IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13405 OF 2023

Maharashtra State Electricity]
Transmission Co. Ltd.,]
Prakashganga, Plot No.C-19, "E"]
Block, 1st floor, Bandra-Kurla]
Complex, Bandra (E),]
Mumbai - 400 051] …. Petitioner.

Vs.

1. The State of Maharashtra]
through the Office of Govt. Pleader,]
High Court, Bombay.]
]
2. Union of India]
Through Ministry of Environment]
and Forest, Ayakar Bhavan, Churchgate,]
Mumbai – 400 001]
]
3. Bombay Environmental Action Group]
A Society duly registered under the]
provisions of the Societies Registration]
Act and having address at 203, Rajendra]
Chamber, 19 Nanabhai Lane, Fort,]
Mumbai-401000.]
]
4. Maharashtra Coastal Zone Management]
Authority, Environment Department,]
1st Floor, New Administrative Building,]
Opp. Mantralaya, Mumbai-400032.]
]
5. Mangrove Cell, Mumbai]
302, 3rd Floor, Wakefield House]
Above Britannia Restaurant & Co.,]
Ballard Estate, Fort, Mumbai-400 001] ….Respondents.

Mr. Milind Sathe, Advocate General a/w Mr. S.D. Shetty, Mr. Rakesh Singh, Mr. Aditya, Mr. Ashitosh i/b M.V. Kini & Co. for the Petitioner.

Mr. Rovie Bandekar with Ms. Sheetal Shah, Ms. JayaBajwe, Ms. Shruti Parab, Advocates for Respondent No.4-MCZMA.

Mrs. Neha S. Bhide, GP with Mr. O.A. Chandurkar, AGP, Mrs. Sunita Prabhune, AGP, Ms Leena Patil, 'B' Panel Counsel for the Respondent-State.

CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.

RESERVED ON : 14TH JULY, 2026

PRONOUNCED ON: 21ST JULY, 2026

JUDGMENT: **(Per Gautam A. Ankhad, J.)**

1. The Petitioner seeks permission of this Court to undertake the proposed construction of 132 KV D/C line from Dahanu Substation to 132 KV Suryanagar Substation and Kavdas Substation for MMRDA under ORC LILO on 132 KV Dahanu to Kavdas to 132 KV Jawhar Substation transmission line in Thane District. The total length of the proposed transmission line is approximately 80 kilometers and certain segments of this line pass through mangrove forest lands, reserved forest, private forests, protected forests and portions within Dahanu and Jawhar forest divisions in Palghar District. The Petition is filed as prior permission of the Court is required for any construction activity falling within 50 meters of the mangroves. The permission is sought in the terms of

the judgment of this Court dated 17th September 2018 in *Public Interest Litigation No. No.87 of 2006 (Bombay Environmental Group and another vs. The State of Maharashtra and others) and connected writ petitions.*

2. The Petitioner has pleaded in detail the necessity of the transmission line in the said area. The Petitioner has pleaded that although the part of the land is shown as mangrove area in the Government records, site inspection revealed that these portions are open lands where no live mangroves exist. In view of the classification in the Government records, Deputy Conservator of Forests, (Territorial) Dahanu, has directed the Petitioner to obtain prior permission from this Court before undertaking the proposed work.

3. Dr. Milind Sathe, learned Advocate General appearing for the Petitioner, submits that all statutory permissions required for the construction of the transmission line has been obtained. The same have been annexed to the Petition. Dr. Sathe further submits that the Petitioner has deposited the necessary charges totaling to Rs. 30,80,61,242/- in the CAMPA account on 11th May, 2023, the break up of which is as follows:-

a. Rs. 15,36,91,473/- towards cost of compensatory afforestation on 190.9486 ha degraded forest area including cost of 10 years maintenance and fencing the area.

b. Rs.8,04,884/- towards additional compensatory afforestation over 1 Ha. degraded forest area including cost of 10 years maintenance and fencing area.

c. Rs. 13,60,24,203/- towards the Net Present Value.

d. Rs. 60,81,724/- towards raising Dwarf Species (Medicinal Plants) raised under the transmission line.

e. Rs. 75,57,893/- towards raising 25 water bodies in the proposed compensatory afforestation area.

f. Rs. 39,01,065/- towards survey, demarcation of the proposed forest area for diversion erecting cement concrete pillars.

