

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ)

Appeal. No. 14/2024

Gavhan Koliwada Matsyavyasayik Sahakari

Sanstha Maryadit & Anr.

.....Appellants

Versus

City & Industrial Development Corporation & Ors.Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.6,
MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY
(MCZMA)

I, Abhay Madhukar Pimparkar, Member Secretary & Director, Environment and Climate Change Department, Government of Maharashtra aged about 51 years, presently having office at New Administrative Building, 15th Floor, Environment & CC Dept, Mantralaya, Mumbai do hereby solemnly affirm and state as under:-

1. I say that I am the Member Secretary of Respondent No.6, MCZMA and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present Reply Affidavit based on the same. The present Reply Affidavit is limited to the extent of recommendation for CRZ clearance dated 23/08/2023.
2. I say that, the Appellant has filed the present appeal against the grant of the Coastal Regulation Zone (CRZ) clearance dated 08/11/2023 (hereinafter

M. D. Patel

2

referred to as "impugned CRZ clearance dated 08/11/2023") given to Respondent No.1, by Respondent No. 2, for the construction of a coastal road from Amra Marg to MTHL junction, including the Airport Link at Navi Mumbai, in Maharashtra. The said impugned clearance has been granted on recommendation by the present Respondent.

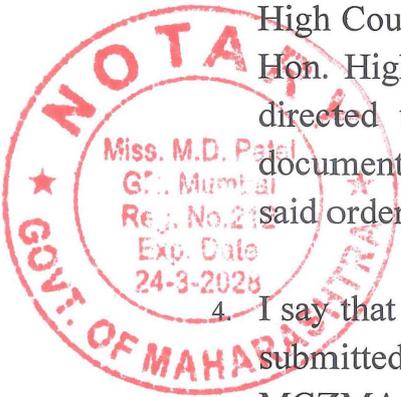
3. Respondent No. 1 CIDCO, has proposed Coastal Road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai. The CIDCO officials along with their consultant presented the proposal before the answering respondent. I say that earlier, this Respondent in its 115th & 119th meeting held on 17-18 January, 2017 & 28-30 June, 2017 had deliberated the proposal and granted the CRZ recommendation. The SIEAA vide letter dated 9.8.2019 granted the CRZ clearance to the project. Subsequently, Respondent No. 1 approached Mumbai High Court seeking approval of the High Court for cutting of mangroves. The Hon. High Court issued an order dated 25 April 2023 wherein CIDCO was directed to seek fresh clearances from MCZMA/SEIAA with requisite documents and information within a period of one week from the date of the said order.

4. I say that pursuant to the said Hon'ble High Court's order, Respondent No. 1 submitted the representation which was considered in 167th meeting of the MCZMA held on 18th May, 2023 wherein the Authority directed CIDCO to submit the fresh proposal with EIA report. The CIDCO vide letter dated 10.7.2023 submitted the fresh proposal with EIA report. As per the submission, the CIDCO has prepared Navi Mumbai Development Plan (NMDP) covering 95 villages into 14 well planned and self-sustained nodes. CIDCO is also developing the off-site infrastructure for ongoing Navi Mumbai International Airport (NMIA) project. The said proposal was considered in the 168th meeting of the MCZMA held on 10th August, 2023.

5. I say that the Ulwe Coastal Road (UCR) is proposed from Amra Marg to MTHL junction including Airport Link, Navi Mumbai. The proposed UCR is a six-lane divided road which starts from Aamra Marg after the Panvel Creek Bridge running along the coast of Ulwe node and connects with MTHL at

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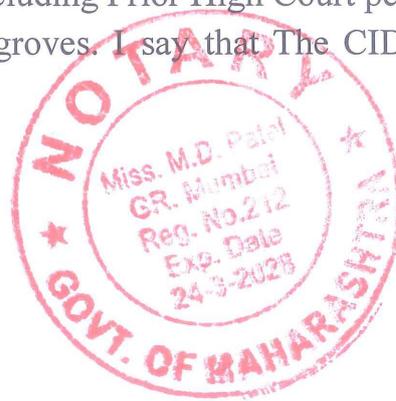
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Shivaji Nagar. The length of coastal road is 5.8 Kms and an airport link of about 1.2 Km. The proposed alignment falls within CRZ IA (Mangroves and its 50 m buffer zone area), CRZ IB (intertidal area), CRZ II and CRZ IV (B) area (Moha creek). I say that as presented by the consultant, the project is basically meant for dispersal of traffic on the upcoming Mumbai Trans Harbour Link and will act as an entry to Navi Mumbai from Mumbai (Mainland) side. The proposed Ulwe coastal road plays vital role as it is linking the proposed MTHL link to the Navi Mumbai International Airport (NMIA) by significant travel time for commuters between island city and NMIA. This will reduce operating costs of vehicles due to lesser congestion.

