



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.2674 OF 2024**

Adani Cementation Limited ] .. Petitioner  
vs.  
Union of India & Ors. ] .. Respondents

Mr.Vikram Nankani, Senior Advocate a/w Mr.Pranav Narsaria, Mr.Rohan Dakshini, Ms.Shweta Jaydev and Ms.Feroza Bharucha i/b Rashmikant & Partners for the Petitioner.

Mr.Y.R. Mishra a/w Mr.Shailendra Mishra for Respondent No.1.

Ms.Jaya Bagwe for Respondent No.2-MCZMA.

Ms.Neha Bhide, GP a/w Mr.O.A. Chandurkar, Addl. GP and Ms.G.R. Raghuwanshi, AGP for respondent Nos.3 to 6 and 8.

Mr.Rakesh L. Singh i/b M.V. Kini & Co. for Respondent No.7-MMB.

Mr.Aditya Mehta a/w Ms.Viloma Shah, Ms.Deepali Bagla and Mr.Ativ Patel i/b AVP Partners for Respondent No.9.

**CORAM : ALOK ARADHE, CJ. &  
BHARATI DANGRE, J.**

**RESERVED ON : 10<sup>th</sup> FEBRUARY, 2025.  
PRONOUNCED ON : 05<sup>th</sup> MARCH, 2025.**

**JUDGMENT (PER BHARATI DANGRE, J) :-**

1. Adani Cementation Limited, a Company incorporated under the provisions of the Companies Act, 2013 and a part of Adani Group, has approached this Court seeking issuance of writ of mandamus or any other writ/order or direction, directing the Respondents/Authorities to permit the Petitioner to carry out the work of construction of a berthing/

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captive jetty to facilitate transportation of cement, clinker and other raw material through waterways alongwith a conveyor corridor and an approach Road to the proposed cement grinding and fly ash/slag processing unit, a back up storage unit in Shahapur and Shahabaz in Raigad district for meeting the increasing need for cement of Mumbai Metropolitan Region.

The Petitioner has prayed for an approval from this Court in the wake of the directive issued in Judgment and Order dated 17/09/2018 in Paragraph 83 (8) in Public Interest Litigation No.87/2006, by considering the public importance of the project.

2. We have heard the learned senior counsel Mr.Vikram Nankani for the Petitioner.

In the Petition filed to the above effect the Ministry of Environment, Forest and Climate Change (MOEFCC) is impleaded as Respondent No.1, whereas, the Maharashtra Coastal Zone Management Authority (MCZMA) is impleaded as Respondent No.2. The State of Maharashtra through Environment Department, the Principal Chief Conservator of Forest and the Chief Wildlife Warden and Principal Chief Conservator of Forest (Wildlife) alongwith the Additional Principal Chief Conservator of Forest (Mangrove Cell) are impleaded as Respondent Nos.2 to 6. The Maharashtra Maritime Board is Respondent No.7 to the Petition, whereas, pursuant to the amendment being allowed to be carried out by order dated 26/02/2024, the Bombay Environmental Action Group (BEAG) is impleaded as Respondent No.9.

We have also heard Mr.Y.R. Mishra for Respondent No.1, Ms.Jaya Bagwe for Respondent No.2-MCZMA and Ms.Neha Bhide, Government Pleader alongwith Mr.Omkar Chandurkar, the Additional

Government Pleader for the State Authorities. The Maritime Board is represented by Advocate Mr.Rakesh Singh, whereas, the newly added Respondent No.9/BEAG is represented by Mr.Aditya Mehta.

3. By consensus between the parties, we have taken up the Petition for final hearing at the stage of admission.

‘Rule’. Rule is made returnable forthwith.

4. Considering the increasing demand for cement, an essential ingredient for modern construction and infrastructural development and in particular its demand in Mumbai Metropolitan Region, in view of the infrastructure projects such as Mumbai Metro, Navi Mumbai International Airport, Coastal Road Project and other development works, the Petition proceeds to state that around 75% of the current demand of cement is being met through production units in Kalburgi District in Karnataka and Vidarbha District in Maharashtra. However, the production units being situated at a distance of around 500 and 900 kilometers from Mumbai and the cement being required to be transported through roadways and railways, it is the case of the Petitioner that it not only leads to heavy congestion of roads, but leaves a big carbon footprint behind.

Reliance is placed upon the RITES Report on Integrated National Waterways Transportation Grid, 1 liter of fuel moves 24 tonnes per kilometer via road, 95 tonnes per kilometer via railways and 215 tonnes per kilometer via waterways. Highlighting that the transport sector accounts for 13.5% of the carbon dioxide emissions in India according to a 2020 study conducted by Climate Action Tracker, an independent climate-change policies tracker, it is estimated that it is the third highest sector for emissions, coming after the industrial and residential sectors.

Reliance is also placed upon a 2020 study conducted by the International Energy Agency, which has reported that 90% of the total emissions of the transport sector was via road transport, with freight trucks being a significant contributor to the total pollution. Shipping on the other hand contributes to less than 2% of the total emissions.

5. Keeping in mind the aforesaid parameters, the Petitioner is desirous of setting up a project envisaging a step in the right direction to meet substantial part of Mumbai's cement need through waterways.

According to the Petitioner, the Maharashtra Maritime Board through its Policy formulated in 2016, encouraged setting up of Ports and Jettys to encourage transport via seaways for industrial and economic development. As per the said Policy, the berthing jetty is also permitted to be used by third parties identified by the Maritime Board and it is pleaded that the transport via waterways deserve encouragement.

Considering the large demand of cement in the coastal areas and seeing the current congestion of roads in Mumbai Metropolitan Region, the Petitioner conceptualized setting up of cement manufacturing unit along Amba River in Shahapur and Shahabaz Taluka in Raigad District, with an intention to reduce the carbon footprint in consonance with India's pledge in Paris Agreement adopted by 196 countries, at the United Nations Framework Convention on Climate Change Conference held on 12/12/2015. The Project, according to the Petitioner, will help in reducing the overall pollution and will also accelerate the infrastructure development in Mumbai, and hence it is in larger public interest.

The reason for choosing this particular location is set out in the Petition by suggesting that it will allow the transport of raw material for

cement production to the production unit and thereafter the transport of finished product from the unit to the Mumbai Metropolitan Region, through waterways. In addition, it is also the case of the Petitioner that the cement plant will help in management of waste and the slag waste of around 1 million-2.2 million tonnes from nearby plants and also fly ash of around 0.7 million-1.5 million tonnes from nearby thermal power plants, will be used as raw material in manufacturing cement.

