

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE  
BENCH, PUNE  
APPEAL NO. 14/2024 (WZ)

Gavhan Koliwada Matsyavyavasay Sahkari  
Santha Maryadit & Anr.

.... Appellants


Versus

City & Industrial Development Corporation  
& Ors.

.... Respondents

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For, Manoj Wad Advocate  
For Respondent No.1  
Adv. P. A. Paudeshi

1035

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

APPEAL NO. 14 OF 2024 (WZ)

IN THE MATTER OF

Gavhan Koliwada Matsyavyavasyik Sahakari  
Sanstha Maryadit & Anr.

.... APPELLANTS

Versus

City & Industrial Development Corporation  
& Ors.

..... RESPONDENTS

AFFIDAVIT IN REPLY OF RESPONDENT NO. 1 – CITY AND  
INDUSTRIAL DEVELOPMENT CORPORATION OF  
MAHARASHTRA LIMITED (CIDCO)

I, Mohan M. Munde, Executive Engineer (Civil), the authorized representative of Respondent No.1, Age- 41 Years, Occupation- Service, Office at Executive Engineer (Ulwe Coastal Road), CIDCO Bhavan, 6th floor, C.B.D., Belapur, Navi Mumbai-400614. after verifying all the records do hereby state on the solemn affirmation that –

- A. The Respondent No 1 is a company duly incorporated on the 17th day of March 1970, under the Companies Act, 1956. Respondent No. 3 is a Government Company as defined under Section 617 of the Companies Act, with its entire share capital subscribed wholly and exclusively by the State Government and its seven nominees.



Further, Respondent No. 3 states that it has been designated as the New Town Development Authority for Navi Mumbai pursuant to sub-section 3A of Section 113 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as "the MR&TP Act"). Thus, by virtue of the foregoing and in accordance with Section 118 of the MR&TP Act, Respondent No. 1 is vested with the power and authority to dispose of, by way of lease, land acquired under Section 113A of the MR&TP Act and vested in it by the State Government, along with its own lands, for development purposes.

- B. To regulate the exercise of its powers under Section 118 of the MR&TP Act, the Board of Directors of Respondent No. 1 with prior approval duly obtained from the State Government under Section 159 of the MR&TP Act, has promulgated the New Bombay Disposal of Land Regulations, 1975 (hereinafter referred to as "the NBDLR") which was subsequently amended as Navi Mumbai Disposal of Land (Amendment) Regulations, 2008 (NMDLR). These Regulations, by their own force (*proprio vigore*), establish the terms and conditions governing any lease of land executed or to be executed by Respondent No. 1. While Section 118 of the MR&TP Act empowers the Authority to dispose of land "to such persons and in such manner and subject to such terms and conditions, as it considers expedient for securing the development of the new town," the Board of Directors of Respondent No. 1 possesses the additional authority to supplement or modify the NBDLR, provided such modifications are conducive to the development of Navi Mumbai.





- C. Respondent No. 1 states that the present Appeal filed by the Appellants is totally false, misconceived and not maintainable in law.
- D. The present Appeal is nothing but a baseless attempt on the part of the Appellants and Respondent No. 1 submits that the Appellants are deliberately and maliciously trying to drag Respondent No. 1 into the vexatious litigation. Also, facts put forth by the Appellants in the present Appeal are misleading. Moreover, the Appellants have not approached this Hon'ble Tribunal with clean hands and therefore do not deserve any equitable consideration from this Hon'ble Tribunal.
- E. **WITHOUT PREJUDICE TO THE AFORESAID, THE PARAWISE REPLY TO THE SAID APPEAL OF THE APPELLANTS IS AS FOLLOWS-**

At the very outset, it is most respectfully submitted by Respondent No. 1 that unless specifically admitted all the contentions of the Appellants in the Appeal may kindly be treated as specifically denied by Respondent No.1. The paragraph-wise reply to the Appeal of the Appellants is as follows:

1. In reply to the contents of Paragraphs No. 1 to 8 of the Appeal, Respondent No.1 states that the contents therefrom are a matter of record and hence need no reply. However, any inferences drawn therefrom are denied to their entirety by Respondent No.1.
2. In reply to the allegations raised in Paragraphs No. 9 to 12 of the Appeal, Respondent No.1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to

their entirety by Respondent No.1. However, any inferences drawn therefrom are denied to their entirety by Respondent No.1. Respondent No. 1 further submits that the Ulwe Coastal Road is a 6-lane arterial road (3+3 lanes) spanning a total length of 5.8 km, starting from Amra Marg and extending to the MTHL junction at Shivajinagar, Ulwe. This road also includes an elevated Airport Link Road, measuring 0.903 km, which flies over the Nerul-Uran Suburban Railway Line as well as Amra Marg (NH 348A) and terminates within the Airport premises. The Navi Mumbai International Airport (NMIA) project is in its final stages and is being expedited for commercial operations scheduled for March 2025. The critical connectivity projects essential for the airport's operations are being implemented by various authorities, including Respondent No.1, who is overseeing the construction of major urban arterial roads. Among these, the Ulwe Coastal Road serves as a vital and strategic link, connecting the Mumbai Trans Harbour Link (MTHL) directly to NMIA via an elevated road leading into the Airport. This connectivity is crucial for ensuring seamless access to the upcoming airport and plays a significant role in its commercial success.

Respondent No. 1 also states that Phase I is the only Phase included in the present contract i.e. Design & Construction of Coastal Road from Amra Marg to MTHL Junction including Airport Link at Navi Mumbai. The villages of Gavhan and Belpada pertain exclusively to the Phase II work and have no relevance to the work under Phase I. A copy of the Google map is annexed herein and marked as Annexure - 1. Respondent No. 1 states that they had earlier obtained CRZ

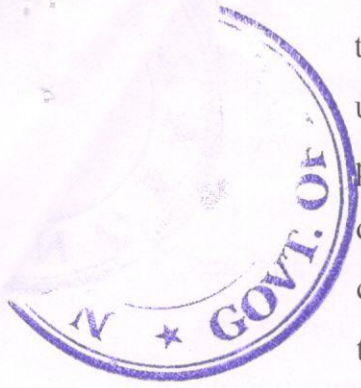


clearance from SEIAA on 09/08/2019 and based on the same Writ Petition No 14630/2022 for seeking permission of Hon'ble High Court for cutting the mangroves was filed in Court on 21/10/2022. The Hon'ble High Court, vide Order dated. 25/04/2023 directed Respondent No.1 to submit a fresh proposal to Respondent No. 6 for CRZ Clearance. Thereafter, Respondent No. 6 considered the proposal at its 168th meeting dated 10/08/2023 and recommended the proposal to Respondent No. 2 for CRZ clearance on 23/08/2023. Further, the final CRZ Clearance was received from Respondent No. 2 on 08/11/23. A copy of said CRZ Clearance is annexed herein and marked as **Annexure - 2**. Respondent No. 1 submits that they are in due compliance with the specific conditions mentioned in said CRZ Clearance.

3. In reply to the contents of Paragraph Nos. 13 & 14 of the Appeal, Respondent No.1 states that the contents therefrom do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. However, any inferences drawn therefrom are denied to their entirety by Respondent No.1. Furthermore, Respondent No. 1 states that it has received final in-principal approval dated 08/01/2024 from Respondent No. 2 for the diversion of 32.6921 ha of forest land in favour of Respondent No. 1 for construction of Coastal Road from Amra Marg to MTHL Junction including Airport link road at Village- Targhar, Taluka- Panvel, District- Raigad in the State of Maharashtra. A copy of said letter dated 08/01/2024 is annexed herein and marked as **Annexure - 3**. Respondent No. 1 states that Respondent No. 2 granted the said in-principal approval under

section 2 of the Forests (Conservation) Act, 1980 to Respondent No.1 with few conditions which are being complied with by Respondent No. 1.