6. I say that the CIDCO officials presented that the coastal road proposed from Amra Marg to JNPT at Ulwe Node is proposed on stilt. However, certain elements of the coastal road like embankments are on surface i.e will be constructed by reclamation. The CIDCO has submitted the EIA report prepared by M/s Aditya Environmental Services Pvt Ltd (Nabet Accredited consultant). As per the said report, baseline environment studies include environmental conditions in summer 2023 at /around site as well as in study area. I say that The Answering Respondent noted the anticipated impact of the project on surrounding environment, mitigation measures and environment Management Plan suggested in the EIA report. As per the EIA report, the alignment involves 194 number of trees and 3728 number of mangroves. The Alignment does not involve any commercial navigational route or fishing ground.
7. I say that the Expert Members discussed about the impact of the project on the mangroves and suggested that adequate measures shall be taken to ensure that the proposed road will have minimum footprint on mangrove area, The CIDCO officials presented that the coastal road is proposed on stilt ensuring minimum footprint on the mangrove area. Mangrove replantation will be undertaken in consultation with Mangrove Cell, All necessary permission from various statutory authorities including Prior High Court permission will be obtained for the cutting of mangroves. I say that The CIDCO officials

M. D. Patel



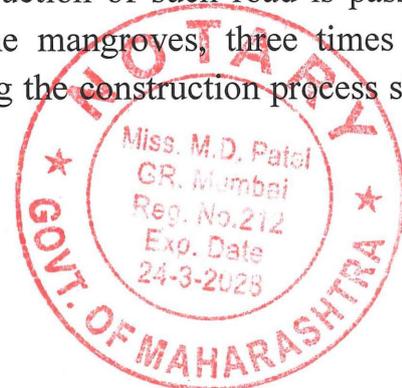
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presented that all adequate measures will be taken to mitigate fugitive dust emission during construction phase of the project.

8. I say that this Respondent noted that the project is an important public infrastructure project for Navi Mumbai which will connect the proposed MTHL link to the Navi Mumbai International Airport (NMIA). This will help in dispersal of traffic around the Navi Mumbai Airport site. However, utmost precautions/measures should be implemented by the CIDCO to lessen & mitigate the impact of road on surrounding biodiversity, avifauna and ecology. Noise barriers at strategic locations need to be installed to mitigate the Noise pollution. Considering its probable adverse impacts, the Authority noted that project activities need to be carried out keeping in view minimum disturbance to coastal ecosystem by adhering to all possible mitigation measures. All mitigation measures & Environment Management Plan as suggested in the EIA report should be followed in letter and spirit.
9. I say that This Respondent deliberated the proposal at length in its 168th Meeting held on 10/08/2023 and noted from the presentation of the PP that proposed road is part of the Development plan of the Navi Mumbai and proposed on stilt. However, as presented by CIDCO, certain elements of the coastal road like embankments are on surface ie will be constructed by reclamation. However, considering the impact of the project on the surrounding coastal environment, it is the responsibility of the CIDCO to take all possible measures and proactively implement the mitigation measures along with Environment Management Plan in order to lessen the impact on local coastal ecology. It was noted that as per para 4(i) (g) of CRZ amendment Notification dated 30th December, 2015 to original CRZ Notification, 2011, the proposal requires clearance from MoEF&CC, Delhi. Which says that "construction of road by way of reclamation in CRZ area shall be only in exceptional cases, to be recommended by the concerned Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case the construction of such road is passing through mangroves or likely to damage the mangroves, three times the number of mangroves destroyed or cut during the construction process shall

M. D. Patal

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be replanted.” Minutes of the said 168th meeting dated 10/08/2023 are hereto annexed and marked as **Annexure I.**

10. I say that in light of above, the Authority after deliberation decided to recommend the proposal from CRZ point of view to MoEF&CC subject to compliance of certain conditions as mentioned in the recommendation dated 23/08/2023. The said recommendation dated 23/08/2023 is hereto annexed and marked as **Annexure II.**
11. I say that thereafter, Respondent No.1 again approached the Hon’ble High Court for obtaining permission to cut mangroves, which the Hon’ble High Court has granted by order dated 16/01/2024, wherein in para 6 of the order, the Hon’ble High Court has observed that “all the 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 “, which is pertinent to note. The said order of the Hon’ble HC is hereto annexed and marked as **Annexure III.**

Place: Mumbai

Date: 1/4/25

M. D. Patel

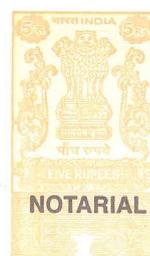
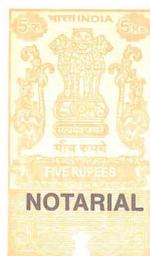
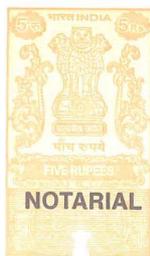
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Abhay Madhukar Pimparkar

(Abhay Madhukar Pimparkar)

Deponent

Director, Environment & CC and
Member Secretary, MCZMA



VERIFICATION

I, Abhay Madhukar Pimparkar, Age about 51 years, Director, Environment and Member Secretary of the Maharashtra Coastal Zone Management Authority, having my office address at 15th Floor, New Administrative Building, Mantralaya Mumbai- 400 032 do hereby verify and declare that statements made in the aforesaid Paras are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on this ^{1st April} day of ~~March~~, 2025.

