

ITEM NO.44

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No. 29692/2022

(Arising out of impugned final judgment and order dated 29-10-2021 in WP No. 759/2021 passed by the High Court Of Judicature At Bombay)

BOMBAY ENVIRONMENTAL ACTION GROUP

Petitioner(s)

VERSUS

MAHARASHTRA MARITIME BOARD & ORS.

Respondent(s)

(IA No. 143185/2022 - CONDONATION OF DELAY IN FILING, IA No. 143187/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 203199/2022 - VACATING STAY)

WITH

SLP(C) No. 20988/2022 (IX)

Date : 24-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv. (N/P)
Mr. Aparajita Singh, Sr. Adv.
Ms. Sheetal Shah, Adv.
Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Mantavya Sharma, Adv.

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Mr. Saket Mone, Adv.
Mr. Devansh Shah, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Atharva Gaur, Adv.
Mr. Pratyush Srivastava, Adv.
Mr. Kush Chaturvedi, AOR

Ms. Aishwarya Bhati, A.S.G. (N/P)
Mr. Gurmeet Singh Makker, AOR
Ms. Chitragda Rashtravara, Adv.
Mr. Bhuvan Kapoor, Adv.
Ms. Swarupama Chaturvedi, Adv.
Dr. Arun Kumar Yadav, Adv.

Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Re-list in May 2023.

In the meanwhile, respondent No. 1 - Maharashtra Maritime Board will file an affidavit within six weeks, indicating the number of jetties under construction or to be constructed under the project being implemented, impact on the Mangroves in each case, with size/area of the Mangroves and distance of the jetty from the Mangrove. Site plan(s) indicating location of the jetty and Mangroves around the said area would be enclosed. Satellite images for each jetty and the area around, would be also filed for proper appreciation and expeditious disposal.

It is pointed out that the jetty at Narangi has been constructed, but in view of the stay order passed by this Court, construction of the Kharwadeshwari jetty has been stalled. Consequently, the jetty at Narangi cannot be utilised. In view of the urgency, need and benefits explained, leaving the question of law open for the time being, we permit the respondent(s) to construct the jetty at Kharwadeshwari.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)