4. In reply to the contents of Paragraph Nos. 15, 16 & 17 of the Appeal, Respondent No.1 states that the contents therefrom are a matter of record. However, any inferences drawn therefrom are denied to their entirety by Respondent No.1. Respondent No. 1 states that it is a procedural part as per the Forest Protection Act, 1980. Respondent No. 1 states that they are complying with the specific conditions given by the Hon'ble Court after Respondent No. 1 has sought re-approval for CRZ Clearance.
5. In reply to the contents of Paragraph Nos. 18, 19 & 20 of the Appeal, Respondent No. 1 states that the contents therefrom do not relate to or concerned with Respondent No. 1 and therefore, Respondent No.1 refrains from replying to the said paragraphs. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 states that via an order dated 16/01/24, the Hon'ble Court acknowledged that Respondent No.1 has sought permission to proceed with constructing a coastal road from Amra Marg to the MTHL junction, including the Airport Link while adhering to statutory conditions. The Court noted that Respondent No.1 had obtained requisite approvals from the concerned authorities, after addressing concerns raised in prior litigation regarding environmental impact. These approvals included conditions like constructing the road on stilts to minimize mangrove destruction and undertaking compensatory afforestation by planting




three times the number of trees to be felled. Emphasizing the public utility of the project, the Hon'ble Court granted Respondent No.1 permission to cut mangroves as per the statutory approvals and directed compliance with all environmental safeguards outlined in the conditions. Furthermore, Respondent No.1's undertaking to adhere to these conditions was accepted, ensuring that environmental protection measures would be implemented throughout the project. A copy of the said order dated 16/01/24 is annexed herewith and marked as **Annexure - 4.**

Respondent No. 1 further reiterates the contents of Paragraph No. 2 of this reply that Phase I is the only Phase included in the present contract. The villages of Gavhan and Belpada pertain exclusively to the Phase II work and have no relevance to the work under Phase I.

6. In reply to the contents of Paragraph No. 21 of the Appeal, Respondent No.1 states that the contents therefrom are a matter of record and hence need no reply. However, any inferences drawn therefrom are denied to their entirety by Respondent No.1. Respondent No. 1 further states that they have acted upon the directions given by the Hon'ble High Court via order dated 25/04/23.
7. In reply to the allegations raised in Paragraph Nos. 21 A & 21 B of the Appeal, Respondent No. 1 states the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. Further, Respondent No. 1 states that the submissions are as per CRZ Notifications. The facts mentioned in the EIA report are correct and true.

Respondent No. 1 further states that the alignment of the coastal road passes through an Ecologically Sensitive Area (EIA) (mangroves). Dense forests covering mangroves and mixed deciduous forests are present within the study area of the project, and the details are mentioned in Chapter 3 of the EIA Report (Rev.01). It is agreed that the selected alignment ensures minimum impact on surrounding mangroves and coastal ecology, with details provided in Chapter 5 of the EIA Report (Rev.01). To reduce the impact on fishing, the alignment in coastal stretches has been designed to be elevated and on stilts. This approach is supported by a study conducted by IIT Powai, which emphasizes optimizing the spacing between piers to allow seamless movement of fishing boats, maintaining the natural flow of tidal water in the creek, and minimizing the footprint area of the piles. Statements collected through Focus Group Discussions (FGD) with fishermen from the fishing villages along the alignment, namely Moha Koliwada, Morave, Shivaji Nagar, and Kopar, are documented in Chapter 3 of the EIA Report (Rev.01). The EIA report is prepared as per the generic structure provided in Appendix III of the EIA Notification dated 14/09/2006. Details of the socio-economic study carried out are mentioned in Chapter 3 of the EIA Report (Rev.01). Details of traffic trends and pollution (both current and future) are mentioned in Chapter 9 of the EIA Report (Rev.01). Details of marine studies carried out are also mentioned in Chapter 3 of the EIA Report (Rev.01).

8. In reply to the contents of Paragraph Nos. 22 to 25 of the Appeal, Respondent No. 1 states that the contents therefrom are a matter of



record and hence need no reply. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 further submits that the mangroves have been cut down in accordance with the norms prescribed by the Forest Department of Respondent No.1 vide letter dated 11/10/2022. Further, Respondent No. 1 had done the Impact Assessment of the said project and accordingly submitted the EIA report with all the possible majors which are to be done against the said project. Furthermore, Respondent No. 1 submits that they are in compliance with the said report of EIA. A copy of the said letter dated 11/10/2022 is annexed herewith and marked as **Annexure - 5**.

9. In reply to the contents of Paragraph Nos. 26 to 30 of the Appeal, Respondent No. 1 states that the contents therefrom do not state the true nature of facts and therefore, Respondent No.1 refrains from replying to the said paragraphs. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 states that they are in compliance with the specific conditions directed by the Hon'ble High Court and accordingly have submitted the EIA Report based on the Impact Assessment of the said project.
10. In reply to the contents of Paragraph No. 31 of the Appeal, Respondent No. 1 states that the contents therefrom are a matter of record and hence need no reply. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety.

11. In reply to the allegations raised in Paragraph Nos. 32 to 37 of the Appeal, Respondent No. 1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 states that the required CRZ Clearance was approved by Respondent No.2 via letter dated 08//11/2023. Respondent No.1 further submits that a total 3728 numbers of mangroves are required to be cut or under direct impact. For which Stage-I Forest Clearance and FRA Certificate have already been obtained. Further w.r.t diversion of 32.6921 ha. of Reserve Forest land, Stage-I Forest clearance has been obtained and in this regard's identification of compensatory land at Village Nhave, Tal Panvel, Dist. Raigad has been made and handed over to Respondent No. 5. Furthermore, Respondent No.1 submits that based on the recommendation of Respondent No. 6 and considering the submissions made by the project proponent, Respondent No.2, in acceptance of the recommendations of the Expert Appraisal Committee (CRZ), has hereby accorded CRZ Clearance to the project for "Construction of Coastal Road from Amra Marg to MTHL junction including the Airport Link at Navi Mumbai by M/s City And Industrial Development Corporation Of Maharashtra Ltd (CIDCO)" under the provisions of the CRZ Notification, 2011 and amendments thereto, subject to the compliance of specific terms and conditions to which Respondent No.1 is duly in compliance with. Respondent No. 1 therefore states that the Appellants' claims are based solely on

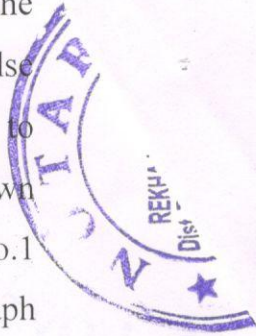
presumptions, lacking any supporting documentary evidence, prior precedence, or relevant experience.


In reply to the allegations raised in Paragraph Nos. 38 & 39 of the Appeal, Respondent No. 1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 further states that the current status is that the temporary reclamation work has already been completed, and there are no obstructions to tidal flow in the said areas. Further, Respondent No. 1 states that they are in compliance with the directions/instructions mentioned in the CRZ clearance.

13. In reply to the contents of Paragraph Nos. 40 to 42 of the Appeal, Respondent No. 1 states that the contents therefrom do not relate to or concerned with Respondent No. 1 and therefore, Respondent No.1 refrains from replying to the said paragraphs. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Furthermore, Respondent No. 1 states that the bird monitoring work is continuously being conducted through R.J. College of Commerce, Arts, and Science (Jhunjhunwala College, University of Mumbai) during the construction, as per specific Condition No. 18 of the CRZ clearance and Respondent No. 1 is following the instructions and conditions mentioned in the CRZ clearance.

14. In reply to the allegations raised in Paragraph Nos. 43 & 44 of the Appeal, Respondent No. 1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. However, any inferences drawn therefrom are vehemently and expressly denied by Respondent No.1 in their entirety. Respondent No. 1 reiterates the contents of Paragraph No. 2 of this reply that Phase I is the only Phase included in the present contract. The villages of Gavhan and Belpada pertain exclusively to the Phase II work and have no relevance to the work under Phase I. Respondent No. 1, through a letter dated 19/12/2022 addressed to Shri Hitesh Koli (Gavhan Koliwada Prakilprgrasth Sanghtana), clarified that Phase 1 of the project extends only from Amra Marg to the MTHL Junction. Additionally, it was stated that the villages of Gavhan and Belpada fall under Phase 2, which covers the stretch from the MTHL Junction to JNPT. Therefore, any concerns related to these villages should be directed to the authorities at JNPT. A copy of the said letter dated 19/12/2022 is annexed herewith and marked as **Annexure - 6.**

15. In reply to the allegations raised in Paragraph Nos. 45, 46 & 47 of the Appeal, Respondent No. 1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. Further, Respondent No. 1 submits that the proposal, being an internal city road, does not attract the Environmental Impact Assessment (EIA) Notification dated 14/09/2006 and its subsequent amendments, as Sr. No. 7(f) of the Schedule of the EIA Notification only covers State and National



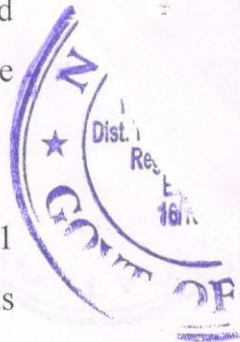


highway projects. Consequently, a public hearing does not apply to this project. Furthermore, the consultations with fishermen from the fishing villages along the alignment namely Moha Koliwada, Morave, Shivaji Nagar, and Kopar were conducted through Focus Group Discussions (FGDs) and are documented in Chapter 3 of the EIA Report (Rev.01). Adequate precautions have been taken to avoid damage to fish species and to mitigate the loss of livelihood for fisherfolk communities. To reduce the impact on fishing activities, the alignment in coastal stretches has been designed to be elevated and constructed on stilts. This design approach is supported by a study conducted by IIT Powai, which emphasizes optimizing the spacing between piers to allow seamless movement of fishing boats, maintaining the natural flow of tidal water in the creek, and minimizing the footprint area of the piles.