An additional advantage of the Project is highlighted by stating that Plant would also help in reducing the waste from crop-residue, as the same shall be collected from nearby farms and used as alternate fuel/bio fuel in the cement plant, which would create an additional source of income for the farmers and prevent them from burning the crop residue, thus, reducing environmental pollution.

6. The proposed project of the Petitioner is described in the Petition as below :-

“The Project involves construction of a berthing jetty (with 4 large berths) on Amba River having a total length of 620 meters and a width of 35 meters. This berthing jetty would also have a mechanized handling system for loading and unloading of the raw materials and finished products. In order to minimize the impact on the flora and fauna of the region, the jetty approach would be through 'trestles' of approximately 400 meters, instead of the traditional 'bund' approach. A 'bund' is a flat approach road being around 7 metres wide, between the jetty and the mainland constructed directly on the water, and in comparison, a 'trestle' approach envisages the setting up of pillars and an elevated approach which ensures minimal disturbance to the flora and fauna of the region.

In order to minimize the noise pollution and also to minimize the risk for spillage of any material, a mechanized conveyor system of approximately 535 meters is proposed for connecting the berthing jetty with the cement plant, and the majority of the raw material will be transferred via this conveyor corridor directly from the berthing Jetty. Apart from this, the coal and slag waste which is also used for production of cement will be sourced from nearby ports and industries which will not affect the mangroves in any manner.”

7. The aforesaid project covers total area of 6000 Hectares and the details of the land use is set out to be as under :-

| Sr.No | Land Classification       | Area (ha) | Purpose                              |
|-------|---------------------------|-----------|--------------------------------------|
| 1.    | Waterfront area (CRZ IVB) | 2.2000    | Berthing jetty                       |
| 2.    | Mangrove forest (CRZ IA)  | 0.6497    | Conveyor Corridor                    |
| 3.    | Intertidal area (CRZ IB)  | 0.5503    |                                      |
| 4     | Agriculture (CRZ-III)     | 2.6000    | Cement plant and backup storage unit |

For giving effect to the Project, it is pleaded that total number of 158 mangrove trees and shrubs will be affected and the estimated total cost of the project is around Rs.172 Crore.

8. Before approaching this Court, the Petitioner/the Project Proponent had acquired various clearances and permissions for carrying out the said project, particularly since it affects the mangroves. The details of the requisite permissions are set out in the Petition to the following effect :-

**A) Permission from Maharashtra Maritime Board.**

The Petitioner applied to the Maharashtra Maritime Board for

allotment of 620 meters of waterfront alongwith intertidal land at village Shahabaz for setting up the berthing jetty. It also submitted a Techno Economic Feasibility Report and a demand draft of Rs.5 Lakhs towards the processing fee.

In the 73<sup>rd</sup> meeting of the Maharashtra Maritime Board held on 23/04/2018, while approving the Petitioner's proposal, a Letter of Intent was issued on 03/07/2018 allotting the waterfront area of 620 meters to the Petitioner for developing captive berthing jetty. The permission from Maharashtra Maritime Board is subject to the following conditions :-

- a. Pay a sum of Rs. 30 lakhs towards the one-time non-refundable deposit within a period of 60 days from the receipt of the letter of intent;
- b. Furnish a Bank Guarantee of Rs. 5 crore in favour of Respondent No. 8 within a period of 60 days from the receipt of the letter of intent;
- c. Submit a Detailed Project Report after carrying out the necessary technical studies within a period of 6 months from the date of receipt of the letter of intent;
- d. Obtain and submit the CRZ clearance, environmental clearance and other statutory permissions/clearances required for the proposed development of the berthing jetty within a period of 24 months from the date of issuance of the letter of intent.

The Petitioner ensured compliance of the aforesaid conditions and furnished the Bank Guarantee of Rs.5 Crore and paid non refundable deposit. In the wake of the objection raised by Respondent No.7 /Maharashtra Maritime Board that the waterfront allotted for berthing jetty was overlapping with that of another project and there was requirement of change in the waterfront, the Petitioner submitted fresh application alongwith the Techno Economic Feasibility Report on 31/08/2018 and this revised proposal was considered in the 74<sup>th</sup> Board

meeting of MMB and a decision was taken to allot revised waterfront in lieu of the earlier waterfront.

### **B) Permission from MCZMA**

9. The Petitioner submitted application on 28/03/2019 to MCZMA as per CRZ Notification 2011 seeking approval for the project and upon discussion it was resolved that the expert members of MCZMA and Mangrove Cell ought to conduct the site visit.

Upon the visit being carried out on 23/10/2019, the site report noted that the proposed construction was passing through reserve forest and mangrove area and would involve cutting of minimum 150 mangrove trees and shrubs and, therefore, permission of Forest Department and the High Court would be required for diversion of forest land as well as for mangrove cutting.

In the 149<sup>th</sup> meeting of MCZMA held on 04/12/2020, the Environmental Impact Assessment Report which prescribed mitigation measures was deliberated and MCZMA specifically noted that the Project is a permitted activity as per Para 4 (i)(f) of CRZ Notification, 2011 and is also covered in Category A of Item 7(e) of the EIA Notification, 2006. Being satisfied that transportation of cement via waterways would be more fuel efficient and environment friendly than transportation via roadways/railways and by recording that fully mechanized handling and conveyor system would ensure that there is no leakage of material thereby restricting fugitive emissions to a minimal level during the operation and management of the cement plant, MCZMA recommended the Petitioner's proposal to MOEFCC for its approval subject to compliance of various conditions, the primary conditions being imposed as under :-

"1. The proposed activities should be carried out strictly as per the provisions

of CRZ Notification, 2011 as amended from time to time.

2. Project proponent should implement Mitigation measures and Environment Management plan as stipulated in the EIA report, effectively and efficiently during construction and operational phase of the project to ensure that coastal environment is protected.

3. PP should carry out simultaneous monitoring of the impact of the project activities on the surrounding area and accordingly, implement the mitigation plan & environment management plan for the protection of the coastal environment.

4. PP to ensure that mangroves cutting should be restricted to minimum. Spacing between piles of conveyor corridor should be designed in such a way that it will have minimum footprint in the mangroves area. Adequate Culverts/ channels should be provided at appropriate locations while constructing approach road so as to ensure the free movement of the tidal water in the mangrove vegetation.

