



F.No.19/24/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA.III Division (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 31st May, 2021

To,
The City Engineer
Surat Municipal Corporation
Surat Mahanagar Seva Sadan,
Muglisara, Surat-395003
Gujarat

Subject: Proposals involving Violation of CRZ Regulations without prior CRZ clearance:

- i. Construction for widening of Sardar Patel Bridge on Tapi Joining Adajan and Athwa area of Surat
- ii. Construction of "Shri Chandra Sekhar Azad Bridge" in Coastal Zone of Tapi River joining Rander area and Katargam area of Surat and
- iii. Construction of "Bridge in Coastal Zone of Tapi River Joining Pal and Umra Area of the Surat City, Gujarat

Sir,

This has reference to your letters dated 04/05/2021 on the above cited proposals and to inform that the Ministry *vide* its OM No.19-27/2015-IA III, dated 19/02/2021 has prescribed procedure for dealing violation cases arising due to not obtaining prior CRZ clearance for permissible activities.

2. Further, it is to inform that the above said OM has been stayed by Hon'ble High Court in the PIL(L) No. 8540 of 2021 *vide* which Ministry has been restrained from granting a permission / clearance on the basis of the office memorandum under challenge till August 31, 2021 or until further orders, whichever is earlier. Also, as directed by Hon'ble Court, if an application for permission is received hereafter, the receiving authority shall bring the fact of pendency of this PIL petition and the interim order passed thereon to the notice of the applicant. The copy of the order dated 07/05/2021 is enclosed for ready reference.

(Dr. H. Kharkwal)
Additional Director &
Member Secretary CRZ

Copy to:

The Member Secretary, Odisha Coastal Zone Management Authority (OCZMA), Forest & Environmental Department, Odisha Secretariat, Sachivalaya Marg, Bhubaneswar-751001-
For information.

Dir. Env.



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L.) NO.8540 OF 2021

Vanashakti & Anr.

...Petitioners

vs.

Union of India & Ors.

...Respondents

.....

Mr.Venkatesh Dhond, Senior Advocate with Mr.Akash Rebello, Mr.Zaman Ali i/b.Mr.Zaman Ali for petitioners.

Mr.Anil Singh, ASG with Mr.Y.R. Mishra Mr.D.A. Dube for Respondent No.1/UOI.

Ms.Geeta Shastri, Addl.G.P. with Ms.Amit Shastri, AGP for State.

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**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- MAY 7, 2021

PC :

1. Office Memorandum dated 19 February 2021 issued by the Ministry of Environment, Forests and Climate Change, Government of India is under challenge in this PIL petition. The office memorandum under challenge purports to lay down a procedure for grant of *post facto* CRZ clearance to industries/agencies which might have commenced construction without prior CRZ clearance and thereby, regularize such illegal construction.

2. We have heard Mr.Dhond, learned Senior Advocate for the petitioners and Mr.Singh, learned Additional Solicitor General for the respondent no.1.

3. In our *prima facie* view, contents of the office memorandum under challenge have the effect of diluting the rigours of the provisions of the Environment Act and other related enactments. We also find that the said office memorandum refers to the decision of the Supreme Court dated April 1, 2020 in Civil Appeal No.1526 of 2016 (Alembic Pharmaceutical Limited Vs. Rohit Prajapati), since reported in 2020 SCC OnLine SC 347. Quite unusually, the Government despite being bound by the *ratio decidendi* of such decision, has elected to follow the directions contained in the said decision which were issued under Article 142 of the Constitution.

4. In such view of the matter, we restrain the respondents from granting any permission/clearance on the basis of the office memorandum under challenge till August 31, 2021 or until further orders, whichever is earlier.

5. Let reply affidavit be filed by June 21, 2021;

rejoinder affidavit may be filed by June 29, 2021. This PIL petition shall be listed for final hearing on **June 30, 2021**.

6. We record Mr.Singh's statement made on the basis of the instructions received from Mr.Sujit Kumar Bajpai, Joint Secretary, Ministry of Environment, that after issuance of the office memorandum under challenge, no permission/clearance has yet been granted.

7. We also make it clear that if any application for permission is received hereafter, the receiving authority shall bring the fact of pendency of this PIL petition and the interim order passed thereon to the notice of the applicant.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)