16. In reply to the allegations raised in Paragraph Nos. 48 & 49 of the Appeal, Respondent No. 1 states that the contents therefrom are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No. 1. Respondent No. 1 further states that details are mentioned in Chapters 3 and 4 of the EIA Report (Rev.01), which is already submitted to IRO and Respondent No. 2. The road is proposed to be constructed on stilt in coastal areas to avoid converting water channels into walkable marshes due to the settling of excessive silt. Furthermore, muck generated due to the proposed activity will be disposed off outside the CRZ.
17. In reply to the contents of Paragraph No. 50 of the Appeal, Respondent No. 1 states that in the light of the above-mentioned

circumstances, it is respectfully submitted that the Application is misconceived and the Appellants is not entitled to any relief claimed therefore, Respondent No. 1 prays that the present Appeal be dismissed against Respondent No. 1.

18. In reply to the grounds mentioned in the Appeal, Respondent No. 1 respectfully submits that the Ulwe Coastal Road project holds immense significance as a matter of national importance. This project has been conceived as a key initiative to bolster the national economy by facilitating seamless connectivity between critical infrastructure developments, namely the ATAL SETU and the Navi Mumbai International Airport (NMIA). The Ulwe Coastal Road is envisioned as a transformative undertaking that will not only enhance economic activities but also serve as a vital link between two major growth and economic hubs of Navi Mumbai. These hubs include the upcoming Navi Mumbai International Airport (NMIA), a flagship infrastructure project of strategic importance, and the Navi Mumbai Special Economic Zone (NMSEZ), a designated area poised to drive industrial and economic growth in the region. By establishing an efficient and uninterrupted transportation corridor between these critical centers, the Ulwe Coastal Road is expected to unlock substantial economic potential, promote regional development, and contribute significantly to the overall growth trajectory of Navi Mumbai and the nation. This makes the project indispensable to the strategic vision of integrating and strengthening key economic infrastructures.



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19. In view of the above, the above appeal is required to be dismissed.

Munde  
Respondent No. 1

Executive Engineer  
(Ulwe Coastal Road)  
CIDCO Ltd.

VERIFICATION

I, Mohan M Munde, Executive Engineer (Civil), the authorised representative of Respondent No. 1, Age-41 Years, Occupation-Service, Office At -Executive Engineer (Ulwe Coastal Road), CIDCO Bhavan, 6th Floor, C.B.D., Belapur, Navi Mumbai-400614., after verifying all the records do hereby state on the solemn affirmation that whatever is stated hereinabove is true and correct to the best of my knowledge and information.

Affirmed and signed on this 11<sup>th</sup> day of March, 2025.

SEEN AND VERIFIED  
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BEFORE ME  
Rhule  
11/3/25  
REKHA KISHOR HOWALE  
ADVOCATE & NOTARY  
GOVT. OF INDIA

Munde  
Respondent No. 1

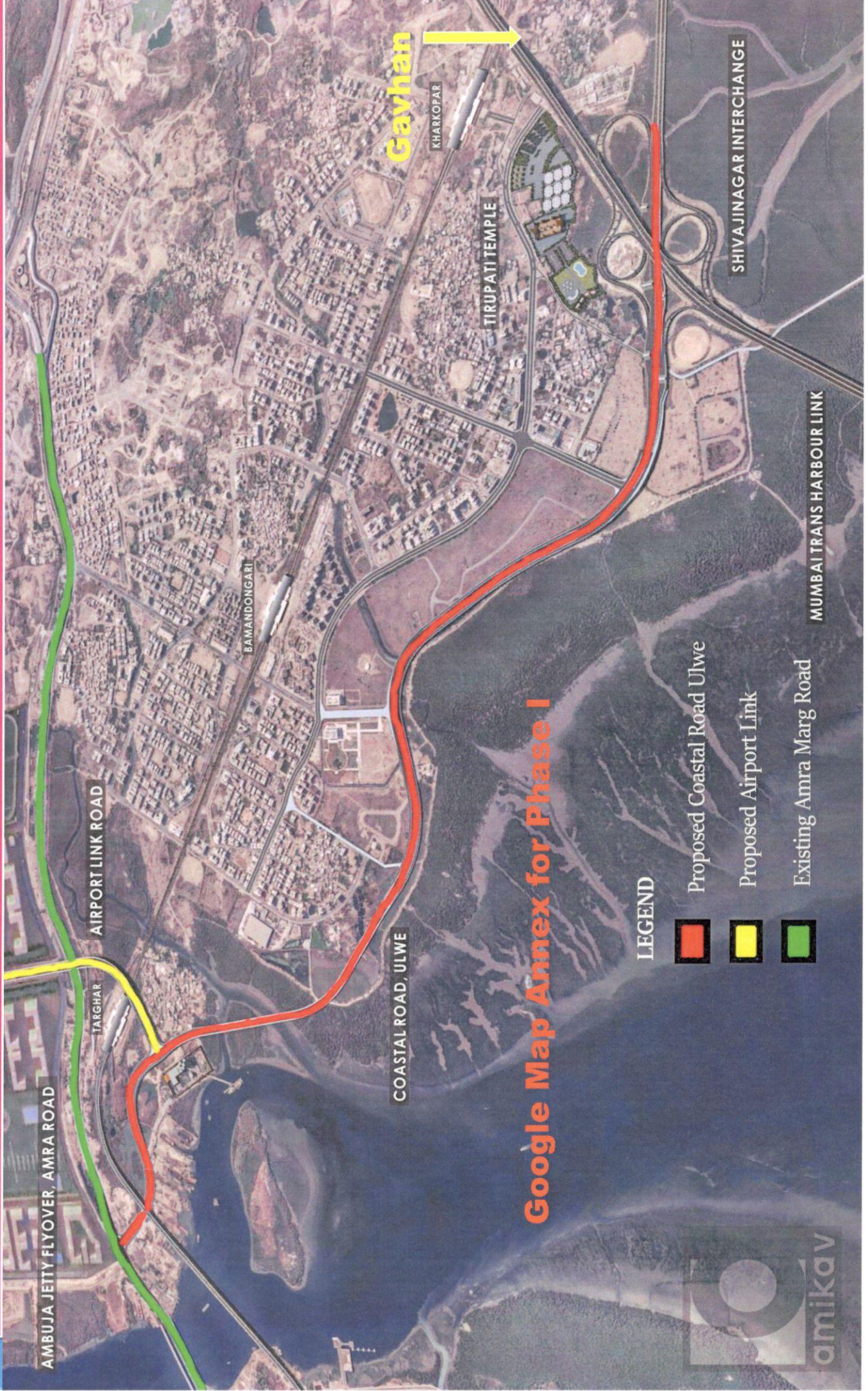
Executive Engineer  
(Ulwe Coastal Road)  
CIDCO Ltd.

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11 MAR 2025



# ULWE COASTAL ROAD



Google Map Annex for Phase I

### LEGEND

- Proposed Coastal Road Ulwe
- Proposed Airport Link
- Existing Amra Marg Road





सत्यमेव जयते

File No: 11/37/2023-IA.III

Government of India

Ministry of Environment, Forest and Climate Change

IA-III Section (CRZ)

Centralized Processing Centre - Green

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Dated 08/11/2023



To,

M/s CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA LIMITED

CIDCO BHAVAN Belapur, Navi Mumbai, THANE, Maharashtra-400614

envgmcidco@gmail.com

Subject:

**Proposal for CRZ Clearance – Construction of Coastal Road from Amra Marg to MTHL junction including the Airport Link at Navi Mumbai by M/s City And Industrial Development Corporation Of Maharashtra Ltd (CIDCO)- regarding.**

Sir/Madam,

This has reference to your online proposal no. IA/MH/CRZ/441829/2023 dated 29/08/2023 on the above-mentioned project proposal for CRZ Clearance, in accordance with the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 and as amended thereof issued under the Environment (Protection) Act, 1986.

