing the road on a private land. In fact, the said



land is not a private land. It is being constructed on Survey No.94/1 which is mentioned as 'Sarkari Khajan'. It is a huge land admeasuring 11 Hectors (approx) of the State Government and the portion on which the bridge is constructed is not allotted to the company. Similarly there are mangroves on the said Survey numbers. Apart from this fact, this Hon'ble Court has granted the permission on the basis that mangroves shall not be destroyed. However, the Respondent No.11 have destroyed the mangroves on a large scale.

- j) The Petitioners further state that after the enquiry it is revealed to the Petitioner that the Respondent Company has illegally obtained all the permissions by providing false information to the MCZMA i.e. Respondent No. 4 on the surrounding land which is government land and not owned by the Respondent Company. The Petitioners further state that it was meanwhile came to the knowledge of the Petitioner that the Petitioner has sought said alleged permissions from Hon'ble High Court by way of filing Writ Petition No. 1643 of 2019 and in the said Writ Petition, the Petitioner therein (Respondent No. 11 herein) has undertook that said expansion/construction of bridge will not destruct/cutting of Mangroves or violation of any environmental norms. It is germane to note that the said permissions were granted only on the condition of non-destructions of the Mangroves. The Respondent No. 10 has provided



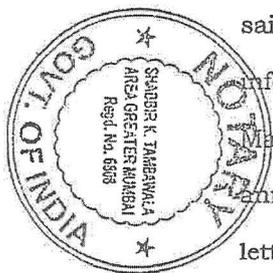
total false information and obtained the said permissions. It is pertinent to note that the Respondent No. 11 has suppressed all the pending proceeding, interim orders before the Ld. Green Tribunal from Hon'ble High Court and illegally obtained permissions for expansion of the project. The Petitioners further state that while granting the permission of expansion the Hon'ble High Court in it's order dated 15.10.2019 specifically mentioned that there will not breach of terms fixed by the MCZMA and no mangroves will be felled. Hereto annexed and marked as Exhibit 'H' is the copy of memo of the Petition and Exhibit 'I' is the copy of Order dated 15.10.2019. The Petitioners further state that the Hon'ble High Court has granted the permission specifically on the ground that the terms and conditions imposed by the Respondent No.5 in its meeting dated 15.07.2019 should not be violated. Hereto annexed and marked as Exhibit 'J' is the copy of Report of the Respondent No.5. The Petitioners further seek leave to rely and refer the said papers and proceedings of the Writ Petition No. 1643 of 2019.



- k) The Petitioner on 26/01/2019 approached to the concerned Authorities by way of written complaints to the Respondents No. 3 & 7 to 9 to take steps against the illegal constructions made by the Respondent Company. Hereto annexed and marked as Exhibit 'K' is the copy of Complaint dated 26/01/2019.



- l) The Petitioners further state that due to repeated follow ups of Petitioner on 06/01/2020 it is informed to the petitioner that spot inspection was taken place by the Forest Authorities and Panchanama of the same was forwarded to the Petitioner. Petitioners further state that it is recorded in the Panchnama that the Respondent No. 11 has made illegal construction and illegally cut down the Mangroves. Hereto annexed and marked as Exhibit 'L' is the copy of the letter alongwith inspection/ Panchnama.
- m) The Petitioners state that after the Panchnama neither action whatsoever has been taken place against Respondent No. 11 to stop the illegal construction till date neither any FIR registered against the Respondent No.11. The Petitioner therefore again approached the said Respondents by way of Letter dated 21/01/2020 informing said illegal construction and cutting of the Mangroves forest by the Respondent Company. Hereto annexed and marked as Exhibit- 'M' is the copy of letter dated 21/01/2020. The petitioners further state that on 22/01/2020 received notice of site inspections. Hereto annexed and marked as Exhibit- 'N' is the copy of Notice dated 22/01/2020.
- n) The Petitioners state that by way of a letter dated 27/01/2020, the Petitioner was provided spot panchanama dated 23.01.2020 carried out by Forest Circle Officer vadkhal i.e the Respondent No.9. The



Petitioners further state that surprisingly the Respondent No. 9 has recorded findings which are totally contrary to their earlier Spot Panchanama (Exh-F hereto). The Petitioners state that though earlier report states about the illegal activities carried by the Respondent, the said Panchnama has shown opposite findings. Hereto annexed and marked as Exhibit-'O' is the copy of the inspection report conducted on 23/01/2020.

- o) The Petitioner repeatedly followed up orally with the police authorities as to why they were reluctant to register a First Information Report, however even after repeated follow up by the Petitioner, the Police did not register an offence.
- p) The Petitioners state that there was a total inaction on the part of the Respondent authorities to register an offence and the Petitioner was utterly dissatisfied by the slack investigation and the inaction of the Police in connection with the investigations of the said offence. The Petitioners further state that thereafter it is found by the Petitioner again the Petitioner has made illegal cutting of Mangroves in the area of Kasumata Temple, Dolvi village and hence the Petitioner on 03.02.2020. dispatched a written complaint to the Respondent No. 3 and 6 to 10 i.e. the local authorities with a request that an offence punishable u/s 15 of Environment Protection Act, 1986, Indian Forest Act, 1927, Forest



(Conservation) Regulation Act 1980, CRZ regulations and Biodiversity Act, 2002 against the Sajjan Jindal, Owner of the JSW steels Corporation should be registered and that there should be a fair investigation in the matter. However there has been a total inaction on the Part of the Respondent authorities to the offence thoroughly. A copy, of the letter dated 03.02.2020 addressed to the Hon'ble Chief Minister State of Maharashtra is hereby annexed and marked as Exhibit-P.

- q) The Petitioners further state that after these complaints there was no action against the Respondent No.11 and therefore the Petitioner on 5.02.2020, again made Complaint to Hon'ble Chief Minister, State of Maharashtra and Kokan Commissioner. Hereto annexed and marked as Exhibit-O is the copy of letter dated 02.2020. The Petitioners state that prior to this incident, several times the offences, complaint were registered against the Respondent No. 10 but infact in reality no action was taken against them. It is also observed by the Petitioner that the local respondent authorities have deliberately not taking any efforts to lead evidence in the trial proceeded against the officer and contractor of the Respondents. The Petitioner furthers state that he has written various letter to the respondent authorities to that effect. Hereto annexed and marked as Exhibit-R-Colly is the copy of FIRs filed



against the Respondent No.11 Exhibit-S is the copy of Complaint letter.