M.D. Patel

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Abhay Madhukar Pimparkar

(Abhay Madhukar Pimparkar)

Deponent

Director, Environment & CC and
Member Secretary, MCZMA

Identified by

BEFORE ME

M. D. Patel

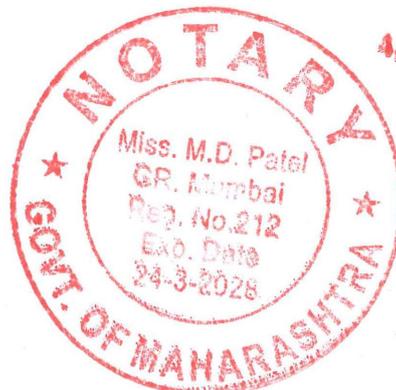
14-2025

Sr. No. 171

Bk. No. 1

Under Secretary, Env & CC Dept

MISS M. D. PATEL
ADVOCATE & NOTARY
Kohiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.



M.D. Patel
1/4/25

Minutes of the 168th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held on 10th August, 2023

Item No.32: Proposed Coastal Road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai by CIDCO.

INTRODUCTION:

The CIDCO officials along with consultant presented the proposal before the Authority. The CIDCO has proposed Coastal Road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai.

Earlier, the MCZMA in its 115th & 119th meeting held on 17-18 January, 2017 & 28-30 June, 2017 deliberated the proposal and granted the CRZ recommendation. The SEIAA vide letter dated 9.8.2019 granted the CRZ clearance to the project. Subsequently, the CIDCO approached Mumbai High Court seeking approval of the High Court for cutting of mangroves.

The Hon. High Court issued following order on 25 April 2023 wherein CIDCO has been directed to seek fresh clearances from MCZMA / SEIAA:

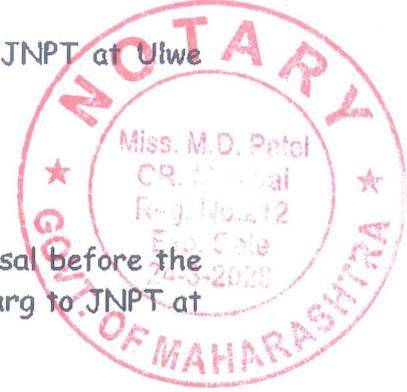
1. CIDCO shall submit a fresh proposal to MCZMA for its CRZ clearance with requisite documents and information within a period of one week from today. MCZMA shall consider and decide CIDCO's proposal in the immediate next meeting to be convened. We are informed that the next meeting of MCZMA is scheduled to be convened in the first week of May 2023. CIDCO's proposal be considered and decided by MCZMA during that meeting.
2. In the event and after the receipt of recommendations for CRZ clearance from MCZMA, CIDCO shall submit a proposal to SEIAA along with MCZMA's recommendations by 15.05.2023. SEIAA shall decide CIDCO's proposal in the immediate next meeting.

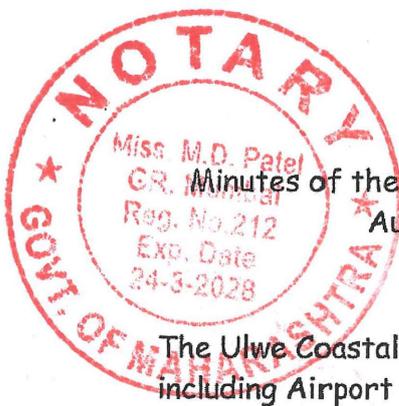
Pursuant to Hon'ble High Court order, the CIDCO submitted the representation which was considered in 167th meeting of the MCZMA held on 18th May, 2023 wherein the Authority directed CIDCO to submit the fresh proposal with EIA report.

The CIDCO vide letter dated 10.7.2023 has submitted the fresh proposal with EIA report. As per the submission, the CIDCO has prepared Navi Mumbai Development Plan (NMDP) covering 95 villages into 14 well planned and self-sustained nodes. CIDCO is also developing the off-site infrastructure for ongoing Navi Mumbai International Airport (NMIA) project


Member Secretary


Chairman





Minutes of the 168th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held on 10th August, 2023

The Ulwe Coastal Road (UCR) is proposed from Amra Marg to MTHL junction including Airport Link, Navi Mumbai

Proposed UCR is a six-lane divided road which starts from Amra Marg after the Panvel Creek Bridge running along the coast of Ulwe node and connects with MTHL at Shivaji Nagar. The length of coastal road is 5.8 Kms and an airport link of about 1.2 Km.

Location	Latitude	Longitude
North (Starts from Amra Marg, near Targhar village underpass)	18 59 55.88N	73 24.38 E
South (End at MTHL junction Shivajinagar)	18 57 42.36 N	73 026.54 E

The proposed 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)

DELIBERATION

The consultant presented that the project basically is the first dispersal of traffic on the upcoming Mumbai Trans Harbour Link and will act as an entry to Navi Mumbai from Mumbai (Mainland) side.