2. The Ministry of Environment, Forest and Climate Change has examined the proposal for Construction of Coastal Road from Amra Marg to MTHL junction including the Airport Link at Navi Mumbai by M/s City and Industrial Development Corporation Of Maharashtra Ltd (CIDCO).

3. The proposal was considered by the Expert Appraisal Committee (EAC) for Infrastructure Development, Coastal Regulation Zone, Building/Construction and Miscellaneous projects, in its 340<sup>th</sup> meeting held on 26/09/2023. The Project Proponent (M/s CIDCO) along with his EIA Consultant (M/s Aditya Environmental Services Pvt. Ltd.) have made a detailed presentation and informed the followings:

- i. The proposal is for seeking CRZ Clearance under CRZ Notification, 2011 for the Construction of Coastal Road from Amra Marg to MTHL junction including the Airport Link at Navi Mumbai by M/s City And Industrial Development Corporation Of Maharashtra Ltd.
- ii. The Collector of Raigad has issued the FRA Certificate dated 16/05/2023 w.r.t. FRA Act 2006
- iii. Earlier the project was granted CRZ Clearance by SEIAA vide letter dated 09/08/2019. However, when the PP approached the Mumbai High Court for the Cutting of mangroves, the Hon'ble High Court vide order dated 25/04/2023 directed CIDCO to seek fresh Clearance from MCZMA/SEIAA.
- iv. Accordingly, CIDCO submitted a fresh application to MCZMA on 10/07/2023, and the same has been considered by MCZMA in its 168<sup>th</sup> meeting held on 10/08/2023 and recommended to Ministry vide letter dated 23/08/2023.

- v. As per para 4(i) (g) of the CRZ amendment Notification dated 30/12/2015 to the original CRZ Notification, 2011, the proposal requires clearance from MoEF&CC, Delhi.
- vi. CRZ Maps and CRZ report has been prepared by IRS, Anna University Chennai.
- vii. The proposed road alignment falls within CRZ IA (Mangroves and its 50 m buffer zone area), CRZ IB (intertidal area), CRZ II and CRZ IV (B) area (Moha creek).
- viii. The proposed Ulwe Coastal Road (UCR) starts from Amra Marg to the junction of MTHL including the airport link. It is a part of the approved Navi-Mumbai Development Plan. The entire alignment is about 7 Km (5.8 Km main alignment + 1.2 Km Airport link) and lies in Panvel taluka of Raigad district of Maharashtra state. CRZ Area Classification of Coastal Road is given in the table below:

Category	Area (Sq. m)
CRZ IA (Mangrove)	95499.12
CRZ IA (50 m Mangrove Buffer Zone)	153042.89
CRZ IB	60750.98
CRZ II	70969.31
CRZ IVB	6657.88
Total CRZ Area	386920.19
Non-CRZ	33079.81
Total Area of Alignment	420000

- ix. Construction of the proposed Ulwe Coastal Road will lead to generation of about 20,000 m<sup>3</sup> excavated material, which will be used for onsite filling/ levelling etc. Filling material required about 7,92,722 m<sup>3</sup> sourced from government approved quarries located at Pale Budruk, and Kundevahal. To maintain free flow of water cross drainage structures are proposed within alignment. Details of Cross Drainage Structures are given in the table below:

Sl. No.	Structure	Number
1.	Box Culvert/ Cross Drainage	06
2.	Flyover	03
3.	Minor Bridge	01
4.	Major Bridge	01
5.	Viaduct (Airport Link Road)	01
6.	VUP	03

- x. Estimated cost of project is 681.63 Cr. EMP budget allocated for the proposed coastal road is 963 Lakhs; the recurring cost is 58 lakhs/annum.
- xi. Total 3728 numbers of mangroves are required to be cut or under direct impact. For which Stage-I Forest Clearance and FRA Certificate (dated 16/05/2023) has already been obtained.
- xii. Further w.r.t diversion of 32.6921 ha. of Reserve Forest land, Stage-I Forest clearance *vide* letter dated 19/10/2022 has been attained and in this regard's identification of compensatory land at Village Nhave, Tal Panvel, Dist Raigad has been identified and handed over to Forest Department. Instead of this compensatory mangrove plantation; plantation of suitable native species will be planted on degraded forest land in compartment 343 at Village Shevare Khurd, Tal Parola, District Jalgaon.
- xiii. The project location does not fall in ESA and thus not require prior NBWL Clearance.
- xiv. Total area of damage will be 6.57 ha. out of which 1.00 ha. due to the construction of a 7m wide temporary road for construction purposes, which will be restored to near original state after completion of work in-situ and 5.57 ha. will get permanently damaged by the construction of piers. Owing to the loss of trees and mangroves, corresponding nesting/perching sites of birds in the area will be lost.
- xv. Employment: Manpower requirement during construction phase is 100 numbers. There will be indirect manpower requirement by way of services, suppliers etc. Total implementation time/construction phase post obtaining all prerequisite permissions/clearances etc. of this project will be about 36 months.
- xvi. Benefits: The coastal road will provide a new transportation route for the people. This will reduce

traffic on existing roads like Palm Beach Road, Amra Marg, NH 348 highway and decrease travel time becoming seamless connectivity between MTHL, NMIA, NMSEZ and other regional traffic along with additional connectivity to Ulwe node.

xvii. The Maharashtra Coastal Management Authority has recommended the proposal *vide* letter No. CRZ 2023/CR 151/TC 4 dated 23/08/2023.

4. The Committee deliberated the proposal and noted that the project activity is permissible as per CRZ Notification, 2011 and MCZMA has recommended the project *vide* letter dated 23/08/2023. However, the Committee opined that the conservation and management plan of Mangroves and impact assessment of Bird Management Plan, Flora and Fauna, though has been prepared, it has not been presented appropriately in the EIA report showing the important bird congregation areas *vis-a-vis* road alignment. The PP thereafter showed the same. However, EAC suggested the same be integrated into the EIA and submitted to IRO of MoEFCC. The PP has submitted a commitment for the same on 26/09/2023.

5. The Committee, after detailed deliberations and considering the submissions made by the project proponent, has recommended the proposal for CRZ Clearance, subject to certain specific conditions, as stipulated during its 340<sup>th</sup> meeting held on 26/09/2023 other than standard conditions.

6. Based on the recommendation of the Maharashtra Coastal Zone Management Authority and considering the submissions made by the project proponent, the Ministry of Environment, Forest and Climate Change, in acceptance of the recommendations of the Expert Appraisal Committee (CRZ), hereby accords CRZ Clearance to the project for **“Construction of Coastal Road from Amra Marg to MTHL junction including the Airport Link at Navi Mumbai by M/s City And Industrial Development Corporation Of Maharashtra Ltd (CIDCO)”** under the provisions of the CRZ Notification, 2011 and amendments thereto, subject to the compliance of terms and conditions as under:-

### Specific Conditions

S. No	Specific Conditions
1	All necessary clearance from the concerned authority, as may be applicable should be obtained prior to commencement of project or activity.
2	All construction shall be strictly in accordance with the provisions of the CRZ Notification, 2011, as amended from time to time.
3	All the conditions stipulated by the Maharashtra Coastal Zone Management Authority for CRZ clearance <i>vide</i> its letter No. CRZ 2023/CR 151/TC 4 dated 23/08/2023, and commitments made by the PP before the CZMA and EAC shall be followed in letter and spirit.
4	The project proponent shall ensure the flow of natural tidal water to mangroves should remain un-affected and thus adequate measures to be provided to maintain un-interrupted tidal water to mangroves.
5	Detailed muck disposal plan including monitoring compliance report should be submitted to IRO.
6	No groundwater shall be extracted to meet with the water requirements during the construction and/or