5. Being aggrieved by inactions of the Respondents, the Petitioner is approaching this Hon'ble High Court by way of the present Writ Petition filed under Article 226 of the Constitution of India on the following amongst other grounds which are set out hereinbelow without prejudice to each other:

GROUNDS

- a) The impugned inactions are contrary to law, against justice, equity and good conscience.
- b) The impugned inactions are contrary to well settled principles of equity, justice and fair play.
- c) Relevant provisions and principles of law have not been considered in their proper perspective.
- d) The Respondents - Authorities failed to take into consideration relevant factual aspects and committed illegality in taking into consideration such aspects which are not relevant as far as the present controversy is concerned.
- e) The impugned action /order is totally illegal, arbitrary, discriminatory, contrary to the provisions of law, malafide and therefore required to be quashed and set aside.



f) It is submitted that after several Complaints the company have not stopped its illegal activities. It is pertinent to note that the permissions sought by the Respondent Company from Respondent No. 4 as well as this Hon'ble Court on the basis that no Mangroves will be cut down or will be harmed by the said constructions. It is submitted that by the facts mentioned above shows that the Respondent No. 11 has clearly violated the Order passed by the Hon'ble High Court. The Petitioner further state that after several Complaints no actions was taken by the Respondent Authorities and therefore Petitioner is constrained to approach this Hon'ble court.

g) It is respectfully submitted that the offence punishable u/s 15 of the Environment protection act, 1986, Section 30 & 32 of Indian forest act, 1927, Forest (conservation) regulation Act 1980, CRZ regulations, Section 55 (1) & (2) of the Biodiversity act, 2002 and Section 34 of Indian Forest act, 1927 are serious offences which was required to be registered and fairly investigated by the investigating agency however the Petitioners state that despite repeatedly following up with the concerned Authorities, they have not registered the offence and they are not carrying out the investigations in a fair and proper manner. In these circumstances the Petitioners state that there is strong possibility that there would be a gross miscarriage of



justice and hence the Petitioners are approaching this Hon'ble court.

h) It is respectfully submitted that Petitioners have already filed an Application before the Ld. Green Tribunal, pune against Respondent No. 11 for violation of various environmental norms. The Petitioners further seek leave to rely and refer the said papers and proceedings before Ld. Green Tribunal. It is pertinent to note that the Ld. Green Tribunal has passed interim order that the Respondent Company shall not cut/ destruct the mangroves in the plant area. The petitioners further submit that facts and circumstances clearly demonstrates that the Respondent No.11 has expressly flouted the order of this Hon'ble Court and also the order of the Ld. NGT.

i) It is respectfully submitted that the Petitioners have time and again approached the Respondent Nos.3 as well as 7 to 9 in connection with the Registration of the offence punishable u/s 15 of the Environment protection act, 1986, Section 30 & 32 of Indian forest act, 1927, Forest (conservation) regulation Act 1980, CRZ regulations, Section 55 (1) & (2) of the Biodiversity act, 2002 and Section 34 of Indian Forest act, 1927. However despite repeated follow-up, the concerned Respondents have failed to register an offence and hence the Petitioners state that the Hon'ble court may



be pleased to issue a Writ directing the Respondent to register FIR under sections mentioned hereinabove.

- j) It is respectfully submitted that by Judgment dated 17.09.2018 in PIL no. 3246/ 2004, the Hon'ble Bombay High Court passed certain guidelines related to preservation of Mangroves. In the said guidelines, the Hon'ble High Court has specifically mentioned that destruction or cutting of mangroves is not at all permissible unless it is required for larger public interest. Hereto annexed and marked as Exhibit 'T' is the copy of Judgment and Order passed by the Hon'ble High Court dated 17.09.2018 in PIL No.3246 of 2004. It is further submitted that the Respondent No. 11 has sought permission on the ground that there will be no destruction of Mangroves while constructing of the said bridge and also mentioned that the said permission is necessary in the larger public interest. The Respondent No. 11 is a private company and the proposed expansion carried out by them is definitely not in a public interest but in the interest of owners as well as the director of the said company who are infact the beneficiary from the said expansion. It is observed by the petitioner that in every case or complaint lodged earlier, the contractors or the employees of the Respondent no. 11 were made as a Accused who are absolutely not beneficiary from the said project expansion and the same shall not prevent the



Respondent No. 11 to make further destruction. Therefore in the interest of justice and to prevent illegal acts which are committed by the Respondent no. 11 it is just necessary to lodge FIR against responsible office bearers of Respondent No.11.

- k) It is respectfully submitted that the permission obtained by the Respondent No. 11 is by suppressing facts from the Hon'ble High Court and mislead the Hon'ble Court that the said land where expansion will be carried out is private land. It is pertinent to note that the said land is not owned by the Respondent No.11 and the same is a government land. The local respondent authorities overlooked the said fact as well as the MCZMA i.e Respondent No. 2 has deliberately ignored the false information submitted to the Hon'ble Court. Therefore the Petitioner prays that in view of this, the Hon'ble Court must revoke the permission of project expansion by setting aside the Order dated 15.10.2019 of this Hon'ble Court and directions may be given to register FIR against the Respondent No.11.

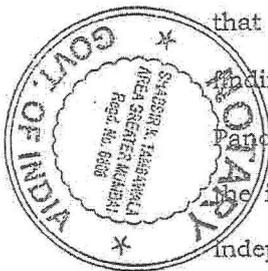
It is respectfully submitted that initially on 26.12.2019, the Petitioner has filed complaint to the local authorities and after several follow-up, on 06/01/2020 the spot inspection was taken place by the Forest Authorities and Panchanama of the same was forwarded to the Petitioner. Petitioners further submit that it is recorded in the Panchnama that the Respondent No. 11 has.



made illegal construction and illegally cut down the Mangroves. In these circumstances the Police ought to have registered an offence punishable u/s 15 of the Environment protection act, 1986, Section 30 & 32 of Indian forest act, 1927, Forest (conservation) regulation Act 1980, CRZ regulations, Section 55 (1) & (2) of the Biodiversity act, 2002 and Section 34 of Indian Forest act, 1927. The Petitioners state that the Hon'ble court may be pleased to direct that an offence be registered and the same may be investigated in accordance with law.