The proposed Ulwe coastal road plays vital role as it is linking the proposed MTHL link to the Navi Mumbai International Airport (NMIA) by significant travel time for commuters between island city and NMIA. This will reduce operating costs of vehicles due to lesser congestion.

CIDCO officials presented that coastal road proposed on from Amra Marg to JNPT at Ulwe Node is proposed on stilt. However, certain elements of the coastal road like embankments are on surface i.e will be constructed by reclamation.

The CIDCO has submitted the EIA report prepared by M/s Aditya Environmental Services Pvt Ltd (Nabet Accredited consultant). As per the said report, baseline environment studies includes environmental conditions in summer 2023 at / around site as well as in study area.

Member Secretary

Chairman

Minutes of the 168th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held on 10th August, 2023

The Authority noted the anticipated impact of the project on surrounding environment, mitigation measures and environment Management Plan suggested in the EIA report. As per the EIA report, the alignment involves 194 number of trees and 3728 number of mangroves. The Alignment does not involve any commercial navigational route or fishing ground.

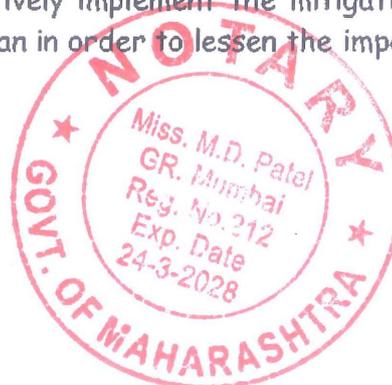
Expert Members discussed about the impact of the project on the mangroves and suggested that adequate measures shall be taken to ensure that the proposed road will have minimum footprint on mangrove area. The CIDCO officials presented that the coastal road is proposed on stilt ensuring minimum footprint on the mangrove area. Mangrove replantation will be undertaken in consultation with Mangrove Cell. All necessary permission from various statutory authorities including Prior High Court permission will be obtained for the cutting of mangroves.

The CIDCO officials presented that all adequate measures will be taken to mitigate fugitive dust emission during construction phase of the project.

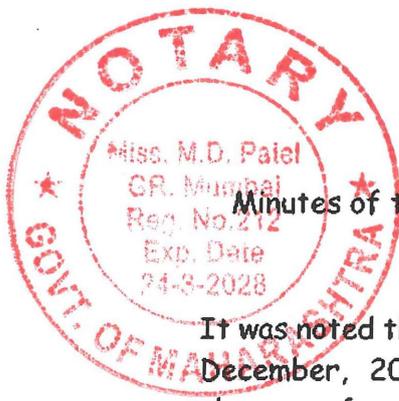
The Authority noted that the project is important public infrastructure project for the Navi Mumbai which will connect the proposed MTHL link to the Navi Mumbai International Airport (NMIA). This will help in dispersal of traffic around the Navi Mumbai Airport site. However, utmost precautions / measures should be implemented by the CIDCO to lessen & mitigate the impact of road on surrounding biodiversity, avifauna and ecology. Noise barriers at strategic locations need to be installed to mitigate the Noise pollution. Considering its probable adverse impacts, the Authority noted that project activities need to be carried out keeping in view minimum disturbance to coastal ecosystem by adhering to all possible mitigation measures. All mitigation measures & Environment Management Plan as suggested in the EIA report should be followed in letter and spirit.

The Authority deliberated the proposal at length and noted from the presentation of the PP that proposed road is part of the Development plan of the Navi Mumbai and proposed on stilt. However, as presented by CIDCO, certain elements of the coastal road like embankments are on surface i.e will be constructed by reclamation. However, considering the impact of the project on the surrounding coastal environment, it is the responsibility of the CIDCO to take all possible measures and proactively implement the mitigation measures along with Environment Management Plan in order to lessen the impact on local coastal ecology.


Member Secretary




Chairman



Minutes of the 168th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held on 10th August, 2023

It was noted that as per para 4(i) (g) of CRZ amendment Notification dated 30th December, 2015 to original CRZ Notification, 2011, the proposal requires clearance from MoEF&CC, Delhi. The said para is reproduced as below:

"construction of road by way of reclamation in CRZ area shall be only in exceptional cases, to be recommended by the concerned Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case the construction of such road is passing through mangroves or likely to damage the mangroves, three times the number of mangroves destroyed or cut during the construction process shall be replanted"

DECISION:

In the light of above, the Authority after deliberation decided to recommend the proposal from CRZ point of view to MoEF&CC subject to compliance of following conditions:

1. The proposed activity should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. CIDCO to ensure that project activities are carried out keeping in view minimum disturbance to coastal ecosystem by adhering to all possible mitigation measures.
3. PP to ensure that during construction phase, all possible adequate measure shall be undertaken to have less impact on the surrounding mangroves and coastal ecology. PP to ensure that efforts should be made to lessen the footprint of the coastal road on the mangrove area.
4. Spacing between the pillars/ piers of Coastal road should be provided taking into consideration free flow of the tidal water is not obstructed.
5. The CIDCO to ensure that Muck disposal plan should be implemented in letter & spirit.
6. Prior High Court permission should be obtained by the PP as per Hon'ble High Court order dated 17th Sep, 2018 in PIL 87/2006, since the project involves cutting of mangroves.
7. NoC from the Mangrove Cell should be obtained by the PP. Compensatory mangrove plantation should be carried out in consultation with Mangrove Cell. Three times the number of mangroves destroyed or cut during the construction process shall be replanted
8. PP to obtain the prior Forest Clearance under Forest (Conservation) Act, 1980.