S. No	Specific Conditions
	operation phases.
7	Topsoil excavated during construction activities shall be stored for use in horticulture/landscape development etc. within the project site.
8	Any temporary physical infrastructure setup and excavated material during the construction of project shall not be dumped in water bodies or adjacent areas, construction material and structures/scaffoldings erected for construction at site shall be cleared immediately after finishing construction and it shall be ensured that no construction waste, garbage and machinery or equipment are left post construction.
9	All necessary clearance from the concerned authority, as may be applicable should be obtained prior to commencement of project or activity.
10	The Project Proponent should comply with order/direction, if any, issued by the Hon'ble Court/tribunal on the project.
11	Prior clearance under Forest (Conservation) Act, 1980 for diversion of mangrove forests as may be applicable shall be obtained before the start of mangrove area and mangrove buffer.
12	Prior approval of the High Court of Mumbai shall be obtained in view of the direction issued in connection with the felling of Mangrove and its conservation before execution of the project.
13	Mangrove afforestation shall be undertaken in consultation with the State Forest Department.
14	All livelihoods related activities should be done by Mangrove Foundation. Accordingly, financial assistance should be provided to Mangrove Foundation.
15	There will be no construction activity during the turtle nesting season, if any from 1 <sup>st</sup> January to 30 <sup>th</sup> April of every year.
16	No excavated material during the construction shall be dumped in water bodies or adjacent areas. The site shall be restored to its near original condition after completion of construction of bridge.
17	The PP stated during the presentation, the bridge has no impact on adjacent fishing community and the movement of fishing boats. Accordingly, report should be submitted on the actual situation to the IRO, MoEFCC and take necessary measures to ensure the same, if required.
18	PP should undertake bird monitoring through a national reputed academic institute such as Jhunjhunwala College, University of Mumbai during the construction and at least 2 years after the commission of the project and submit same to IRO of the Ministry.
19	Temporary toilets will be provided for all construction labour. Suitable toilet fixtures for water conservation shall be provided. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators of pressure reducing devices or sensor based

S. No	Specific Conditions
	control.
20	The road across CRZ-IA and CRZ-IB areas should be on stilts as per CRZ Notification 2011.
21	Water quality of the entire creek should be monitored regularly to see the impact of construction and reclamation activities and submit the report to IRO of the Ministry.

### General Conditions

S. No	General Conditions
1	Management of solid waste in accordance with the Solid Waste Management Rules, 2016 shall be strictly implemented.
2	'Consent to Establish' and /or 'Consent to Operate' shall be obtained from State Pollution Control Board under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and / or the Water (Prevention and Control of Pollution) Act, 1974, as may be applicable.
3	Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of Competent Authority.
4	All liquid waste arising from the proposed development will be disposed of as per the norms prescribed by Central / State Pollution Control Board. There shall not be any disposal of untreated effluent into the sea / coastal water bodies. It shall be ensured that the wastewater generated is treated in the STP as committed by the project proponent. The treated waste water shall be reused for landscaping, flushing and / or HVAC cooling purposes etc. within the development. The project proponent should also make alternate arrangement for situation arising due to malfunctioning of STP. There shall be regular monitoring of standard parameters of the effluent discharge from STP under intimation to the SPCB.
5	Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
6	A copy of the clearance letter shall be uploaded on the website of the concerned State Coastal Zone Management Authority/State Pollution Control Board. The Clearance letter shall also be displayed at the Regional Office, District Industries Centre and Collector's Office/ Tehsildar's office for 30 days.
7	A six-monthly monitoring report shall need to be submitted by the project proponent to the concerned Regional Office of this Ministry regarding the implementation of the stipulated conditions.
8	The Ministry of Environment, Forest & Climate Change or any other Competent Authority

S. No	General Conditions
	may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
9	Full co-operation shall be extended to the officials from the Regional Office of MoEF&CC, during monitoring of implementation of environmental safeguards stipulated. It shall be ensured that documents/data sought pertinent is made available to the monitoring team. A complete set of all the documents submitted to MoEF&CC shall be forwarded to the concerned Regional Office of MoEF&CC.
10	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
11	The Ministry reserves the right to add additional safeguard measures subsequently, if considered necessary, and to take action to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner, including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, for non-compliance.
12	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponent from the respective Competent Authorities.
13	The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board (SPCB) and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> . The advertisement should be made within Seven days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the concerned Regional Office of this Ministry.
14	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.
15	The proponent shall upload the status of compliance of the stipulated conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.
16	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the project proponent along with the status of compliance of clearance conditions and shall also be sent to the respective Regional Office of the Ministry by e-mail.

7. This Clearance is subject to a final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs Union of India in Writ Petition (Civil) No.460 of 2004 as may apply to this project.
8. The Ministry reserves the right to stipulate additional conditions if found necessary at subsequent stages and the project proponent shall implement all the said conditions in a time-bound manner. The Ministry may revoke or suspend the CRZ clearance, if the implementation of any of the above conditions is not found satisfactory.
9. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
10. Any appeal against this CRZ clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
11. The above conditions shall be enforced, *inter-alia* under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India/High Courts and any other Court of Law relating to the subject matter.
12. This issue with the approval of the Competent Authority.

**(Dr. H. Kharkwal)**  
**Scientist 'E' (CRZ)**

**Copy To**

1. The Principal Secretary, Environment Department, Government of Maharashtra, 15<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Regional Officer, MoEF&CC, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur - 440001, Maharashtra.
3. The Member Secretary, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110032.
4. The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3<sup>rd</sup> and 4<sup>th</sup> floor, Opp. Cine Planet, Sion Circle, Mumbai - 400022, Maharashtra.
5. The Member Secretary, Maharashtra Coastal Zone Management Authority, Environment Department, 15<sup>th</sup> Floor, New Administrative Building, Opp. Mantralaya, Mumbai - 400022, Maharashtra.
6. Monitoring Cell, MoEF&CC, Indira Paryavaran Bhavan, New Delhi.
7. Guard File/ Record File/ Notice Board.
8. MOEF&CC Website

**(Dr. H. Kharkwal)**  
**Scientist 'E' (CRZ)**

Signed by  
Harendra Kharkwal  
Date: 08-11-2023 19:31:43  
Reason: Verified and  
signed

/62117/2024



भारत सरकार  
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS &  
CLIMATE CHANGE

Regional Office, Ground Floor, East Wing,  
New Secretariat Building Civil Lines,  
Nagpur - 440001,

apccfcetral-ngp-mef@gov.in



F.No. FC-II/MH-191/2022-NGP/12721

Date: 08.01.2024

To,

The Principal Secretary (Forests),  
Revenue and Forest Department,  
HutatmaRajguru Chowk  
Madam Cama Marg  
Mantralaya, Mumbai - 400032.

**Sub: Diversion of 32.6921 ha of forest land in favour of City and Industrial Development Corporation, CBD Belapur for construction of Coastal Road from Amra Marg to MTHL Junction including Airport link road at Village- Targhar, Taluka- Panvel, District- Raigad in the State of Maharashtra-regarding.**

Sir,

The undersigned is directed to refer to State Government of Maharashtra's letter FLD-1322/C.R.190/F-10 dated 12.08.2022 on the above subject seeking prior approval of the Central Government under Section-2 of the **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**. After careful examination of the proposal of the State Government, 'in-principle' approval was accorded by the Central Government vide its letter of even number dated 19.10.2022. The Government of Maharashtra's letter no. FLD-2022/CR-190/F-10 dated 03.05.2023, FLD-1322/CR-190/F-10 dated 07.12.2023 and the Addl. PCCF and Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/FCA-S2/PID-42046/Thane/2023-24/2613 dated 06.12.2023 submitted compliance report on conditions stipulated in the in-principle approval;