5. PP to ensure that no reclamation shall be carried out at the two creeklets present near the project location. Free flow of the creeklets should not be blocked, during construction and operation phase of the project.

6. PP to ensure that the dredging should be carried out in controlled manner confined to only jetty area.

7. Cement plant should be located outside CRZ area, as proposed by the PP. Proper care and effective measures should be taken to avoid spillages or fugitive emission of the material from the backup storage facilities. Conveyor belt should be fully enclosed to ensure zero spillage of the transport material.

8. Green belt should be developed around the backup storage facilities so as to mitigate the air pollution due to fugitive emission. Trucks/Vehicles should be properly covered during the transportation to avoid spillage of the material.

9. PP to obtain the NoC from mangrove cell. Compensatory afforestation of the mangroves 10 times should be carried out with the help of the forest Dept, as committed by the PP.

10. PP to obtain the Forest clearance under Forest (Conservation) Act, 1980 for diversion of the forest land.

11. PP to obtain the prior High Court permission since, the project involve cutting of the mangroves.

### **C) Permission from Forest Department**

10. The Petitioner also submitted an Application for diversion of

0.6497 HA forest land to the MOEFCC and upon various queries being raised by the Deputy Conservator of Forest and the same being satisfied, the Petitioner once again approached MCZMA with the necessary compliance and by explaining as to how the site identified was the best option as it would pass through a stretch of approximately on 410 meters of mangrove reserve forest, while other sites would affect 500 to 650 meters of mangrove reserve forest. The Petitioner also set out the steps to be taken to ensure minimum impact on flora and fauna of the region and also undertakes to re-plant 10 times the number of mangrove trees cut during the construction as compensatory measure, under the guidance of the Forest Department at suitable location near the proposed location of the Project.

11. As regards the said compliances, it is the specific contention advanced on behalf of the Petitioner through Mr. Nankani that the forest clearance for diversion of forest land is already obtained on 29/10/2021 and as regards the stipulation of development of green belt around the backup storage facility to mitigate pollution, the same will be developed once the cement plant is commissioned. The condition of obtaining NoC from Mangrove Cell would also be accomplished once the High Court grants permission for cutting of the mangroves and the Petitioner has specifically undertaken to plant requisite number of Mangroves for compensatory afforestation.

The public hearing for Petitioner's application for environmental and CRZ clearance was scheduled from time to time, but on account of the Covid pandemic, it was required to be postponed, however, the Petitioner's application for berthing jetty and conveyor corridor was considered by Respondent No.1 in its 41<sup>st</sup> meeting held on 29<sup>th</sup> and 30<sup>th</sup> July, 2021 when certain specific conditions were imposed in addition to

generic terms of reference to be factored in by the Petitioner for preparing the Environmental Impact Assessment Report and Environmental Management Plan and terms of reference for cement grinding unit were formulated by Respondent No.1-MOEFCC.

Accordingly, Petitioner decided to amend the project from Cement Bulk Terminal to Cement Grinding Plant and Fly Ash/Slag Processing Unit and preferred a fresh application to MOEFCC seeking amendment in the terms of reference.

#### **D) Permission from MOEFCC**

In order to ensure the compliance of Letter of Intent dated 03/07/2018, the Petitioner preferred an application to Union of India, Ministry of Environment, Forest and Climate Change in accordance with the Environmental Impact Assessment Notification, 2006.

Recognizing that the project was covered under Category A of Item 7(e) of the Environment Impact Assessment Notification, 2006, the Petitioner was asked to submit the Environmental Assessment Report and Environmental Management Plan.

In compliance the Petitioner submitted a detailed Project Report dated 04/12/2018 and the Terms of Reference dated 13/12/2018 which set out the benefits of the said Project and various mitigation features.

12. On 28/09/2021, the Petitioner received approval from Environment Department of State of Maharashtra recommending its application for diversion of 0.6479 HA of forest land subject to the Petitioner undertaking to defray the cost of compensatory afforestation over 1 HA of degraded forest in the vicinity and also to defray the cost of Net Present Value (NPV) of the forest land being diverted.

On 29/10/2021, MOEFCC granted its in principle approval (Stage One Approval) under Section 2 of the Forest (Conservation) Act 1980 for diversion of 0.6479 HA of forest land subject to various conditions which included the following prime conditions :-

- “a. Status of the forest land to remain unchanged
- b. The Forest Department would undertake necessary compensatory afforestation of over 1 ha of degraded forest land at the cost of the Petitioner, and the Petitioner would deposit such costs in advance.
- c. The Petitioner would have to pay the State Government the net present value for the forest land to be diverted.
- d. The Petitioner would develop a nursery at one or more places to raise 5000 seedlings of forest species every year. 50% of these seeds would be planted by the Petitioner in the vicinity of the forest area, and the remaining 50% would be distributed to the local people residing in the vicinity of the project. A compliance report would be prepared every 6 months and submitted to the Regional Office of Respondent No. 1
- e. The Petitioner would obtain the environmental clearance as mandated by the Environmental Protection Act, 1986.
- f. The Petitioner would take the prior permission of this Hon'ble Court for cutting any mangroves.
- g. The Petitioner should obtain the CRZ clearance.”

13. The public hearing of the Petitioner's project was conducted on 18/04/2022 and thereafter final Environmental Impact Assessment Report and Environmental Management Plan was submitted by the Petitioner to Respondent No.1 in October, 2022 which focussed upon the benefits associated with the Project, to the following effect :-

- “i. Improvement in the physical infrastructure of the region, as the said Project would help in developing the local amenities whilst also improving the road network;
- ii. Improvement in the social infrastructure by providing direct and indirect employment opportunities to around 500 members of the local community.”

On 29/12/2023, finally MOEFCC granted Environmental and CRZ Clearance by setting up berthing jetty and conveyor corridor for the said Project, however, subject to general conditions and certain specific conditions to the effect that all conditions specified by MCZMA shall be complied with and certain other conditions reads thus :

“5. Materials are transported to and from the jetty with the help of conveyors connecting jetty and plant. The completely covered (Closed type gallery) shall be used for preventing the material from ingress caused by wind and rain.

6. PP shall ensure the loading and unloading process shall not cause any spillage in the water and storm water drains should be built to collect spillage, if any.