[Signature]

Member Secretary

[Signature]
Chairman

Minutes of the 168th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held on 10th August, 2023

9. PP to strictly ensure that activities of local fisherman communities should not be hampered due to the proposed project. NoC from the office of Commissioner, Fisheries should be obtained.
10. The PP shall ensure that adequate noise barriers along the coastal road are provided.
11. The PP shall not undertake any construction activities during night hours. During the day time, noise level should be within the prescribed limits.
12. There shall be no disposal of solid or liquid waste in the coastal area. Solid waste management shall be as per Solid Wastes Management Rules, 2016.
13. Excavated material should be used for onsite filling/ leveling etc.
14. During construction phase, Necessary training / awareness should be imparted to contractors & workers so that adequate environmental safeguards could be implemented on site.
15. PP to ensure that noise and vibration level is within permissible limit during construction phase of the project.
16. Project proponent should implement Environment Management Plan for the project effectively and efficiently during construction and operational phase of the project to ensure that coastal environment is protected.
17. The PP shall set up a full-fledged inhouse Environment Management Cell for effective implementation of the Environment Management Plan including Mangrove replantation plan, monitoring, as well as Disaster Management Plan.
18. The PP should engage with expert organization for suggesting the measures for mitigating the impact on avifauna and other wildlife species, if any.
19. No labour camp are allowed in CRZ area & it should also be ensured that the waste water from these entities should not be released into sea. Mobile toilets with mobile STPs to be provided in work front area.
20. All the other mandatory permission from different statutory authorities should be obtained prior to the commencement of work of project at the site.



Member Secretary

Chairman

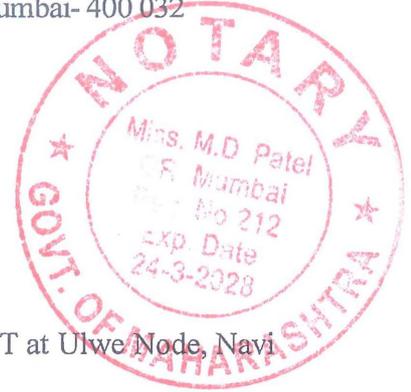


MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No.: 2202 9388
E-mail : dir1.mev-mh@nic.in
Website: <https://mczma.gov.in/>

No. CRZ 2023/CR 151/TC 4
Office of the -
Maharashtra Coastal Zone Management
Authority, Environment & Climate Change
Department, 15th Floor, New Administrative
Building, Mantralaya, Mumbai- 400 032
Date: 23rd August, 2023

To,
Director (IA-III),
Coastal Zone Regulation,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran bhavan, Jor Bagh Road,
New Delhi - 110 003.



Subject: Proposed Coastal Road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai by CIDCO.

The Maharashtra Coastal Zone Management Authority in its 168th meeting held on 10th August 2023 deliberated the subject proposal for Proposed Coastal Road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai

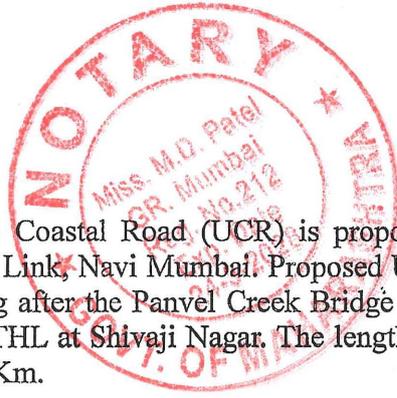
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3. The Hon. High Court issued following order on 25th April 2023 wherein CIDCO has been directed to seek fresh clearances from MCZMA / SEIAA:

1. *CIDCO shall submit a fresh proposal to MCZMA for its CRZ clearance with requisite documents and information within a period of one week from today. MCZMA shall consider and decide CIDCO's proposal in the immediate next meeting to be convened. We are informed that the next meeting of MCZMA is scheduled to be convened in the first week of May 2023. CIDCO's proposal be considered and decided by MCZMA during that meeting.*
2. *In the event and after the receipt of recommendations for CRZ clearance from MCZMA, CIDCO shall submit a proposal to SEIAA along with MCZMA's recommendations by 15.05.2023. SEIAA shall decide CIDCO's proposal in the immediate next meeting.*

4. Pursuant to Hon'ble High Court order, the CIDCO submitted the representation which was considered in 167th meeting of the MCZMA held on 18th May, 2023 wherein the Authority directed CIDCO to submit the fresh proposal with EIA report.