The Project entails diversion of 94.6802 hectares of land, of which 86.4614 hectares comprising of non-mangrove areas. In this, 21022 trees (Non-Mangrove) will be felled. The Petitioner has obtained Stage-I and Stage-II clearance from the Ministry of Environment, Forests and Climate Change, Government of India as well as from the Maharashtra Coastal Zone Management Authority under the Coastal Zone Regulations, 2019. Reliance is also placed on the affidavit dated 6th February 2026 of Respondent No.5-Additional Principal Chief Conservator

of Forests, Mangrove Cell in support of the reliefs sought in this Petition.

4. We have heard the learned Counsel for the parties and have perused the record. The Project contemplates diversion of 94.6802 hectares of forests and felling of 21022 trees. The affidavit of Respondent No.5 records that site inspection conducted by the Deputy Conservator of Forests, (Territorial), Dahanu on 3rd June, 2021 and by the Deputy Conservator of Forests, (Territorial), Jawhar on 28th June, 2021 revealed that that no live mangrove trees exist in the said area. As regards compensatory afforestation, Respondent No.5 has stated in paragraph no. 7 and paragraphs nos. 10 to 14 of the affidavit dated 6th February, 2026 as follows:

> *7. As regards the quantum in respect of Compensatory Afforestation under the provision of Forest (Conservation and Protection) Act 1980 is concerned, the same is proposed to be taken up by the Forest Department at 190.9486 Ha. of Degraded Forest area (33.9014 Hector area identified in Gut No.3, C. No.138 Village Nandani, Tal. South Solapur, 7.1907 Hector area in Gut No.10, C. No.148 of Village Yedrav, Tal Mangalwedha, 19.2418 Hector area of Gut No.882 C. No.101 Village Nimgaon, 62.1147 Hector area of Gut No.721 C. No.97 Village Sulewadi, 33.5 Hector area of Gut No. 721 C. No.97, 35 Hector area Gut No.97 C. No.721 Village Sulewadi, Tal*

Malshiras, Dist. Solapur) at the cost of the petitioner. In addition Compensatory Afforestation is proposed to be taken up by Forest Department over 1.00 ha in C.No.56 at village Sogave, Tal. Dahanu at Palghar District at the cost of the petitioner.

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10. As regards the area admeasuring 8.2188 hectares in Palghar District (being part of Total: 94.6802 ha) of Mangrove forest is concerned, as per the CRZ Notification, 2019, there must be Compensatory mangrove plantation on minimum three times the area of affected mangrove forest. This compensatory afforestation has to be fenced and maintained for 10 years. Accordingly, a scheme for mangrove plantation on 25 hectares (8.2188 ha. x 3) of degraded forest has to be prepared by Mangrove Division, North Konkan. This condition has been duly communicated by Additional Principal Chief Conservator of Forest, Mangrove Cell to the MDNK and the Executive Engineer (EHV Project Division Kalyan) of the Project proponent/Petitioner vide letter dated 23.12.2025. Hereto annexed and marked as ***Exhibit R-3*** *is a copy of the said letter dated 23.12.2025.*

11. That by a further letter dated 22.01.2026, the office of the MDNK has also communicated the following to the Petitioner: (i) that the Petitioner would have to deposit Rs.3,66,20,686/- with the Mangrove Foundation towards costs of compensatory mangrove plantation, channelling, fencing, and protection for 10 years and (ii) that a total of 25 hectares of suitable degraded land has been identified for such mangrove afforestation at village Dativare in Palghar Forest Round District Palghar which is in close proximity to the proposed area of diversion. It is humbly submitted that a total 1,11,100 mangrove plants would be planted on this identified 25 Ha of degraded forest land. Hereto annexed and marked as ***Exhibit R-4***

is a copy of the said letter dated 22.01.2026.

12. Thereafter, by letter dated 13.1.2026, the Executive Engineer EHV Projects of the Petitioner has informed to the Additional Principal Chief Conservator of Forest, Mangrove Cell that the amount of Rs.3,66,20,686/- has been deposited. Upon verification, it is confirmed that an amount of Rs. 3,66,20,686/- has been deposited by the project proponent in the accounts of Mangrove Foundation. That this amount stipulated will be used for carrying out of compensatory afforestation of mangroves.