- m) It is respectfully submitted that the investigations as a whole have not been carried out in a fair and proper manner since the spot panchanama dated 23.01.2020 carried out by Forest Circle Officer vadkhal i.e the Respondent No.9 has recorded total contrary findings and therefore the Petitioner The Petitioners further state that surprisingly the Respondent No.10 has recorded findings which are totally contrary to their earlier Spot Panchanama. In these circumstances the further part of the investigations is required to be carried out by an independent and impartial investigating agency.

- n) It is respectfully submitted that the Hon'ble Supreme Court of India has laid down that the Police are duty bound to register an offence and that any information disclosing a cognizable offence has to be reduced to writing and the same is required to be investigated.



6. The Petitioner has not filed any other Application/ Petition before any other court in India claiming similar reliefs.

7. The Petitioner craves leave to add/ amend/ alter delete the contents of the Petition with the leave of this Hon'ble court.

8. The Vakalatnama has been filed and the requisite court fees are affixed to the present Petition.

9. It is therefore prayed that:

a) That this Hon'ble Court be pleased to issue any appropriate writ, order or direction as follows :

i) Be pleased to direct the Respondent Nos.1 to 10 to forthwith take action on the various representations submitted by the Petitioners dated 26.12.2019, 21.01.2020, 04.02.2020, 05.02.2020 and to take necessary action for destruction of mangroves on Survey No.94 in village Kharmachela, Tal. Pen, District Raigad to remove the slag/hazardous chemical waste deposited by Respondent No.11 on Survey No.94 and surrounding area of the company as well as the lands in village Kharmachela, village Dolvi to village Gadap and to restore the environment and to submit the report of compliance to this Hon'ble Court.

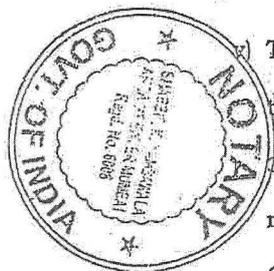
ii) Be pleased to direct the Respondent Nos.1 to 10 to visit village Kharmachela, Dolvi to Gadap, Vave



Vadkhal, Kolve, Beneghat, Juibapuji and surrounding areas of Taluka Pen and Taluka Alibag and submit the report to locate the sites where the Respondent No.11 company has deposited the company slag/ hazardous waste material in these areas and the same may be removed and the position may be restored to its original position.

iii) That the Hon'ble court may be pleased to direct Respondent Nos.1 to 10 and Respondent No.11 company to remove the chemical wastes around site area and restore the position of natural creek and the kharbandisti destroyed by Respondent No.11 company to its original position;

iv) That the permission granted by this Hon'ble Court by Order dated 15.10.2019 in Writ Petition No. 1643 of 2019 be set aside;



To register the offences punishable under u/s 15 of the Environment Protection Act, 1986, Section 30 & 32 of Indian forest act, 1927, Forest (conservation) regulation Act 1980, CRZ regulations, Section 55 (1) & (2) of the Biodiversity act, 2002 and Section 34 of Indian Forest act, 1927 against the Respondent No.11, their Managing Director and office bearers;

b) Pending the hearing and final disposal of the abovesaid Petition, the Respondent No.11 company be directed not to undertake any steps to construct the said road on



Survey No.94/1 by dumping the industrial waste on the same and destroying the mangroves as referred in the Panchanama.

- c) Pending the hearing and final disposal of abovesaid Petition, the Respondent No.11 be restrained from depositing the company slag/industrial hazardous waste on Survey No.94 or on any land in village Kharnachela, village Dolvi to Gadap, which is not earmarked as land fill site by the Respondent Nos.1 to 10.
- d) Pending the hearing and final disposal of abovesaid Petition, the Respondent No.1 to 10 be directed to forthwith visit the site and submit the report.
- e) Ad interim relief with respect to prayer clause (b) and (c) be granted;
- f) Cost of the Petition;
- g) Any other relief as the Hon'ble court may deem fit in the interest of justice.

And for this act of kindness the Petitioners as in duty bound shall ever pray.

Mumbai

Date:


Advocate for the Petitioner



VERIFICATION

I, Samita Rajendra Patil, Age-39, residing at address mentioned, do hereby state on solemn affirmation that whatever stated in above Petition in Paragraph Nos. 1 to 4 are on the basis of my own knowledge and belief and believe the same to be true and correct and whatever stated in Paragraph No. 5 are my legal submissions which I believe to be true and correct and whatever stated in Paragraph No.9 are my humble prayers.



Solemnly affirmed at Bombay |
This 24th day of February 2020 |



Petitioner No.1

Identified by me

Handwritten signature

Advocate for the Petitioners.

Before me

BEFORE ME
Handwritten signature
S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010.

24.2.20

NOTARY & REGISTERED
43430 24.2.2020
Sr. No.



255

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1107 OF 2020

Samita R. Patil

... Petitioner

VERSUS

The State of Maharashtra and Ors.

... Respondent

ADDITIONAL AFFIDAVIT ON

BEHALF OF THE PETITIONER



I, Samita Rajendra Patil, Age 42, Occ. Housewife, petitioner no. 1 do hereby state on solemn affirmation as under:

I am filing the present affidavit to place on record developments and the copy of CZMP map.

1. I have filed the above said petition mainly to set aside the permission granted for construction of the bridge situated at survey no. 94 at village Kharmachela and other reliefs.
2. Survey no. 94 is essentially large area through which the creek water flows and the same is shown in CRZ. The bare perusal of the map shows that some part is in CRZ-1A, CRZ-2 and comprises of the mangroves. Hereto annexed and marked as EXHIBIT- A is the copy of maps along with legends uploaded on CZMP website bearing sheet no. E 43 H 2/ NW.



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3. On or about 23.07.2023 the respondent company has removed the mangroves abutting to the Illegal Bridge on survey no. 94. I am enclosing herewith two photographs taken on different dates from the same location. I have taken first photograph on 23.11.2022 of the incomplete construction of the bridge and also road is constructed by using industrial waste. Hereto annexed and marked as EXHIBIT-B is the copy of first photo.
4. On 23.07.2023 I have taken another photo from the same location which shows that the mangroves are completely removed. Hereto annexed and marked as EXHIBIT-C is the copy of the second photograph.
5. Similarly I have also taken photographs from different location which also shows that the mangroves are removed. Hereto annexed and marked as EXHIBIT-D is the copy of photographs.
6. On 23.07.2023 I have submitted a written complaint to all concerned authorities requesting them to take action and to lodge criminal complaint. Hereto annexed and marked as EXHIBIT-E is the copy of the complaint.
7. On 26.08.2023 I have downloaded the form no. 8A from the revenue website showing various land parcels are in name



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of respondent company. The bare perusal of form 8A shows that survey no. 94 is not in name of the company and same is a "Khajan land" and belongs to the government. Hereto annexed and marked as EXHIBIT-F is the copy of form 8A.