5. The CIDCO vide letter dated 10.7.2023 has submitted the fresh proposal with EIA report. As per the submission, the CIDCO has prepared Navi Mumbai Development Plan (NMDP) covering 95 villages into 14 well planned and self-sustained nodes. CIDCO is also developing the off-site infrastructure for ongoing Navi Mumbai International Airport (NMIA) project



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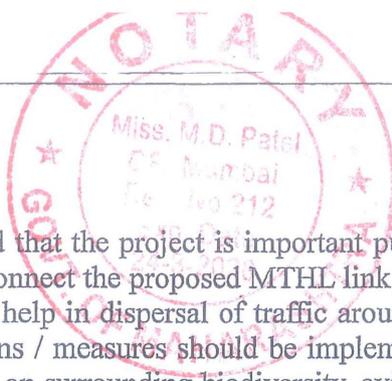
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12. The Authority noted the anticipated impact of the project on surrounding environment, mitigation measures and Environment Management Plan suggested in the EIA report. As per the EIA report, the alignment involves 194 number of trees and 3728 number of mangroves. The Alignment does not involve any commercial navigational route or fishing ground.

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18. In the light of above, the Authority after deliberation decided to recommend the proposal from CRZ point of view to MoEF&CC subject to compliance of following conditions:

Specific Conditions:

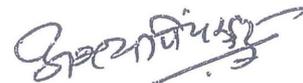
- i. The proposed activity should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
- ii. CIDCO to ensure that project activities area carried out keeping in view minimum disturbance to coastal ecosystem by adhering to all possible mitigation measures.
- iii. PP to ensure that during construction phase, all possible adequate measure shall be undertaken to have less impact on the surrounding mangroves and coastal ecology. PP to ensure that efforts should be made to lessen the footprint of the coastal road on the mangrove area.
- iv. Spacing between the pillars/ piers of Coastal road should be provided taking into consideration free flow of the tidal water is not obstructed.
- v. The CIDCO to ensure that Muck disposal plan should be implemented in letter & spirit.
- vi. Prior High Court permission should be obtained by the PP as per Hon'ble High Court order dated 17th Sep, 2018 in PIL 87/2006, since the project involves cutting of mangroves.
- vii. NoC from the Mangrove Cell should be obtained by the PP. Compensatory mangrove plantation should be carried out in consultation with Mangrove Cell. Three times the

- number of mangroves destroyed or cut during the construction process shall be replanted
- viii. PP to obtain the prior Forest Clearance under Forest (Conservation) Act, 1980.
 - ix. PP to strictly ensure that activities of local fisherman communities should not be hampered due to the proposed project. NoC from the office of Commissioner, Fisheries should be obtained.
 - x. The PP shall ensure that adequate noise barriers along the coastal road are provided.
 - xi. The PP shall not undertake any construction activities during night hours. During the day time, noise level should be within the prescribed limits.
 - xii. There shall be no disposal of solid or liquid waste in the coastal area. Solid waste management shall be as per Solid Wastes Management Rules, 2016.
 - xiii. Excavated material should be used for onsite filling/ leveling etc.
 - xiv. During construction phase, Necessary training / awareness should be imparted to contractors & workers so that adequate environmental safeguards could be implemented on site.
 - xv. PP to ensure that noise and vibration level is within permissible limit during construction phase of the project.
 - xvi. Project proponent should implement Environment Management plan for the project effectively and efficiently during construction and operational phase of the project to ensure that coastal environment is protected.
 - xvii. The PP shall set up a full-fledged inhouse Environment Management Cell for effective implementation of the Environment Management Plan including Mangrove replantation plan, monitoring, as well as Disaster Management Plan.
 - xviii. The PP should engage with expert organization for suggesting the measures for mitigating the impact on avifauna and other wildlife species, if any.
 - xix. No labour camp are allowed in CRZ area & it should also be ensured that the waste water from these entities should not be released into sea. Mobile toilets with mobile STPs to be provided in work front area.
 - xx. All the other mandatory permission from different statutory authorities should be obtained prior to the commencement of work of project

General MCZMA Conditions:

- i. In case of any change in project profile, the project would require fresh appraisal by the MCZMA.
- ii. The MCZMA or any other competent authority, concerned planning authority may stipulate any additional conditions subsequently, if deemed necessary.
- iii. The clearance accorded to the project under CRZ notification shall be valid for a period of seven years from the date of issue of such clearance: Provided that the construction activities shall commence within a period of five years from the date of the issue of clearance and the construction be completed and the operations be commenced within seven years from the date of issue of such clearance.
- iv. The recommendation from CRZ point of view is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this recommendation does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
- v. PP has to strictly abide by the conditions stipulated by the MCZMA.
- vi. Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining MCZMA clearance.
- vii. No further Expansion or modifications, other than mentioned in the CRZ