7. Storage of the Cement, Clinker, Slag, Coal, AFR and Fly ash., shall be under covered shed accommodated with a Stacker reclaimed inside provided with DFS (Atomized Automatic Sprinkling System) including peripheral drainage system, internal roads, fire fighting system etc.

9. The approach road shall be constructed strictly follow the Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area and road should be built on stilts.

10. As proposed by PP no fuel filling facility is permitted to the vessels at jetty.

12. Appropriate Air Pollution Control (APC) system shall be provided for all the dust generating points including fugitive dust from all vulnerable sources, so as to comply prescribed fugitive emission standards.

13. The project proponent shall submit monthly summary report of continuous stack emission and air quality monitoring and results of manual stack monitoring and manual monitoring of air quality/fugitive emissions to Regional Office of MoEF&CC, Zonal office of CPCB and Regional Office of SPCB along with six-monthly monitoring report.”

### **E) Other Permissions**

14. The Petitioner also submitted its Wildlife Conservation Plan to Respondent No.8 and certain queries were raised, which also received response at the end of the Petitioner *inter alia* clarifying that the Company which had prepared the plan was accredited with the QCI-NABET and not the Wildlife Institute of India.

The Petitioner's proposal for environmental and CRZ clearance for berthing jetty was considered by Expert Appraisal Committee of Respondent No.1 on 9<sup>th</sup> and 10<sup>th</sup> November, 2023 at its 345<sup>th</sup> meeting and it recommended the Petitioner's proposal for grant of Environmental and CRZ Clearance.

15. The learned senior counsel Mr.Nankani in the aforesaid background would submit that the Petitioner has secured necessary permissions of the Statutory Authorities for the operation of the Project which is affecting mangroves and the present Petition is filed before this Court seeking necessary directions to give effect to the lawful, valid and subsisting permissions /clearances granted by the concerned Statutory Authorities for executing the Project.

He would specifically submit that the present Project is an effective step taken in the right direction for reducing the air pollution and its carbon footprint and at the same time it would also cater to the demand of cement in Mumbai Metropolitan Region. Apart from this, it is also his submission that the berthing jetty will also be available for use by third parties and it will promote transport by waterways for industries in Raigad and the neighbouring regions. Further, the cement grinding unit will also help in managing waste generation from the nearby industries as the waste product of these industries viz. Slag waste and fly ash would be consumed as raw materials.

16. Mr. Nankani has urged before us that effect must be given to the concept of sustainable development and though economic development should not be allowed to take place at the cost of ecology or environment destruction and violation at the same time the stringent need for preserving ecology and environment should not

hamper economic and other development, but both of them must go hand in hand and there should not be development at the cost of environment and vis-a-vis, but the development should be encouraged by taking due care and ensuring the protection of environment. According to him, in furtherance of the sustainable development principle the Petitioner has already incorporated various measures to ensure that impact of environment is minimal as one instance he would site that the berthing jetty is being constructed through 'trestles' instead of conventional method of 'Bunds' to minimise impart of flora and fauna.

In addition, it is also submitted that the Project is going to affect only 150 mangrove trees and the Petitioner has already undertaken to plant 10 times of affected mangroves and carry out compensatory afforestation in the nearby vicinity. By focusing his attention on the exhaustive environmental management plan it is requested that the Court may grant necessary permission in light of the statutory permission already accorded in favour of the Project.

Mr.Nankani has also placed reliance upon various permissions granted in the past for similar Projects including those in favour of Maharashtra Maritime Board for setting up of jetty services at Borivali, Gorai and Ghodbunder and also setting up of Roll-on/Roll-off jetty services at Manori within mangrove buffer zone as well as the permission in favour of Jawaharlal Nehru Port Trust for installation of boat landing jetty in the mangrove buffer zone after noting the public importance of the Project.

17. Though the Statutory Authorities who are impleaded as Respondents have not opposed the Project, but at every stage when its approval was sought, it is made subject to specific compliances and

through their respective counsels, they have reiterated that the Project must ensure strict compliance thereof.

The Petition, however, faces, strong opposition from Respondent No.9, who has predominantly submitted that the Project is not necessary for public good and it is not in public interest.

The learned counsel Mr. Aditya Mehta would vehemently submit that the Project covers a total area of 6 hectares out of which 1.26 falls within CRZ IA being mangrove forest and mangrove buffer zone areas, which are ecologically sensitive and possess geo-morphological features which play a crucial role in maintaining the integrity of the coast.

In specific the objection raised is : a) the Project being captive jetty is not necessary for public good and public interest; b) While granting CRZ approval for the Project, Respondent No.1 has erred in appreciating the true scale of the Project on CRZ-1A areas by proceeding on the basis that only 0.6497 hectare of CRZ area is affected.

He would also submitted that the Project involves construction of a captive jetty, its primary use and benefit is only for the Petitioner's industrial unit and it is only when the Petitioner is not using the jetty, the same will be available for use by the public, and there is no obligation on part of the Petitioner to allow the public to use the jetty, and the Maharashtra Maritime Board Policy only obliges the Petitioner to ensure that third party cargo does not exceed 25% of the total cargo handled by the jetty. According to him, a captive infrastructural Project cannot be equated with the public infrastructure project set up to cater the needs of public generally as it is designed to maximise production and profits of industrial unit.

In addition, the claim of the Petitioner that it would have the

effect of meeting the demand of cement and reducing the pollution, by use of waterways, create employment generation and development of community through CSR initiative according to him is an eye wash and this activity according to him may not be allowed at the cost of ecologically sensitive mangrove habitats and potential areas for convention of mangroves.

18. In the background of the rival contentions, we have perused the details of the proposed Project, since the Petitioner seek construction of Berthing jetty (four barge berths) at Amba River with total length of 620 meters and width of 35 meters alongwith the conveyor corridor and an Approach Road. The Project connects the Petitioner's proposed cement grinding unit and fly ash/slag processing unit and backup storage unit in villages Shahapur and Shahabaz in Raigad District and covers total area of 6 hectares with the presence of mangroves in 0.6497 ha. Out of the total area, 1.2 ha falls in CRZ 1A and admittedly the cement grinding unit/plant is outside the CRZ area.