8. In view of this position it is clear that this Hon'ble Court was given an impression that survey no. 94 belongs to the company and it is a private land and there are no mangroves or it is not affected by CRZ and based on the same this Hon'ble Court has granted permission to build bridge on survey no. 94. Therefore the permission granted by this Hon'ble court needs to set aside because the same is granted on the incorrect submission on facts and obtained by collusion and fraud between original petitioner and respondents in the said petition.



Whatever stated hereinabove are all true and correct facts which I believe to be true and correct for which I sign hereunder.

Noted & Registered
Reg. No. 33
Page No. 33 / 277
Date 06 SEP 2023

Solemnly affirmed at Mumbai)

On this 06 day of September 2023)

[Signature]

Before me

BEFORE ME

Identified by,

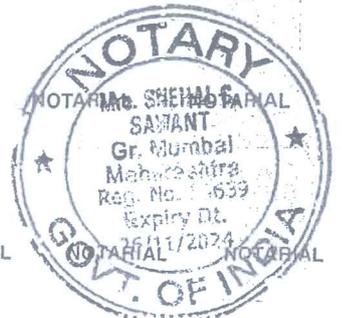
[Signature]

06 SEP 2023

Mrs. SNEHAL C. SAWANT
B.Com. L.L.B.
NOTARY GOVT. OF INDIA
Regd. No. 15639

Advocate for Petitioners

01, Visaria Chambers, 1st Floor,
74, Janmabhoomi Fort, Mumbai-1



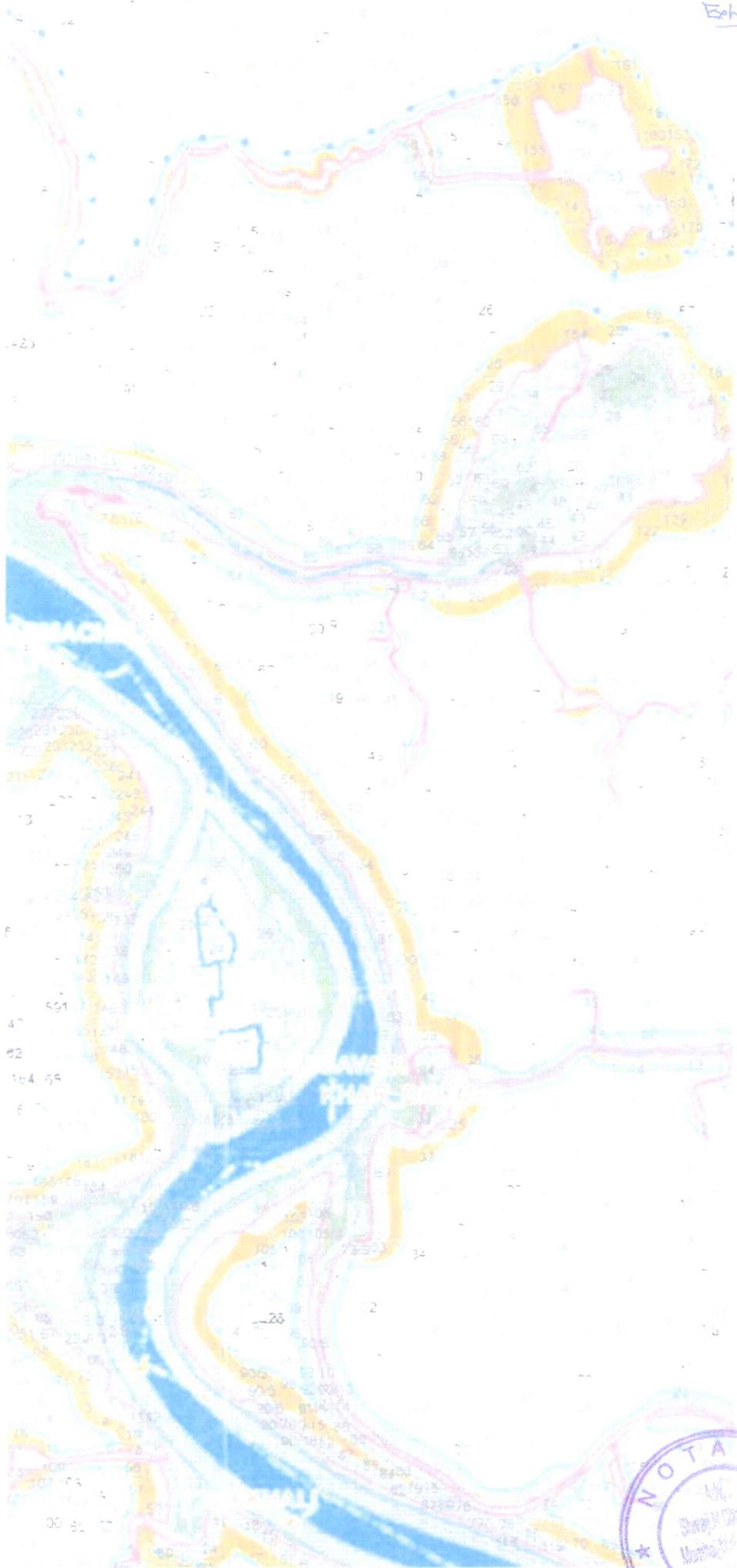
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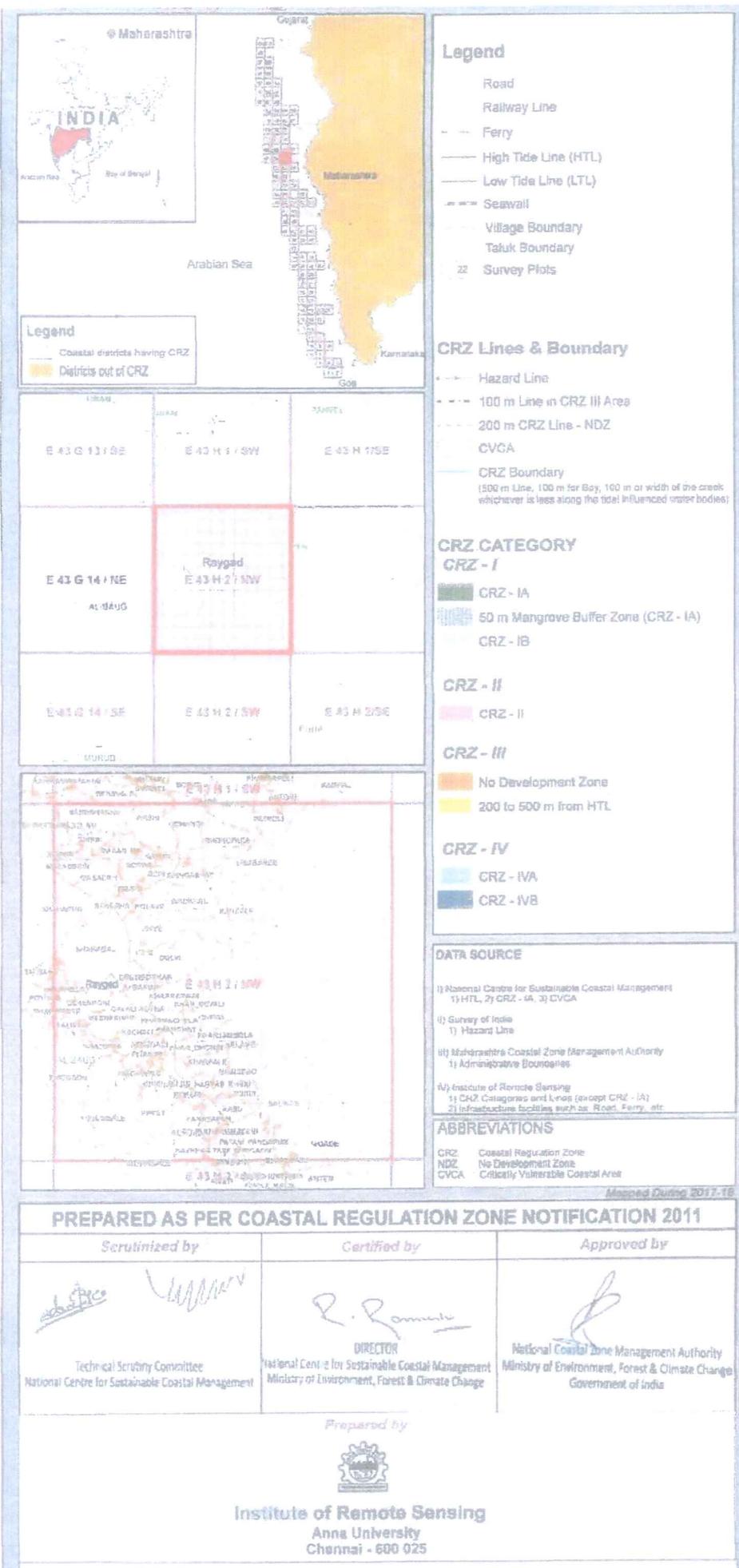