13. It is further submitted that the compensatory afforestation work involving preparation of the land by channelling so as to allow free ingress and egress of tidal sea water, fencing for protection, actual plantation of mangrove saplings and all other necessary works will be commenced at the earliest and the plantation work will be completed by July 2026. That all protection measures as are necessary will also be made operational by then. The sites wherein the plantation is proposed will also feature on the website which is specially created to monitor compensatory plantation of mangroves.

14. I therefore say and submit that appropriate orders may be made on this Petition conditional upon full and strict compliance of all conditions imposed by the MoEF and CC as well as the MCZMA/CRZ.

5. Having considered aforesaid pleadings and in particular, the affidavit filed by Respondent No.5, we are satisfied that the Project serves a public purpose and is an infrastructure project. The Petitioner's proposal has been examined by the

concerned statutory authorities including Respondent Nos. 2, 4 and 5, who have granted requisite recommendations / approvals.

6. This Court in its Judgment dated 9th September, 2025 in ***Mumbai Metropolitan Region Development Authority v. Union of India & Ors. (Writ Petition No.3727 of 2025)*** has recently considered a similar matter where permission was sought for the cutting of mangroves for the proposed construction of the Kasheli Depot, including transmission towers/lines for power supply at Kasheli and Dive–Anjur villages for the Mumbai Metro Line–5 in Thane district. While granting permission, this Court recorded its serious concern regarding the apathy displayed and the unsatisfactory state of mangrove re-plantation and compensatory afforestation. Several conditions have been recorded in paragraph 40 of the said judgment. This has been noted and accepted in a subsequent judgment of this Court dated 12th December, 2025 in ***Brihanmumbai Municipal Corporation vs. Union of India & Others (Writ Petition No.3790 of 2025).***

7. Dr. Sathe submits that the concerns expressed in the aforesaid decisions will be addressed and the commitments made before this Court shall be translated into actual implementation.

Accordingly, all the conditions contained in paragraph 40(IV) of the judgment of this Court in ***Mumbai Metropolitan Region Development Authority v. Union of India & Ors. (Writ Petition No. 3727 of 2025)*** shall, to the extent applicable, govern the present project as well. We are inclined to grant the relief sought only because of the categorical assurances furnished by the Petitioner and Respondent No.5 that both the mangrove plantation and the compensatory afforestation shall be undertaken in accordance with law and that the plantations shall thereafter be adequately protected, maintained and monitored so as to ensure their survival. To ensure continued compliance, we direct the Petitioner to file an Interim Application every year for a period of ten years, on or before **12th January**, placing on record a comprehensive status-cum-audit report from Respondent No.5 regarding the implementation of the afforestation and mangrove plantation programme. The report shall be supported by affidavits of (i) the Managing Director of the Petitioner and Respondent No.5. The reports shall, inter alia, disclose the extent of plantation undertaken, survival and mortality rates, maintenance measures adopted, replacement plantations, if any, and any other relevant ecological parameters. Each such Interim Application shall stand automatically listed before this Court on the **third Friday of**

January every year for monitoring compliance. Failure to file the Interim Application or the requisite compliance reports shall be treated as contempt of this Court. Depending upon the compliance disclosed in such reports, this Court may issue such further directions as may be necessary to secure effective implementation of the compensatory measures. **In view of the above, this Writ Petition is allowed in terms of prayer clause (a)** which reads as under:

> *'(a) That this Hon'ble Court may be pleased to grant permission to the Petitioner, i.e., Maharashtra State Electricity Transmission Company Ltd. (MSETCL) to remove/fell mangrove trees of 8.2188 ha. out of 94.6802 ha. in precise forming part of villages viz. Mankod, Sarwali, Agwan, Sawate, Taluka Dahanu, District Palghar for use of non-forest purpose under Forest Conservation Act, 1980 for forest land involved towards construction of 132 KV D/C Line from 132 KV Dahanu substation to 132 KV Suryanagar S/S & Kavdas S/S for MMRDA under ORC & LILO on 132 KV Dahanu – Kavdas to 132 KV Jawhar Substation in the State of Maharashtra.'*

8. Liberty to apply.

[GAUTAM A. ANKHAD, J.] **[ACTING CHIEF JUSTICE]**

SUNNY ANKUSHRAO THOTE

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