- Notification, 2011 / 2019 and its amendments, shall be carried out without prior approval of the MCZMA. In case of deviations or alterations in the project proposal from those submitted to MCZMA for clearance, a fresh reference shall be made to the MCZMA as applicable to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- viii. This MCZMA clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this MCZMA clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
 - ix. MCZMA reserves the right to cancel / revoke CRZ permission in case of any violation of CRZ Notification, 2011 /2019 issued by the MoEF&CC, New Delhi amended from time to time without prejudice to any liability on MCZMA.
 - x. The MCZMA clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent in the case filed against him, if any or action initiated under EP Act.
 - xi. This MCZMA Clearance is issued purely from an environment point of view without prejudice to any court cases and all other applicable permissions / NoCs.
 - xii. In case of submission of false document and non-compliance of stipulated conditions, MCZMA will revoke or suspend the MCZMA Clearance without any intimation and initiate appropriate legal action under Environment Protection Act, 1986.
 - xiii. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (protection) Act, 1986 and rules there under, hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public liability Insurance Act, 1991 and its amendments.
 - xiv. Any appeal against this MCZMA clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune) New Administrative building, 1st floor, D wind, Opposite Council Hall, Pune, if prepared, within 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.
19. A copy of minutes of the meeting are attached herewith.

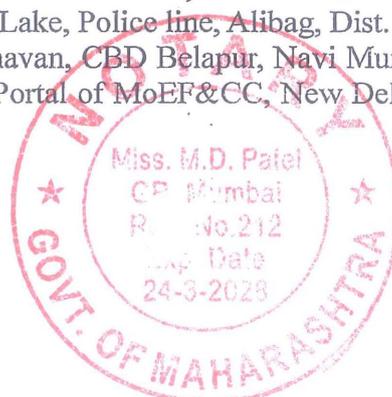


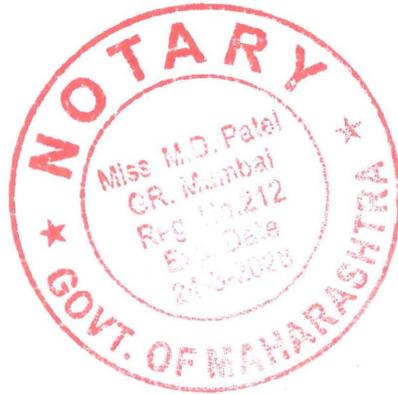
(Abhay Pimperkar)

Director, Environment & MS, MCZMA

Copy for information to:

1. PS (Environment) & Chairperson, (MCZMA), Environment & CC Department, Room No. 217 (Annex), Mantralaya, Mumbai - 32.
2. Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Road No. 8, Sion Cir, opp. PVR Theater, Mumbai - 22
3. District Collector, Raigad, Near Hirakot Lake, Police line, Alibag, Dist. Raigad
4. Managing Director, CIDCO, CIDCO bhavan, CBD Belapur, Navi Mumbai - It is requested to apply online on Parivesh Portal of MoEF&CC, New Delhi along with this CRZ recommendation letter.
5. Select File (TC 4)





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M. D. Patel



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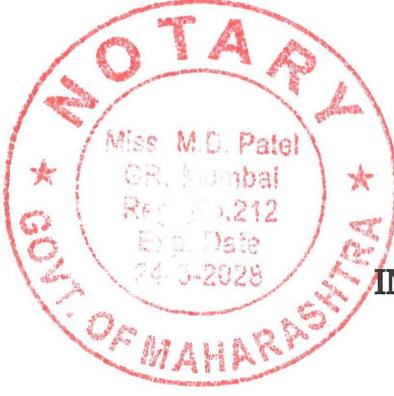
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14630 OF 2022

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.





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 GroupRespondents.

 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.

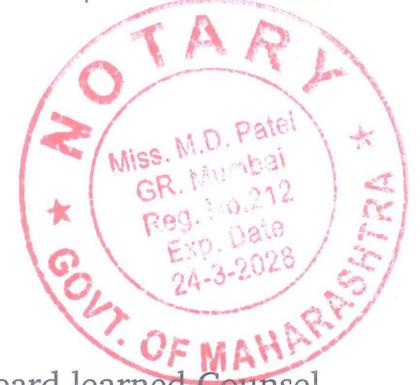
Ms. Jaya Bagwe for Respondent No.3-MCZMA.

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.

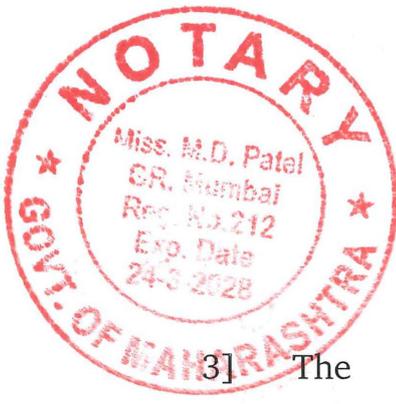
DATE: 16th JANUARY, 2024

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.



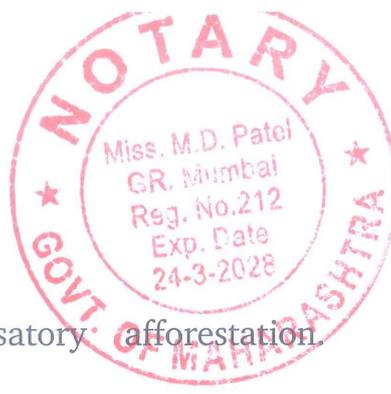
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3] The prayer made by the Petitioner was considered by a co-ordinate Bench and by the order dated 25/04/2023 it was found that the manner in which the Maharashtra Coastal Zone Management Authority – MCZMA as well as the State Level Environment Impact 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.