Ech A

258 2734



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En B
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NOTARY
Adv.
Shivaji Chhangar
Mumbai Maharashtra
Reg. No. 10306
GOVT. OF INDIA

261 En C



262 Eh 7



263



विषय: वारंवार तक्रारी करून सुद्धा वनसंरक्षक विभाग वडखळ व JSW स्टील यांनी संगम मताने शेकडो एकर कांदळवन कत्तल केल्याबाबत... संदर्भ दि. १) १/११/२०२१, २) २५/११/२०२१, ३) १४/०२/२०२२, ४) २३/११/२०२२, ५) १५/०४/२०२३ (फोन द्वारे तक्रार प्रति मा. उपविभागीय अधिकारी विठ्ठल इनामदार, वन संरक्षण अधिकारी वडखळ स्वाती डुंबरे)

1 message

samita patil <samitapatil41@gmail.com>

Sun, Jul 23, 2023 at 9:06 PM

To: chiefminister@maharashtra.gov.in, cm@maharashtra.gov.in, governor-mh@nic.in, Collector.Raigad@maharashtra.gov.in, SRO Raigad 2 <sroraigad2@mpcb.gov.in>, min.revenue@maharashtra.gov.in, rfowadkhal1@gmail.com, sdopen2013@gmail.com, msob.cpcb@nic.in, mpcb.cpcb@nic.in, chairman@mpcb.gov.in, rdwrkidee@gmail.com, RO Raigad <rorraigad@mpcb.gov.in>, psec.env@maharashtra.gov.in, stmin.revenue@maharashtra.gov.in, secy-moef@nic.in, tahasilpen@gmail.com, ccftthane@mahaforest.gov.in, ccftthane@gmail.com, ccfmangrove@mahaforest.gov.in, "ccfmmumbai@gmail.com" <ccfmmumbai@gmail.com>, publicgrievance-ngt@gov.in, admn.ngt@nic.in, dr.ngt@nic.in, rg.ngt@nic.in
Cc: Shriram S Kulkarni <advshriramskulkarni@gmail.com>

महोदय,

मी सौ.समिता राजेंद्र पाटील या तक्रारी कर्जाद्वारे आपणास कळविण्यात येते की मौजे खारमाचेला (व आजूबाजूचे परिसरात) पेण, जि.रायगड येथे, वडखळ येथील वन अधिकारी यांचेशी संगममत करून JSW स्टील कं. डोलवी यांनी शेकडो एकर कांदळवन कत्तल केली आहे.

JSW स्टील कंपनी आपल्या विस्तारा करिता मौजे खारमाचेला व आजूबाजूचे परिसरात शेकडो एकर जमीन हवी आहे. सदर जमिनीवर JSW कं. यांनी 2015 सालीच पर्यावरण विभागातर्फे पर्यावरण मंजूरी (EC) घेतलेली होती. परंतु सदर विभागात शेकडो एकरांमध्ये कांदळवन उगवलेले असल्यामुळे कंपनी विविध माध्यमातून वारंवार कांदळवन मारण्याचे प्रयत्न करत होती.