The Plant lay out which is annexed to the Petition has set out the action plan to minimise cutting of mangroves during construction stage and the highlight of the Project is handling of material through sea route using waterways. The Project focuses upon efficient means of material handling with minimum impact on environment and intend to do away with the traditional way of approach for jetty by building 'Bund' which has its own disadvantage of impacting the environment due to permanent removal of flora and fauna in the area of construction. As a substitute, the Project Proponent has proposed an arrangement for jetty approach with elevated trestles and using fully enclosed conveying system, which would have negligible impact on flora and fauna and with the introduction of trestles, material transport shall be effected through

belt conveyors /pneumatic conveying with additional spillage protection.

The Project report prepared and placed before MCZMA for consideration has set it out as a 'Green field cement bulk terminal' near Amba river at Dharamtar creek and for the proposed unit to work independently and to ensure smooth inflow and outflow of material it has proposed dedicated berthing facilities for handling of materials in Dharamtar creek.

19. The arrangement proposed by the Petitioner is assured to be eco-friendly, ensuring mangrove protection and conservation of ecology during plant operation phase of the Project affected area with fully enclosed belt conveyor or pneumatic conveying system and the salient features of the proposed arrangement are indicated as below :-

- "1. Elevated corridor for jetty approach to ensure minimum interface with flora fauna.
2. Fully mechanised handling of material using belt conveyors / pneumatic conveying;
3. Fully enclosed conveying system to ensure 0 spillage of material;
4. Fully enclosed transfer points to ensure fugitive dust below permissible norms."

The Conveyor gallery which will connect the transfer tower is proposed to be a steel construction with completely enclosed roof and side sheeting, for protection against rain and to protect environment from any possible dust emission, with walkway on both sides.

20. The Letter of Intent issued in favour of the Petitioner from the Home Department (Ports & Transport) Maharashtra Maritime Board stipulated certain terms and conditions with its validity period to be of 24 months. It had contemplated submission of bank guarantee of Nationalized/Scheduled Bank of Rs.5 Crore within a period of 60 days

from the date of receipt of Lol as well as submission of a Detailed Project Report (DPR) for carrying out necessary studies and technical investigations in relation to soil testing, service and other necessary studies. The milestones for compliances in regard to CRZ/ Environment clearance was clearly set out in the Lol in reference to the development of captive jetty in Dharamtar Creek. This included the Application to MOEFCC as well as MCZMA and obtaining their clearances as well as the clearance from the State Level Expert Appraisal Committee (SLEAC) as well as the Application to MOEFCC for EC and CRZ clearance.

21. The Petitioner has highlighted the steps taken by the Project Proponent in securing the necessary approvals and permissions and this include the correspondence entered with the Maharashtra Maritime Board i.e. Respondent No.7 as well as the Project details which were laid before the MCZMA which were taken up for consideration in its 132<sup>nd</sup> meeting, 145<sup>th</sup> meeting and 149<sup>th</sup> meeting.

The Minutes of Meeting of MCZMA held on different dates comprised of deliberation on the proposal being placed before the Authority for construction of captive jetty, conveyor corridor and approach road for Raigad Cement Blending Plant in Amba river, which was noted to be situated adjacent to the backyard/stackyard of PNP Port. It is clearly noted that the proposed Jetty will consist of a berth head, breasting dolphins, mooring dolphins, approach trestle and in light of the peculiar nature of the Project, the MCZMA proposed the site visit to be carried out by its expert members as well as the members of the Mangroves Cell and directed the Project Proponent to superimpose the project layout on approved CZMP under CRZ Notification. The Petitioner ensured compliance thereof and it was a

matter of consideration in the 145<sup>th</sup> Meeting of MCZMA when the Project was discussed phase-wise and as per the CZMP prepared by IRS Chennai, site under reference was noted to be covered in CRZ 1A, CRZ 1Bm CRZ III and CRZ IV area. The Project Proponent had clearly set out the CRZ status of the proposed activities as under :-

| Activity                                                   | Category             | Area (in Ha.) |
|------------------------------------------------------------|----------------------|---------------|
| Berthing Jetty, Conveyor and Material Handling System      | CRZ-IV (Water Front) | ~ 2.20        |
| Conveyor with Service Road, Power Cable and Approach Road  | CRZ-I                | ~ 1.20        |
| Backup Facilities, Conveyor with Service Road, Power Cable | CRZ-III              | ~ 2.60        |

22. In accordance with the Minutes of 145<sup>th</sup> Meeting of MCZMA held on 07/07/2020 for the Project, the compliance came to be furnished on 07/10/2020 on each aspect which included the Schematic project layout and envisaged project footprint in Mangrove area alongwith the following :-

- .. Action plan to minimise cutting of mangroves during construction stage;
- .. Action plan to mitigate adverse impact on Mangroves during operations stage.
- .. Compensation plan for mangroves.
- .. Undertaking to replant 10 times the number of mangroves to be cut during construction under the guidance of Forest Department at a suitable location near to the proposed Jetty in the intertidal region.

23. In the 149<sup>th</sup> Meeting of MCZMA held on 04/12/2020, while discussing Item No.9, pertaining to the Project of the Petitioner, on due consideration of the proposal presented for construction of a captive jetty, conveyor corridor with storage and backup facility of 5 Million Tonnes Per Annum capacity, an Approach Road for Cement Bulk

Terminal (CBT) in Raigad District, it was noted that the port facility shall be developed in a phased manner (Phase I and Phase II) commensurate with traffic growth, with a cargo to be handled at the jetty including the Ordinary Portland Cement (OPC) and fly ash. The essential feature of the Project being, the material to be brought from Gujarat by ships (Barges) to the Jetty and thereafter by pipe conveyor upto the blending unit site was specifically taken note of. The Minutes of Meeting record that Phase I of the Project would involve one barge berth having total length of 160 meter and 25 meter wide having mechanized handling system of 1000 TPH for cement import and 400 TPH for fly ash/slag import, whereas, Phase II would involve three numbers of additional barge berths with total length of 460 M and 25 M wide and 500 M of pneumatic discharge pipe / conveyor connecting from jetty to Cement Blending Plant area, backup area development and incremental supporting infrastructure. The Minutes also record as below :

“An approach road of around 150 m distance between CBT and Zilla Parishad Road shall be constructed with a Pipe culvert to connect Conveyor and Backup Facility of Captive Jetty area.