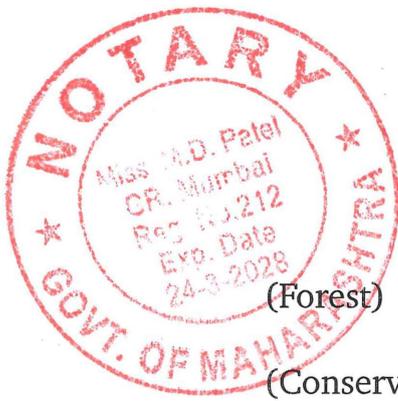
4] Pursuant to this order, the Petitioner on 10/07/2023 submitted a fresh proposal for the proposed coastal road from Amra Marg to JNPT at Ulwe Node, Navi Mumbai. MCZMA in its 168th meeting that was held on 10/08/2023 considered the matter and after deliberation, decided to recommend the said proposal 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

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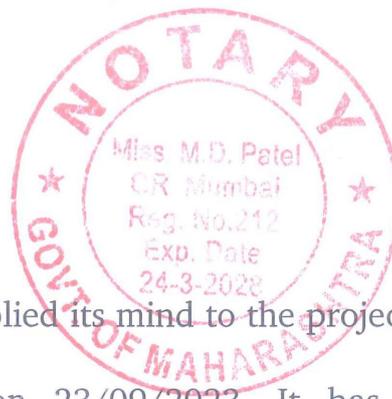
undertaking compensatory afforestation. On 23/08/2023 its recommendation was accordingly forwarded to the MoEFCC.

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



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

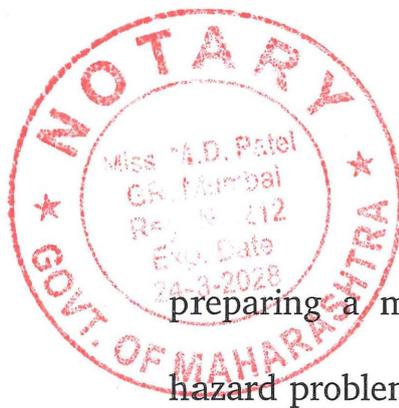
6] We have heard the learned Counsel for the parties. Perusal of the documentary material on record indicates that pursuant to the order dated 25/04/2023, the exercise with regard to seeking approval from the statutory authorities has been undertaken by CIDCO vide its fresh proposal dated 10/07/2023. 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



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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

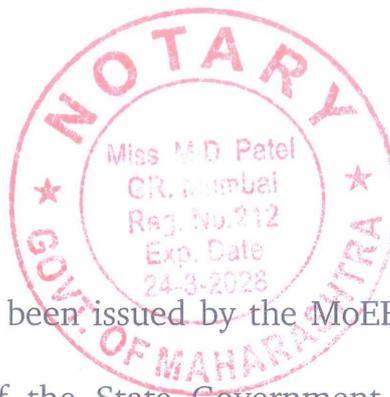


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preparing a management report for the Airport, avoidance of bird hazard problem and also to maintain avian fauna. The Department of Fisheries of the State Government on 12/09/2023 has communicated its no objection to undertaking of the said project 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

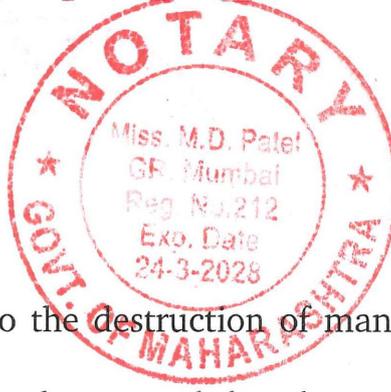
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08/01/2024 that has been issued by the MoEFCC to the Revenue and Forest Department of the State Government, conveying the Central Government's "final approval" under Section 2(i) of the Forest (Conservation) Act, 1980 for diversion of 32.6921 hectares 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



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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

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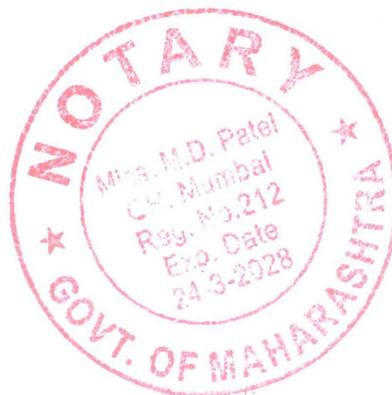
permission granted by the environment & forest authorities, so as to enable the Petitioner to start the work of *Design & Construct Coastal Road from Amra Marg to MTHL junction including Airport Link at Navi Mumbai*, as per conditions imposed by MCZMA, MoEF & CC;”

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.]



11/11