तसेच या विभागात कंपनी विस्तार करण्याकरिता कंपनी सर्व्हे नंबर ९४ सर्व्हे नंबर ९३ व आजूबाजूच्या विभागातून पुल बांधण्यात सुरुवात केली होती परंतु हा पुल कांदळवन नष्ट करून बनत असून हा पूर्ण करण्याकरिता अधिक कांदळवन कत्तल होईल अशा तक्रारी करण्यात आल्याने सदर पुलाचे बांधकाम अर्धवट थांबविण्यात आलेले होते.

या संपूर्ण प्रकरणात १/११/२०२१, २५/११/२०२१, १४/०२/२०२२, २३/११/२०२२, १५/०४/२०२३ रोजी (फोन द्वारे) अनेक तक्रारी सौ.समिता पाटील तसेच इतर अनेक सामाजिक कार्यकर्ते यांच्या तर्फे करण्यात आल्या होत्या व त्या त्या वेळेस वन अधिकारी वडखळ श्रीमती स्वाती डुंबरे व त्यांचे सहकारी यांनी पंचनामा करिता प्रत्यक्ष जागेवर स्थळ पाहणी केली होती व संपूर्ण परिसरात दहा ते बारा फूट उंचीचे प्रौढ कांदळवन असल्याचे खात्रीशीर माहिती त्यांना होती.

कांदळवन संरक्षण कायदा व मा.उच्च न्यायालयाचे आदेशानुसार त्यांनी सदर जागांना वन तथा संरक्षित वनाचा दर्जा देणे अथवा त्या बाबत अहवाला सह प्रस्ताव प्रशासनास पाठवीणे हे त्यांचे कार्य आणि कर्तव्य चा प्रमुख भाग असताना देखील सदर बाबतीत त्यांनी जाणीवपूर्वक दुर्लक्ष केले आहे. परंतु वारंवार तक्रारी करून सुद्धा त्यांनी कोणतीही ठोस कारवाई केली नाही.

दि. १२/०७/२०२३ रोजी सुमारे 12:00 वाजता मी न्यायालयातील सुनावण्याच्या दृष्टीने प्रत्यक्ष जागेवरील परिस्थिती पाहण्यास गेले असता शेकडो एकरात पसरलेल्या कांदळवन पूर्णपणे नष्ट केले असून येथे जणू शेतीच आहे असे स्वरूप देण्यात आले आहे हे माझ्या निदर्शनास आले.

तरी १) सदर शेकडो एकर (सॅटलाइट इमेजेस व फोटो जोडले आहेत) कांदळवन तोड केल्याबद्दल JSW कं यांचे चेअरमन सज्जन जिंदाल व संपूर्ण संचालक मंडळ यांचे वर कांदळवन तोड प्रकरणी गुन्हा दाखल करावा.

२) JSW कं दिलेल्या सर्व पर्यावरण परवानग्या रद्द करून सखोल चौकशी करावी.

३) आपले कार्य आणि कर्तव्य यांचे कडे दुर्लक्ष करून कंपनी सहकार्य करून कांदळवन कत्तल करण्यास सहकार्य करण्याचा वन अधिकारी स्वाती डुंबरे व त्यांचे सहकारी यांच्यावर देखील गुन्हा दाखल व्हावा तसेच त्यांचे निलंबन करण्यात यावे.

सोबत : १)यापूर्वी कांदळवन अस्तित्वात होते यांचे व्हिडिओ

२)वन अधिकारी स्वाती डुंबरे या मुख्य तक्रारी कडे दुर्लक्ष करीत असून त्यांचे कांदळवन अस्तित्वात असल्याची माहिती असल्याचे व्हिडिओ.

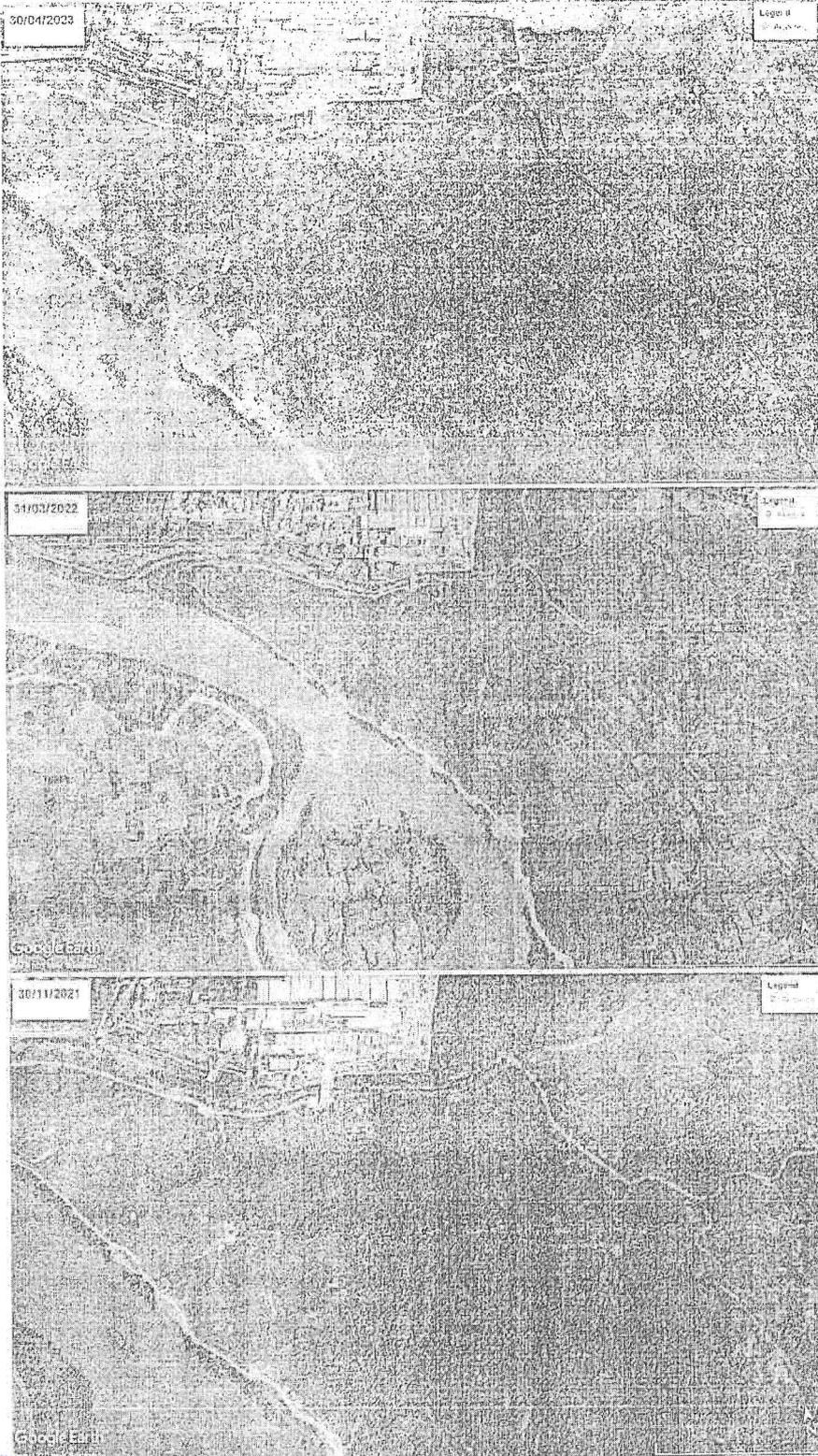
३)पूर्वी कांदळवन असल्याचे फोटो.