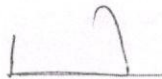
After careful consideration of the proposal and compliance report submitted by the State Government. I am directed to convey the Central Government's 'final approval' under Section- 2(i) of the **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980** for diversion of **32.6921 ha** of forest land in favour of City and Industrial Development Corporation, CBD Belapur for construction of Coastal Road from Amra Marg to MTHL Junction including Airport link road at Village- Targhar, Taluka- Panvel, District- Raigad in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The boundary of the diverted forest land shall be suitably demarcated on ground **State Forest Department from the amount already been realized from the User Agency**;
- iii. Required management activity shall be taken up by the Forest Department over the **32.6921 ha. non-forest area** in Village-Nhave, Taluka Panvel, District-Raigad which has been transferred and mutated in favour of the Forest Department. Further, the State Government shall carryout compensatory afforestation over an extent of **32.6921 ha. Degraded Forest Land** identified in Compartment No. 343, at Village Shevare Khurd, Taluka Parola, District Jalgaon from the amount which has already been realized from the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Jalgaon District shall be planted and monoculture of any species may be avoided;
- iv. The non-forest land transferred and mutated in favour of the Forest Department shall be notified as RF/PF prior to issue of final order by the State Government. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be shall be submitted to this office for record;
- v. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency;
- vi. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and tree felling shall be carried out **from the amount which has already been realized from the User Agency**;
- vii. The State Government, Maharashtra/ Nodal Officer (FCA), Maharashtra shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- viii. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 35,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among



villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office Nagpur. **The amount i.e Rs39,09,766/- claimed to be realized from the User Agency and deposited with the DCF Alibag Forest Division shall immediately be transferred to the designated CAMPA account and detailed report in compliance to the same shall be submitted to this office at the earliest without fail and such activity may be taken with approved APO by the competent authority. Strict compliance should be ensured by the State Government in this regard before issuing the diversion order;**

- ix. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- x. **Permission from the Hon'ble High Court for felling of Mangrove trees shall be obtained by the User Agency before commencement of the work.**
- xi. State Forest Department submitted that an amount of **Rs. 26,29,538/-** has been realized from the User Agency and deposited in to DFO, Alibag account for avenue plantation of 8 feet tall plants as per IRC norms. In view of the above, it is to inform that the said amount claimed to be realized from the UA **shall be transferred to the designated CAMPA account immediately and such plantation may be taken with approved APO by the competent authority. Strict compliance with regard to transfer of amount in to CAMPA account should be ensured by the State Government before issuing the diversion order;**
- xii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xiii. No labour camp shall be established on the forest land;
- xiv. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvi. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xvii. The forest land shall not be used for any purpose other than that specified in the project proposal and **diverted forest area shall**

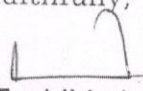


**not exceed 32.6921 ha;**

- xviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xix. Violation of any of these conditions will amount to violation of **Van (Sanrakshan Evam Samvardhan) Adhinyam 1980** and action would be taken as per the provision of **Adhinyam** and rules/guidelines issued there under;
- xx. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;

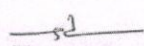
**This order issues with the approval of DDGF(C), Regional Office, MoEF& CC, Nagpur.**

Yours faithfully,

  
(C.B. Tashildar)  
AIGF (Central)

Copy to:

1. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003 **for information please**
2. The PCCF (HoFF), Government of Maharashtra, Nagpur.
3. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
4. User agency.
5. Guard file

  
(C.B. Tashildar)  
AIGF (Central)



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 14630 OF 2022

City and Industrial Development Corporation of Maharashtra Ltd.,  
CIDCO Bhavan, C.B.D. Belapur  
Navi Mumbai – 400 614 ] ...Petitioner.

V/s

1] The State of Maharashtra  
Through the office of Government  
Pleader, High Court, Mumbai ]

2] The Union of India through the  
Ministry of Environment and Forests  
(MOEF), Parayavaran Bhavan, CGO  
Complex Lodi Estates, New Delhi-110003 ]

3] The Coastal Zone Management  
Authority having its office at  
Kalpataru Point, Sion Circle, Sion(E)  
Mumbai – 400 022 ]

4] Chief Conservator of Forest(Wildlife),  
Secretary of State Level Steering  
Committee for Management of  
mangroves & coral reefs having his  
office at Dr. B.R. Ambedkar Bhavan,  
MECL, Seminary Hills, Civil Lines,  
Nagpur – 440 001 ]

5] Bombay Environment Action Group  
Registered Society having address at  
203 Rajendra Chambers 19, Manabhai  
Lane, Fort, Mumbai ]

6] Deputy Conservator of Forest,  
Police Line, Alibaug, Maharashtra-402201 ] ....Respondents.

1/11

WITH  
INTERIM APPLICATION NO.1522 OF 2023  
IN  
WRIT PETITION NO.14630 OF 2022

Bombay Environmental Action Group .... Applicant/  
Original Respondent No.5

In the matter between

1] City and Industrial Development  
Corporation of Maharashtra Ltd. ....Petitioner.

V/s

- 1] The State of Maharashtra
- 2] The Union of India
- 3] The Coastal Zone Management Authority
- 4] Chief Conservator of Forest (Wildlife)
- 5] The Bombay Environmental Action Group ....Respondents.

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Mr. G.S. Hegde, Senior Advocate a/w Ms. P .M. Bhansali for the  
Petitioner – CIDCO.

Mr. N.C. Walimbe, Addl. G.P a/w Ms. K.N. Solunke, AGP for  
Respondent-State.

Mr. R.S. Apte, Senior Advocate i/b Mr. S.S. Ambedkar for Respondent  
No.2.

Ms. Jaya Bagwe for Respondent No.3-MCZMA.

Mr. Nirman Sharma a/w Ms. Sheetal Shah i/b Mehta & Girdharlal for  
Applicant in IA/1522/2023 & Respondent No.5.

----

CORAM: A.S. CHANDURKAR &  
JITENDRA JAIN, JJ.

DATE: 16<sup>th</sup> JANUARY, 2024

ORAL JUDGMENT: (Per A.S. Chandurkar, J.)

1] Rule. Rule made returnable forthwith and heard learned Counsel for the parties.

2] The Petitioner - CIDCO is a Government Company incorporated under the Companies Act, 1956. It has been appointed as the New Town Development Authority for Navi Mumbai under Section 113 (3A) of the Maharashtra Regional Town Planning Act, 1966. The Petitioner seeks leave to undertake necessary work including permission to cut mangroves to enable it to start the work of constructing coastal road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai as per the statutory approvals granted to it. By urging that the aforesaid project is of public importance, leave of the Court is sought in view of the directions issued in Public Interest Litigation No.87 of 2006 (*Bombay Environmental Action Group and another vs. The State of Maharashtra and others*) alongwith connected matters decided on 17/09/2018.

**3/11**

3] The prayer made by the Petitioner was considered by a co-ordinate Bench and by the order dated 25/04/2023 it was found that the manner in which the Maharashtra Coastal Zone Management Authority – MCZMA as well as the State Level Environment Impact Assessment Authority – SLEIAA had granted their respective clearances was not satisfactory. It was noted that these clearances had been granted prior to the judgment in *Bombay Environmental Action Group* (supra) and hence it was directed that the proposal submitted by the Petitioner be re-considered in the light of the directions issued. The aspect of cutting of mangroves was also directed to be gone into.

4] Pursuant to this order, the Petitioner on 10/07/2023 submitted a fresh proposal for the proposed coastal road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai. MCZMA in its 168<sup>th</sup> meeting that was held on 10/08/2023 considered the matter and after deliberation, decided to recommend the said proposal from CRZ point of view to the Ministry of Environment, Forest and Climate Change - MoEFCC subject to complying with various conditions. These conditions included obtaining a no objection from the Mangroves Cell alongwith

undertaking compensatory afforestation. On 23/08/2023 its recommendation was accordingly forwarded to the MoEFCC.

5] On 12/09/2023, the Department of Fisheries, State Government issued a communication to the Chief Engineer of CIDCO indicating issuance of no objection certificate for undertaking the aforesaid work. Thereafter on 26/09/2023, a meeting of the Expert Appraisal Committee was held, which, after due deliberations, recommended the proposal made by CIDCO for CRZ clearance subject to various conditions which included the stipulation that the road across CRZ-1A and CRZ-1B areas should be on stilts as per CRZ Notification, 2011. Thereafter, the MoEFCC considered the said proposal and proceeded to recommend the same. By filing an additional affidavit of the Assistant Conservator of Forest on 10/01/2024, it has been stated that the subject area comprising of 32.6921 hectares had been surveyed and 3728 trees/plants had been identified for being felled while undertaking the project. It has been further stated that subject to such survey, permission to fell the trees could be granted. Reference is made to the communication dated 08/01/2024 issued by the the Ministry of Environment, Forest and Climate Change to the Principal Secretary

**5/11**

(Forest) conveying "final approval" under Section 2(i) of the Forest (Conservation) Act, 1980 for diversion of 32.6921 hectares.