Minimal dredging will be required in front of proposed berthing area. The indicative level capital dredging estimates work out to 60,000 m<sup>3</sup> for entire berthing area. The dredge material will be utilized for area development. It is proposed to raise and develop the approach road and CBT area to raise the ground level (GL). Dredged material from construction dredging will be utilized for raising the GL.

The PP has submitted the Marine Environmental Impact Assessment Study report, Risk Assessment & Disaster Management Plan. The ToR has been granted by the MoEF&CC, New Delhi and application for Forest Clearance also submitted. The alternatives of the project alignment have been studied.”

24. The site visit of Mangrove Cell took note of the geo-coordinates received from the Project Proponent and verified it. Since the proposed construction was passing through the reserved forest and

mangrove area, it necessarily involved cutting of the mangrove trees (minimum 150 trees/shrubs approximately). A dense mangrove dominated by *Avicennia marina* was noted and, therefore, it was directed that the Project Proponent shall obtain the required permission from the Forest Department for diversion of forest land and since the proposed site was passing through 50 meter buffer area of mangrove forest, it was directed to approach the High Court for necessary permission.

25. Perusal of the Minutes of 149<sup>th</sup> meeting of MCZMA, which after the detailed discussion and deliberation recommended the proposal to MOEFCC, New Delhi, contemplated strict compliance of number of conditions to ensure minimum damage being caused to the environment. Worth it to note that in the recommendation forwarded to the Government of India, the MCZMA had directed strict compliance of specific conditions as well as general conditions by the Project Proponent.

Keeping in mind the nature of the Project activity being listed at Sr. NO.3(b) under Category 'B' (All standalone grinding unit), the Government of India, Ministry of Environment, Forest and Climate Change (MOEFCC) (Impact Assessment Division) in its communication dated 25/08/2021 ensured that there is no violation of EIA Notification, 2006 and the permission for construction of jetty and cement plant, the interdependent activities were accorded its approval upon due deliberation of the details submitted by the Project Proponent which included the environmental site settings, the unit configuration and capacity of the proposed project as well as the details of the raw material requirement of the proposed project alongwith its source and mode of transportation. The Government of India also considered the

power requirement of the project which was estimated as 26 MW with capital cost of the Project being estimated to Rs.990 Crores and capital cost for environmental protection measures being proposed at Rs.25 Crores. It also discussed that potential of employment generation for the proposed project around 65 (on) roll and approximately 350 (contract) during operation phase.

The report comprised of the recommendations of the EIA and EMP studies in addition to the generic terms of reference read with additional terms of reference being annexed as Annexure I and II.

We find the Generic Terms of Reference (ToR) in respect of the industry sector annexed at Annexure 1 which covers various parameters like the Project description, site details, Forest and Wildlife relating issues, environmental status, impact assessment and environment management plan as well as corporate environmental policy. The additional ToRs for cement industry are appended as Annexure 2, with the executive summary being included, highlighting the following :-

- “i. Project name and location (Village, Dist, State, Industrial Estate (if applicable )
- ii. Products and capacities. If expansion proposal, then existing products with capacities and reference to earlier EC.
- iii. Requirement of land, raw material, water, power, fuel, with source of supply (Quantitative)
- iv. Process description in brief, specifically indicating the gaseous emission, liquid effluent and solid and hazardous wastes. Materials balance shall be presented.
- v. Measures for mitigating the impact on the environment and mode of discharge or disposal.
- vi. Capital cost of the project, estimated time of completion
- vii. Site selected for the project-Nature of land Agricultural (single/double crop), barren, Govt./private land, status of is acquisition, nearby (in 2-3 km.) water body, population, with in 10km other industries, forest, eco-sensitive

zones, accessibility, (note - in case of industrial estate this information may not be necessary)

viii. Baseline environmental data air quality, surface and ground water quality, soil characteristic, flora and fauna, socio-economic condition of the nearby population

ix. Identification of hazards in handling, processing and storage of hazardous material and safety system provided to mitigate the risk.

x. Likely impact of the project on air, water, land, flora-fauna and nearby population

xi. Emergency preparedness plan in case of natural or in plant emergencies

xii. Issues raised during public hearing (if applicable) and response given

xiii. CSR plan with proposed expenditure.

xiv. Occupational Health Measures

xv. Post project monitoring plan.”

26. On reading of the Petition as well as the annexures appended thereto, we find exhaustive deliberation about the nature of the Project covering a jetty to be used for transporting cement through sea or inland waterways instead of road, which according to us will achieve the object of easing congestion in roads and help in reduction of carbon emission by more than 60%.

In the 149<sup>th</sup> Meeting the MCZMA has also noted that transportation of cement via sea/creek is comparatively more fuel efficient and is a green option than transporting it via road/railway, particularly with respect to curbing of carbon emission and decongestion of road traffic. The Respondent No.2 while granting its recommendation to the Project vide its letter dated 10/12/2020 has clearly noted thus :

"8. The Authority noted the anticipated impacts of the proposed activities on the coastal environment. Mitigation measures prescribed in the comprehensive EIA report, were also noted by the Authority. The Authority

further noted the order dated 18th Sep. 2018 in PIL 87/2016 passed by the Hon'ble High Court of Mumbai. The Authority noted that as per submission of the PP, project would be commenced after securing all the other necessary clearances from various Government authorities including prior clearance from High Court. It was further submitted that the proposed project would bring employment opportunity in the surrounding area thereby benefitting the local public. As committed, the PP shall plant the 10 times the number of mangroves affected due to project, with the help of Forest Department.

9. The Authority noted that as per para 4(1) (f) of CRZ Notification 2011, construction and operation for jetties is a permissible activity. Further, from the presentation of the PP, the Authority observed that transportation of the cement via sea/creek route is comparatively more fuel efficient & greener option than mode of road/railway transport, particularly with respect to curb of carbon emission and decongestion of the road traffic. It was further note that the project involves fully mechanized handing of material using fully enclosed belt conveyor. Fully enclosed conveyor will ensure spill proof/leak proof transport of the material, thereby restricting the fugitive emissions to minimum level, during Operation & Maintenance of the plant. The Expert Member, during the discussion suggested that the PP should carry out simultaneous monitoring of the impact of the project activities on the surrounding area and accordingly, implement the mitigation plan & environment management plan for the protection of the coastal environment. In addition to this, the PP need to obtain all other required permissions like Forest Clearance, Mangrove Cell NoC, High Court approval, MPCB, MoEF&CC, New Delhi for the project."