४) कांदळवन व त्याचा घेर समजवण्याचे करिता सॅटलाइट इमेजेस.



9/6/23, 10:23 AM

Gmail - विषय: वारंवार तक्रारी करून सुद्धा वनसंरक्षक विभाग वडखळ व JSW स्टील यांनी संगम मताने शेकडो एकर कांदळवन कत्तल केल्याबाबत...

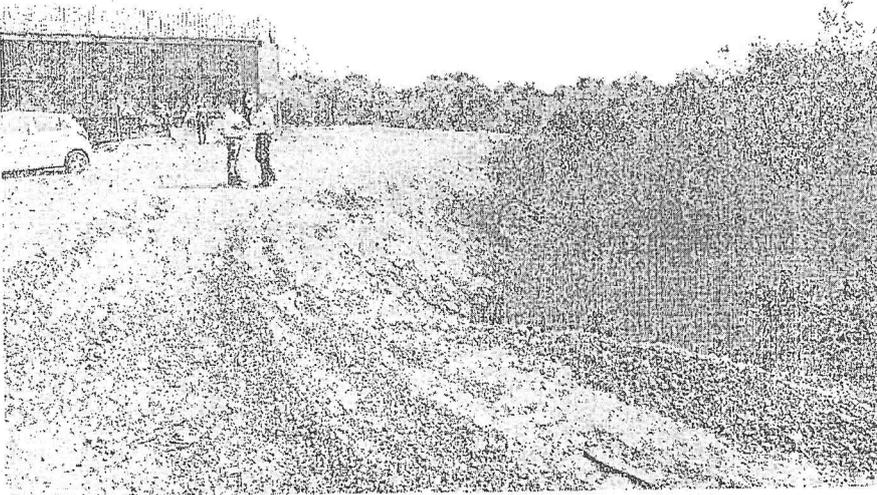




9/6/23, 10:23 AM

Gmail - विषय: वारेवार तक्रारी करून सुद्धा वनरक्षक विभाग वडखळ व JSW स्टील यांनी संगम मताने घोकडो एकर कादळवन करत केव्हायबत...

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- WhatsApp Video 2023-07-23 at 17.14.06.mp4
- WhatsApp Video 2023-07-23 at 17.16.52.mp4
- WhatsApp Video 2023-07-23 at 17.19.28.mp4

Virus-free. www.avast.com

WhatsApp Video 2023-07-23 at 17.10.04.mp4
18297K



Esh F

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वर्ष: 2023-24 गाव नमुना आठ-अ 26/8/2023
 धारण जमिनीची नोंदवही (कृ.क.)
 (आसामीवार खतावणी - जमाबंदी पत्रक)
 गाव: खारमाचेला तालुका: पेण जिल्हा: रायगड

गाव नमुना सहा मधील नोंद	भूमापन क्रमांक व उपविभाग क्रमांक	धारण क्षेत्र			वसुलीसाठी			एकूण	
		लागवडी योग्य क्षेत्र	पोटखराब क्षेत्र	एकूण क्षेत्र	आकारणी किंवा जुडी	दुमाला जमिनीवरील स्थानिक उपकर नुकसान			
		(हे.आर.चौ.मी.) (३अ)	(हे.आर.चौ.मी.) (३ब)	(हे.आर.चौ.मी.) (३क)	रु.पै. (४)	रु.पै. (५)	जि.प. या.प. रु.पै. रु.पै. (६अ) (६ब)		रु.पै. (७)
खाते क्र. 244 खाजगी कंपनी	मे.जेएसडब्लु स्टील लिमिटेड .								
	11	0.88.40	0.02.30	0.90.70	13.06	0	91.42	13.06	117.54
	13	0.56.90	0.02.00	0.58.90	8.44	0	59.08	8.44	75.96
	14/1	0.82.30	0.01.50	0.83.80	12.13	0	84.91	12.13	109.17
	17	0.40.50	0.00.50	0.41.00	6	0	42	6	54
	18	0.43.00	0.00.50	0.43.50	6.37	0	44.59	6.37	57.33
	19/1	0.41.10	0.00.80	0.41.90	5.69	0	39.83	5.69	51.21
	19/2/अ	0.18.00	0.0000	0.18.00	2.84	0	19.88	2.84	25.56
	19/2/ब	0.18.00	0.0000	0.18.00	2.84	0	19.88	2.84	25.56
	21/1	0.60.70	0.01.00	0.61.70	8.75	0	61.25	8.75	78.75
	22	0.87.00	0.01.00	0.88.00	12.56	0	87.92	12.56	113.04
	23	0.41.50	0.00.50	0.42.00	6.12	0	42.84	6.12	55.08
	24	0.37.40	0.00.50	0.37.90	5.5	0	38.5	5.5	49.5
	25	0.43.20	0.02.30	0.45.50	6.37	0	44.59	6.37	57.33
	26	1.00.90	0.04.30	1.05.20	14.87	0	104.09	14.87	133.83
	28	0.30.40	0.00.50	0.30.90	4.31	0	30.17	4.31	38.79
	29/अ	0.39.00	0.01.80	0.40.80	4.9	0	34.3	4.9	44.1
	30	0.52.40	0.01.20	0.53.60	6.44	0	45.08	6.44	57.96
	33/1	1.35.60	0.04.10	1.39.70	19.25	0	134.75	19.25	173.25
	33/2	1.00.00	0.02.00	1.02.00	14	0	98	14	126
	33/3	1.00.00	0.02.00	1.02.00	14	0	98	14	126
	34	1.19.70	0.04.50	1.24.20	16.19	0	113.33	16.19	145.71
	35	0.42.30	0.00.20	0.42.50	5.69	0	39.83	5.69	51.21
	36	0.20.70	0.00.80	0.21.50	2.81	0	19.67	2.81	25.29
	38/1	0.19.50	0.00.50	0.20.00	2.76	0	19.32	2.76	24.84
	38/2	0.64.50	0.01.50	0.66.00	9.11	0	63.77	9.11	81.99
	4/2	0.70.00	0.0000	0.70.00	7	0	49	7	63
	40/2	0.12.00	0.0000	0.12.00	1.77	0	12.39	1.77	15.93
	41	0.68.00	0.02.00	0.70.00	8.31	0	58.17	8.31	74.79
	43	1.00.70	0.03.50	1.04.20	13.62	0	95.34	13.62	122.58
	44	0.36.10	0.01.30	0.37.40	4.94	0	34.58	4.94	44.46