6] We have heard the learned Counsel for the parties. Perusal of the documentary material on record indicates that pursuant to the order dated 25/04/2023, the exercise with regard to seeking approval from the statutory authorities has been undertaken by CIDCO vide its fresh proposal dated 10/07/2023. This proposal has been moved pursuant to the directions issued by MCZMA in its meeting held on 18/05/2023. Alongwith the said proposal, all requisite information has been furnished. The same indicates that about 3728 trees at the mangroves would be required to be felled and there would be reclamation works also. All these aspects are shown to have been considered by the MCZMA in its meeting held on 10/08/2023. The importance of the public infrastructure project has been noted by the MCZMA and by imposing various conditions, recommendation has been made from CRZ point of view. The conditions include obtaining no objection from Mangrove Cell as well as the aspect of compensatory afforestation. Based on the aforesaid, CIDCO has proceeded to submit its action plan to the MoEFCC on 29/08/2023. It is seen that Indian Institute of

Technology has also applied its mind to the project in question and has submitted its report on 23/09/2023. It has concluded that the proposed (selected) alignment was appropriate to take care of the uninterrupted tidal flow and minimum destruction of mangroves. Thereafter on 26/09/2023 a meeting of the Expert Appraisal Committee for projects related to coastal regulation zone was held. As per Agenda 3.4 the present proposal was considered after which the Expert Appraisal Committee recommended the proposal for CRZ clearance subject to various conditions. One of the conditions imposed was that the road passing through CRZ-1A and CRZ-1B areas should be on stilts as per CRZ Notification, 2011. The matter was communicated to CIDCO vide communication dated 25/10/2023. In response to the additional information sought by the said Committee, CIDCO on 26/09/2023 furnished information that the project involved cutting of 3728 mangroves and that CIDCO would plant three times number of mangroves to be cut which was 11184 in number. Other aspects such as bird location site as well as efforts of reducing mangroves cutting by proposing the road on stilts was also indicated. CIDCO thereafter on 31/10/2023 submitted a report to the MoEFCC giving various details including appointment of the Bombay Natural History Society for

**7/11**

preparing a management report for the Airport, avoidance of bird hazard problem and also to maintain avian fauna. The Department of Fisheries of the State Government on 12/09/2023 has communicated its no objection to undertaking of the said project by stating that compensation would be liable to be provided in case any loss is caused to fishermen in terms of Government decision dated 09/03/2023.

7] CIDCO through its Executive Engineer (Ulwe Coastal Road), Shri Suresh B. Thakur has filed an affidavit dated 07/12/2023 stating therein that on 08/11/2023 the MoEFCC has granted CRZ clearance subject to various terms and conditions as mentioned. It has been undertaken that CIDCO shall abide by all the terms and conditions imposed by various authorities. An affidavit-in-reply has also been filed on behalf of the Respondent No.6 – Deputy Conservator of Forest which Authority was impleaded pursuant to the leave granted to the Petitioner on 08/01/2024. In the said affidavit, it has been stated that after undertaking a survey, 3728 trees/plants have been identified that are required to be felled. It has been further stated that felling of trees could be permitted subject to survey to be done at the time of construction. Reference has been made to communication dated

08/01/2024 that has been issued by the MoEFCC to the Revenue and Forest Department of the State Government, conveying the Central Government's "final approval" under Section 2(i) of the Forest (Conservation) Act, 1980 for diversion of 32.6921 hectares of forest land in favour of CIDCO. This was subject to terms and conditions mentioned therein.

8] From the aforesaid material therefore we find that all statutory authorities have approved of the work to be done under the project of constructing a coastal road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai. It may be stated that during pendency of the proceedings, the Respondent No.5 had filed Interim Application No.1522 of 2023 seeking inspection of documents mentioned therein as well as clarification as sought by the said Respondent in its communications addressed to CIDCO. An affidavit-in-reply has been filed to the same by the CIDCO dated 16/02/2023. Various documents alongwith said reply indicate the details with regard to 3728 trees to be felled while undertaking the project. It may be stated that this interim application was considered while the Court passed its earlier order on 25/04/2023. Apprehension expressed by

the Respondent No.5 to the destruction of mangroves has been taken care of by the approvals granted by the statutory authorities by imposing a condition that the construction should be undertaken on stilts that would reduce the number of trees to be felled as well as the aspect of compensatory afforestation by which CIDCO is required to plant trees to the extent of three times the number of trees that are to be felled while undertaking the construction. It is not in dispute that the project in question is of great public utility and the object is to facilitate provision of modes of smooth travel through the coastal road as indicated. This aspect is not in dispute. We are therefore satisfied that subject to all terms and conditions imposed by the statutory authorities being complied with by CIDCO, it is entitled to leave as sought in terms of paragraph 83(viii) of the judgment in *Bombay Environmental Action Group* (supra).

9] For aforesaid reasons, Writ Petition is allowed in terms of prayer clause 'a' which reads as under:-

“a. That this Hon'ble Court be pleased to permit the Petitioners to cut the mangroves in accordance with the

permission granted by the environment & forest authorities, so as to enable the Petitioner to start the work of *Design & Construct Coastal Road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai*, as per conditions imposed by MCZMA, MoEF & CC;”

The Petitioner shall scrupulously comply with all the terms and conditions imposed in the statutory approvals granted by the competent authorities. The undertaking submitted on behalf of CIDCO in its affidavit dated 07/12/2023 that it would abide by all the terms and conditions as imposed is accepted as an undertaking to the Court. The same shall bind the CIDCO and it shall take all necessary steps to comply with the same with a view to protect the environment.

10] Rule is made absolute in the aforesaid terms with no order as to costs. Interim Application No.1522 of 2023 is disposed of.

[ JITENDRA JAIN, J. ]

[ A.S. CHANDURKAR, J.]

## CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA LIMITED

(CIN - U99999 MH 1970 SGC - 014574)

### REGD. OFFICE:

"NIRMAL", 2nd Floor, Nariman Point,  
Mumbai - 400 021.  
PHONE : 00-91-22-6650 0900  
FAX : 00-91-22-2202 2509

### HEAD OFFICE:

CIDCO Bhavan, CBD Belapur,  
Navi Mumbai - 400 614.  
PHONE: 00-91-22-6791 8100  
FAX : 00-91-22-6791 8166

Ref. No. NO.CIDCO/Hort/2022/122 1E-155054

Date : 11.10.2022

To,  
Shri. S. B. Thakur  
EE (Ulwe Coastal Road),  
CIDCO Ltd., 6<sup>th</sup> Floor, CIDCO Bhavan,  
CBD Belapur, Navi Mumbai-400614.

**Sub:- :- Permission for removal of trees falling in the alignment of Coastal road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai.**

Ref: - Your application dt.30/08/2022.

Sir,

With reference to above, it is to inform that your request for removal of trees falling in the alignment of Coastal road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai has been considered by the Tree Authority under section 8(3) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 & rules called the Maharashtra (Urban Areas) Protection and Preservation of Tree rules-2009 & amendment Act 2021, subject to the following conditions.:

- 1) The Tree Authority Committee of CIDCO has granted the permission to cut 103 no. of existing trees and to transplant 91 no. of existing trees. The details are as below;

Sr. No	Description	Tree no.
1	Trees to be cut	01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 13, 18, 19, 21, 22, 23, 24, 26, 27, 34, 35, 41, 45, 53, 54, 55, 58, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 80, 83, 86, 93, 94, 110, 114, 115, 127, 133, 134, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194.
2	Trees to be Transplant	05, 12, 14, 15, 16, 17, 20, 25, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 56, 57, 59, 60, 61, 64, 73, 74, 75, 76, 77, 78, 79, 81, 82, 84, 85, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 135, 141, 164, 170, 177.

- 2) As per the provision under Section 8(3) (a) of the said Act, you are hereby directed that no tree shall be cut/transplanted until fifteen days (15) after the permission is given by the Tree Authority.