27. In the background of the statutory permissions received by the Petitioner in relation to cutting of mangroves and carrying out in CRZ area, we have noted that the permissions are accorded after taking into consideration the impact of the project upon the environment and ecology, but only when the Petitioner has undertaken to compensate the damage caused, by obtaining requisite permission from the Forest Department and undertaking to pay the NPV and the cost of compensatory afforestation, the Petitioner has approached this Court seeking necessary permissions.

The objection raised by the Bombay Environmental Action Group (BEAG) i.e. Respondent No.9 is only premised on a ground that the Project is not in public interest and there is an alleged discrepancy

regarding the land used / the land covered by the Project site under CRZ IA. We are not at all impressed by the said objection, since we have the details before us which are also been taken note of by the MCZMA as well as the Forest Department and with clarity it has emerged before us that the Project covers total area of 6 HA out of which 1.2 ha falls in CRZ IA area and amongst it the presence of mangroves is only in 0.6497 HA and, therefore, only diversion of this area is sought from the Forest Department.

The State Government which has forwarded its recommendation to MOEFCC only pertains to 0.6497 HA.

28. We also find the objection about the mitigation measures in the Mangrove Conservation Plan being not effected to be completely incorrect as alongwith the Rejoinder the Petitioner has placed on record an prior CRZ clearance for the Project submitted by the Project Proponent and this includes the preparation of local level CRZ map for the proposed project by superimposing on approved CZMP as per CRZ Notification, 2011, which has categorically referred to CRZ Notification of 2011 declaring the areas as CRZ and with reference to the restrictions imposed therein. The Project report examined the site keeping in view the requirements of the notification and the Institute of Remote Sensing Anna University prepared the Report by securing imposition of HTL /LTL ecologically sensitive areas along the proposed project site and constructions as provided by the client on to the Geo Reference Cadastal Map. The report also categorically set out the methodology applied and has analyzed the study area and have concluded as below :

“The project site of M/s Adani Cementation Limited, Ahmedabad falls within CRZ-IA, CRZ-III (NDZ), CRZ-IV B and outside CRZ as per approved CZMP

(Map Nos. MH 66, MH 67, MH 69 and MH 70). Proposed berthing jetty falls in CRZ-IV B whereas the proposed conveyor corridor passes through CRZ-IA, CRZ-III (NDZ) and CRZ-IVB. The area proposed for storage and backup facilities falls within CRZ-IA and CRZ-III (NDZ). The approach road passes through CRZ-IA with remaining area outside CRZ. The cement grinding plant and flyash/slag processing unit in village Shahbaj falls fully outside CRZ.

Coastal Regulation Zone map of the site is prepared considering Approved CZMP as per CRZ Notification 2011 of MoEF, GOI. Superimposition of approved CZMP is subject to scale and generalisation error.

The area statistics of the proposed activities is presented in Table 2.  
(Table)

The DGPS Survey was carried out specific to the referred project site boundary only hence, validation of HTL and CRZ Boundary is limited to the clearance of the same.

Institute of Remote Sensing do not carry responsibility for CRZ status of other plots or neighborhood."

29. The report also include the comprehensive study of impact of runoff in the mangrove area and has found 7the genera of mangroves from five families along the different regions of Amba river. The study has enlisted the mangroves species alongwith the mangrove associates alongwith the details of sampling locations and salinity analysis pre-monsoon and upon flooding. On detail observation of salinity values at various locations in Amba River, Estuary, the report suggested thus :-

"Based on the estimation of flood discharge from the drainage basin and the tidal exchange of seawater into Amba River, average salinity level from the mouth to the upstream of the river is 34 ppt. The mangroves normally flourish well with the salinity level of 0.5 to 40 ppt. Therefore, the present hydrological condition remains excellent and enriches the growth of mangroves. So, there will not be any impact on mangrove ecosystem."

30. The Additional Chief Conservator of Forest Mangrove Cell on 02/05/2024 granted its approval to the revised draft of Mangrove Conservation Plan with respect to "Characteristics of mangrove vegetation and its conservation and management plan with respect to

the proposed development of 'Berthing Jetty, Conveyor Corridor with backup storage facility and approach Road' by Adani Cementation Limited At the Southern Bank of Amba Estuary" at Taluka- Alibag, District-Raigad, Maharashtra.

The aforesaid communication categorically record thus :-

"With reference to the above subject, M/s. Adani Cementation Ltd. has submitted the revised Mangrove Conservation Plan as per the revisions suggested by this office vide letter dated 26/04/2024 (Ref.1).

Thus, the Mangrove Cell hereby endorses the said Mangrove Conservation Plan w.r.t. the proposed development of 'Berthing jetty, conveyor corridor with backup storage facility and approach road" at the southern bank of Amba Estuary, Taluka Alibag. Dist. Raigad, Maharashtra. The endorsed Mangrove Conservation Plan is attached herewith for your information and necessary action."

31. The revised draft plan was required to be submitted, since it was suggested by communication of the Additional Principal Chief Conservator of Forest dated 26/04/2024 that the effect of sediment/dust on growth of mangroves deserve to be dealt with by adding the mitigation measures to reduce the impact of sediments/dust on growth of mangroves and pursuant thereto on 27/04/2024 a revised mangroves conservation plan was submitted with the necessary mitigation measures.

We must mention that the the Project Proponent had submitted a report prepared by Aditya Environmental Services Pvt. Ltd. , Mumbai in regards tot the "Characteristics of mangrove vegetation and its conservation and management plan with respect to the proposed development of 'Berthing Jetty, Conveyor Corridor with backup storage facility and approach Road'. The Report included the specific inputs with respect to mangroves , mangroves associate flora and fauna and mangrove eco system and the exhaustive report has focussed upon the mangrove survey conducted during 27/12/2021 to 30/12/2021

alongwith the methodology being highlighted with specific reference to the presence of mangroves at the project site and it also studied the impact of the project on mangroves since the proposed conveyor corridor was passing through intertidal zone and mangrove vegetation was expected to get destroyed along route in distinct chainage. The impact on mangroves during operation phase is also highlighted in the said report to the following effect :-

#### 4.2. Impacts on Mangroves during Operation Phase

Cargo movement during operation phase is proposed through closed conveyor belt. Hence, further impact on mangroves is not envisaged. Noise and vibrations of conveyor might disturb avifauna in the vicinity. However, mangrove cover in ambience is sufficiently large "Characteristics of Mangrove vegetation & its Conservation & Management Plan with respect to the Proposed Development of "Berthing Jetty, Conveyor Corridor with Backup Storage Facility & Approach Road By Adani Cementation Ltd. at the southern bank of Amba Estuary, Taluka Alibag, District Raigad, Maharashtra' to accommodate locally migrated avifauna. Impacts on fish fauna during operational phase is remotely possible.