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45/1	0.92.60	0.05.50	0.98.10	11.13	0	77.91	11.13	100.17
45/2/अ	0.45.00	0.03.40	0.48.40	5.56	0	38.92	5.56	50.04
45/2/ब	0.45.00	0.02.00	0.47.00	5.56	0	38.92	5.56	50.04
46	0.57.60	0.05.60	0.63.20	6.75	0	47.25	6.75	60.75
47	0.18.70	0.01.50	0.20.20	2.19	0	15.33	2.19	19.71
49	0.42.00	0.03.00	0.45.00	5.5	0	38.5	5.5	49.5
5	1.16.30	0.03.30	1.19.60	15.44	0	108.08	15.44	138.96
50	0.41.10	0.02.00	0.43.10	5.32	0	37.24	5.32	47.88
51/1	0.30.00	0.01.50	0.31.50	3.9	0	27.3	3.9	35.1
53	0.91.10	0.02.50	0.93.60	12.87	0	90.09	12.87	115.83
54	0.46.60	0.00.20	0.46.80	6	0	42	6	54
55	0.66.30	0.00.50	0.66.80	8.62	0	60.34	8.62	77.58
57	0.40.00	0.02.00	0.42.00	5.87	0	41.09	5.87	52.83
58	0.73.40	0.03.50	0.76.90	10.87	0	76.09	10.87	97.83
59	0.80.20	0.03.00	0.83.20	9.87	0	69.09	9.87	88.83
6/अ	0.02.00	0.0000	0.02.00	0.27	0	1.89	0.27	2.43
6/ब	0.37.40	0.0000	0.37.40	5.56	0	38.92	5.56	50.04
61/1	0.43.00	0.02.50	0.45.50	6.07	0	42.49	6.07	54.63
64/1	0.40.00	0.03.10	0.43.10	5.2	0	36.4	5.2	46.8
64/2	0.91.00	0.05.00	0.96.00	11.74	0	82.18	11.74	105.66
65	0.35.10	0.02.30	0.37.40	4.56	0	31.92	4.56	41.04
66	0.90.60	0.04.50	0.95.10	12.5	0	87.5	12.5	112.5
67	0.38.90	0.01.80	0.40.70	5.5	0	38.5	5.5	49.5
69	0.78.40	0.01.80	0.80.20	11.56	0	80.92	11.56	104.04
70	0.42.50	0.01.80	0.44.30	6	0	42	6	54
72/1/अ	0.19.30	0.00.70	0.20.00	2.82	0	19.74	2.82	25.38
72/1/ब	1.09.40	0.03.90	1.13.30	15.98	0	111.86	15.98	143.82
72/2	0.19.30	0.00.70	0.20.00	2.82	0	19.74	2.82	25.38
73/3	0.29.90	0.00.70	0.30.60	4.2	0	29.4	4.2	37.8
74	0.43.80	0.03.50	0.47.30	1.56	0	10.92	1.56	14.04
75/2	0.31.00	0.04.00	0.35.00	1	0	7	1	9
76	1.17.90	0.10.60	1.28.50	5.25	0	36.75	5.25	47.25
77	0.74.30	0.02.80	0.77.10	7.37	0	51.59	7.37	66.33
78	0.47.80	0.02.30	0.50.10	5.31	0	37.17	5.31	47.79
79/2	0.34.00	0.01.30	0.35.30	3.5	0	24.5	3.5	31.5
79/3	0.34.00	0.01.30	0.35.30	3.5	0	24.5	3.5	31.5
8	0.11.20	0.0000	0.11.20	1.62	0	11.34	1.62	14.58
80	0.42.20	0.01.80	0.44.00	4.36	0	30.52	4.36	39.24
81	0.48.00	0.01.50	0.49.50	6.38	0	44.66	6.38	57.42
82/अ	0.12.60	0.00.50	0.13.10	1.37	0	9.59	1.37	12.33
82/ब/1	0.23.40	0.02.50	0.25.90	2.59	0	18.13	2.59	23.31
82/ब/2	0.50.00	0.0000	0.50.00	5.6	0	39.2	5.6	50.4
87/1	0.68.10	0.11.90	0.80.00	9.88	0	69.16	9.88	88.92
87/2	0.20.00	0.0000	0.20.00	3	0	21	3	27
88/1	0.42.20	0.05.60	0.47.80	5.23	0	36.61	5.23	47.07
89	0.91.00	0.04.30	0.95.30	11.75	0	82.25	11.75	105.75
90	0.32.40	0.01.50	0.33.90	4.19	0	29.33	4.19	37.71
91	0.46.80	0.02.80	0.49.60	4.87	0	34.09	4.87	43.83
92	0.25.50	0.02.30	0.27.80	2.69	0	18.83	2.69	24.21
93	1.44.00	0.12.00	1.56.00	15	0	105	15	135

एकूण 43.72.70 1.83.90 45.56.60 562.89 0 3940.23 562.89 5066.01

टिप : उक्त रकाना क्र. (अ) मधील लागवडी योग्य क्षेत्र हेच आकारणीस पात्र क्षेत्र राहिल, पोट-खराब क्षेत्रावर आकारणी लागू नाही.

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेशीर बाबींसाठी वापरता येणार नाही.