In case of any corruption related complaints, please visit :  
[www.cidco.maharashtra.gov.in](http://www.cidco.maharashtra.gov.in) Click on Dakshata link

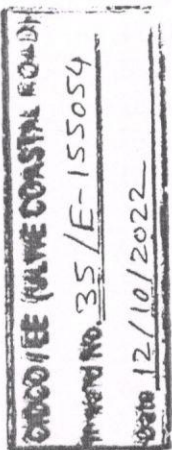
- 3) As per the provision of Maharashtra (Urban Areas) Protection and Preservation of Trees Act-1975 and Amendment Act, 2021-It is mandatory on your part to plant the new trees (same variety or any other local or native variety) of atleast 6ft height and within fifteen days from the date of tree (s) is cut/transplant.
- 4) You shall transplant 91 no. of existing trees and plant 1881 no. of new trees (against cutting of 103 no. of trees and transplantation of 91 no. of trees)- along existing bund road running parallel to row of proposed coastal road and along the existing Nhava road. You shall carry out transplantation under the expert guidance only. While planting trees, suitable distance should be kept from the boundary of the plots, so that the newly planted trees will not obstruct the construction of compound wall or any other civil structure in future.
- You shall maintain & protect the new tree plantation (1881 no. of trees) and transplanted trees (91 no. of trees) for the period of seven years & care should be taken so that tree grows properly & give a report to the tree officer about the condition of these trees once in six months for a period of seven years in the prescribed format. (Copy of Format enclosed herewith for your reference).
- 5) Your attention is kindly drawn to the provisions under section of 21 of the Maharashtra (Urban Areas) Protection & Preservation of Trees Act. 1975 and Amendment Act, 2021.
- 21 (1) Whoever fells any tree or causes any tree to be felled in contraventions of the provision of the Act or without reasonable excuse fails to comply with any order issued or condition imposed by the Tree Officer or the Tree Authority or voluntarily obstructs and member of the Tree Authority or the Tree Officer or any officers and Servants subordinate to him in the discharge of their functions under this Act. Shall, on convection, be punished with the fine of an amount of valuation of tree, using methodology as may be notified by the government but not more than one lakh rupees for every offence and also with imprisonment for a term of not less than one week, which may extent up to one year.
- (3) The felling or causing of felling of each tree without the Permission of the Tree Authority shall constitute a separate offence.
- 6) At the time of transplanting or cutting of trees, if any social problem occurs, you will have to resolve the same at your end.
- 7) You shall submit the report for Cutting and transplantation of the trees carried out to Tree officer, CIDCO.
- 8) Tree authority Committee, CIDCO has granted the permission for removal of 194 no of trees (To Cut 103 nos and to transplant 91 nos). At the time of actual execution of work on site, applicant Executive Engineer (Ulwe Coastal Road), shall ensure that remove only those trees which are falling in alignment of construction activities.
- 9) If bird nests are found on permitted trees to cut/transplant, such trees should not be removed in the rainy season/bird breeding season.

Thanking You.

Yours faithfully

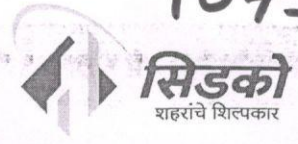
*Anirudh*  
11/10/2022  
Tree Officer

(Tree Authority Committee, CIDCO)





स्वातंत्र्याचा अमृत महोत्सव

सिडको  
शहरांचे शिल्पकार

## शहर व औद्योगिक विकास महामंडळ (महाराष्ट्र) मर्यादित

(सीआयएन - यु १९९९९ एमएच १९७० एसजीसी - ०१४५७४)

नोंदणीकृत कार्यालय :

'निर्मल' दुसरा मजला, नरीमन पॉईंट,

मुंबई - ४०० ०२९.

दूरध्वनी : ००-९९-२२-६६५० ०९००

फॅक्स : ००-९९-२२-२२०२ २५०९

मुख्य कार्यालय :

'सिडको' भवन, सी.बी.डी. बेलापूर,

नवी मुंबई ४०० ६९४.

दूरध्वनी : ००-९९-२२-६७९९ ८९००

फॅक्स : ००-९९-२२-६७९९ ८९६६

सिडको/का.अ.( उलवे कोस्टल रोड )/२०२२/ ३४  
संदर्भ क्र.

१९.१२.२०२२

दिनांक :

प्रती,

श्री. हितेश हरिश्चंद्र कोळी,

अध्यक्ष, गव्हाण कोळीवाडा प्रकल्पग्रस्त संघटना,

मु.पो.गव्हाण, ता. पनवेल, जि. रायगड

विषय: JNPT पर्यंत जाणाऱ्या सिडकोच्या कोस्टल आम्र मार्ग रोड गव्हाण प्रकल्प बाधित पारंपारिक मच्छिमार कुटुंबाचे सिडकोने नुकसान भरपाई व पुनर्वसन करणे बाबत

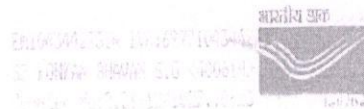
संदर्भ: आपले दि ०५.०७.२०२२ रोजीचे निवेदन

महोदय,

आपण वर नमूद केलेल्या विषयांकित पत्रानुसार JNPT पर्यंत जाणाऱ्या सिडकोच्या कोस्टल आम्र मार्ग रोड गव्हाण प्रकल्प बाधित पारंपारिक मच्छिमार कुटुंबाचे सिडकोने नुकसान भरपाई व पुनर्वसन करणेबाबत विनंती केली आहे. सदर प्रकल्पाबाबत आपणांस कळविण्यात येते की सदर प्रकल्प हा दोन टप्प्यात हाती घेण्यात येणार असून प्रकल्पाच्या पहिल्या टप्प्यात फक्त आम्रमार्ग ते शिवाजीनगर उलवे येथील मुंबई ट्रान्स हार्बर लिंकचे Interchange सुविधेपर्यंत बांधकाम करण्यात येणार आहे, तसेच वेगळ्या मार्गिकेद्वारे नवी मुंबई आंतरराष्ट्रीय विमानतळ जोडणी असे बांधकाम प्रस्तावित आहे. दुसऱ्या टप्प्यातील शिवाजीनगर उलवे ते जवाहरलाल नेहरू बंदर ट्रस्ट पर्यंतचे बांधकाम सिडकोच्या अखत्यारीत नसून ते भविष्यात JNPT मार्फत हाती घेण्यात येऊ शकते. तरी आपण मागणी केलेल्या गव्हाण प्रकल्प बाधित पारंपारिक मच्छिमार कुटुंबाचे नुकसान भरपाई व पुनर्वसनाचा विषय हा सिडकोतर्फे हाती घेण्यात आलेल्या प्रकल्पाच्या पहिल्या टप्प्या अंतर्गत येत नसून सदर भाग व विषय हा प्रकल्पाच्या दुसऱ्या टप्प्यातील JNPT मार्फत हाती घेण्यात येणाऱ्या बांधकामांतर्गत असू शकतो .

तरी आपणास ह्या द्वारे कळविण्यात येत आहे कि आपले मागणीसंदर्भात आपण JNPT शी संपर्क साधावा.

कळावे.



आपला कृपाभिलाषी,

कार्यकारी अभियंता

( उलवे कोस्टल रोड )

भ्रष्टाचारासंबंधी कुठल्याही तक्रारीसाठी कृपया या संकेतस्थळाला भेट द्यावी.

www.cidco.maharashtra.gov.in दक्षता या लिंकवर क्लिक करावे.

1076

Translate

CIDCO/EE(Ulwe Coastal Road)/2022/34

Date :19.12.2022

To,

Mr. Hitesh Harishchandra Koli,  
President, Gavan Koliwada Gambhir, Gambhir,  
At Post Gavhan. Panvel, Dist. Raigad

**Subject: Regarding compensation and rehabilitation by CIDCO of traditional fishermen families affected by CIDCO's Coastal Amra Marg Road Gavhan Project up to JNPT.**

Reference: Your statement dated 05.07.2022

Sir,

As per your above-mentioned letter, CIDCO has requested for compensation and rehabilitation of affected traditional fishermen families affected by CIDCO's Coastal Amra Marg Road Gavhan project leading to JNPT. Regarding the said project, we are informed that the said project will be undertaken in two phases and in the first phase of the project constructed only from Amra Marg to the Mumbai Trans Harbor Link at Shivajinagar Ulwe to the Interchange facility. Also, the construction of connecting Navi Mumbai International Airport through a separate route is proposed. The construction of the second phase from Shivajinagar Ulwe to Jawaharlal Nehru Bandar Trust is not under the jurisdiction of CIDCO and may be undertaken through JNPT in future. However, the issue of compensation and rehabilitation of traditional fisher families affected by the Gavhan project that you have demanded does not come under the first phase of the project undertaken by CIDCO, but the said part and issue can be under the construction undertaken through JNPT in the second phase of the project.

However, you are hereby informed that you should contact JNPT regarding your demand.

Yours Faithfully,

**Executive Engineer (Ulwe Coastal Road)**