Sediment/dust arising from ACL activities will impact mangrove flora. Deposition of iron ore on mangrove leaves and in ambience near JSW steel plant was commonly noticed. The same way cement and fly ash from ACL plant may continuously get deposited on mangrove areas affecting productivity/growth of mangroves and in extreme cases may result in killing of the existing mangroves.

.. The mitigation measures suggested in the said report, include the following :-

- Bag filters will be installed at all material transfer points.
- Sprinkling of water on roads will be done.
- Regular cleaning and sweeping of roads and nearby area of storage facilities will be done by vacuum sweeping machine.
- Sufficient Greenbelt plantation will be developed in within plant and 50m towards mangroves side.
- Sprinkling of water on construction site and on unpaved roads will be done during the construction phase. In addition to above for prevention of dust which will be generated from stockpiles of construction material (aggregates and sand), stockpiles will be aligned properly with slopes stabilized and maximum height will be maintained.

32. The report is also inclusive of the Mangrove Management and Conservation Plan for construction phase and for operation phase. It provides for compensatory afforestation since destruction of the Mangroves can cause sizable effect on eco system, as the total of mangroves and the potential mangrove area is estimated to be 6160 M<sup>2</sup> (approximate). The compensatory mangrove afforestation is, therefore, recommended, as per the CRZ Notification 2011, at least 5 times the number of mangroves destroyed/cut during the construction process to be replanted in consultation with the Forest Department. The report record thus :-

“Compensatory mangrove afforestation is recommended to counterbalance mangrove loss. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted in consultation with Forest Department. MCZMA in its 149th meeting dated 04th December 2020 recommended compensatory plantation ten times of to the destructed mangroves. Mangrove plantation of nearly 1600 saplings over an area of 1.00 ha shall be carried out as committed against loss of 158 mangrove trees. Permission from the High Court of Bombay shall be obtained before cutting of mangrove trees.

Deputy Conservator of Forest, Alibag has visited the site in this respect, and recommended diversion of forest land in his Site Inspection Note dated 19/12/2019. Site inspection note is enclosed for reference as Annexure I. The proposal has also received Stage 1 Forest Clearance. Copy of letter is enclosed as Annexure II.

Mangrove Cell of Maharashtra Forest Department has initiated mangrove plantation (Plate 5.1) near Navedarbeli village and area of 1.00 ha is allotted for compensatory afforestation. Map showing CA land is attached as Annexure III. Species like *Rhizophora mucronata*, *Ceriops tagal*, *Bruguiera gymnorhiza*, *Sonneretia apetala* and *Avicennia marina* have been selected by Forest Department to increase species diversity in the region.”

In terms of the long term management for mangroves within 10 kilometers of project site the necessary suggestions are included alongwith a detail plan for eco tourism.

In light of the aforesaid report, MOEFCC while it granted In-principle approval under Section 2 of the Forest (Conservation) Act 1980 for diversion of 0.6497 HA for the Project, it imposed the following conditions :-

“i. Legal status of the forest land shall remain unchanged;

ii. Compensatory Afforestation

a. Compensatory Afforestation shall be taken up by the Forest Department over 1.00 ha. Degraded Forest Land of Reserved forest in Survey No. 134 A (New S. No. 135) of Village Navedar Beli, Taluka- Alibagn Dist. Raigad at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Raigad District shall be planted and monoculture of any species may be avoided;

iii. The cost of Compensatory Afforestation at the prevailing wage rates as per Compensatory Afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

iv. NPV:

a. The State Government shall charge the Net Present Value(NPV) for the 0.6497 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;

b. 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. The User Agency shall furnish an undertaking to this effect;

v. 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 the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

vi. All the funds received from the user agency under the project shall be transferred deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);

vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.”

33. Thus, in our considered opinion since the requisite statutory permissions are granted in favour of the Project Proponent subject to strict compliance of the conditions ensuring protection of ecology and environment, we see no difficulty in granting the requisite permission.

34. Our attention is also invited to an order passed in a Petition filed by JSW Dharamtar Port Private Limited for augmentation of existing conveyors trees by construction of additional conveyor belts between its integrated still plant and the Dharamtar Jetty facility in Village Dongri District Raigad. In WP (ST) No.4894/2020 when the Project Proponent sought permission from Court for execution of the Project under the caption “Expansion of existing Dharamtar Jetty Facility”, and on being pointed out to the Court that the requisite permissions from the statutory authorities were obtained since the project was located within 50 meters buffer area / zone mangrove forest, while granting permission for the said Project, the Court observed thus :

“11. Taking into consideration the aforesaid submissions and that the necessary permissions/ clearances have been granted to the Petitioners and taking into consideration the fact that this Court has already granted permission in respect of other similar projects of larger public importance, we are inclined to allow this Petition.”

35. In light of the aforesaid, by keeping in mind the goal of sustainable development of striking a balance between the necessity of the Project, which aims at meeting the every increasing need of cement, but at the same time, by not compromising the ability of future generations to meet their own needs, it is necessary to ensure that the Project results into minimum damage to the environment/ecology, and

the natural resources, particularly when the entire planet is coping up with the crisis of climate change, bio-diversity and pollution.

By ensuring that any activity though aimed as a commercial activity do not deplete the available natural resources and even if it does so, in any minimised way, by ensuring that its loss is compensated, by considering that all the statutory permissions have been secured by the Petitioner and with the requisite compliances to be ensured at every level, when the necessary permissions were granted, we are convinced that the Project propounded by the Petitioner deserve our approval, but it shall be subject to the condition that the Petitioner shall ensure compliance of the conditions imposed upon it by various statutory authorities.

While we allow the Writ Petition in terms of prayer clause (a), we direct the authorized representative of the Petitioner to file an Affidavit before this Court within a period of two weeks stating that it shall ensure compliance of the conditions stipulated in the approvals/permissions granted by various authorities, including MOEFCC as well as MCZMA.

**(BHARATI DANGRE, J.)**

**(CHIEF JUSTICE)**