

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11256 OF 2025

Maharashtra State Electricity Transmission]
Company Limited] .. **Petitioner**

Versus

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|--|---|-----------------------|
| 1. The State of Maharashtra, |] | |
| Through the Office of Govt. Pleader, |] | |
| High Court, Bombay |] | |
| 2. The Union of India, |] | |
| Through the Ministry of Environment & Forest |] | |
| 3. Bombay Environmental Action Group, |] | |
| Fort, Mumbai |] | |
| 4. Maharashtra Coastal Zone Management |] | |
| Authority, Environment Department, Mumbai |] | |
| 5. Mangrove Cell, Mumbai |] | .. Respondents |

Dr. Milind Sathe, Advocate General, with Mr. Amogh Singh, Mr. S.D. Shetty, Mr. Rakesh L. Singh, Mr. Aditya Mhase, Ms. Rasika Satone and Mr. Ashutosh Mishra, Advocates, i/by M.V. Kini & Co., for the Petitioner.

Mrs. Neha S. Bhide, Government Pleader, with Mr. O.A. Chandurkar, Additional Government Pleader and Ms. G.R. Raghuwanshi, Assistant Government Pleader for Respondent No.1-State of Maharashtra.

Ms. Leena Patil, Advocate for Respondent No.2-UOI.

Mr. Aditya N. Mehta, i/by Ms. Dipali Bagla, Advocates for Respondent No.3.

Ms. Jaya Bagwe with Ms. Srushti Parab, Advocates for Respondent No.4-MCZMA.

Mr. Swapnil Jadha, Officer from MSETCL is present in Court.

Mr. Ravindra Dighe, Officer from MSETCL is present in Court.

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

RESERVED ON : 22nd July, 2026

PRONOUNCED ON : 04th August, 2026

JUDGMENT : { Per Gautam A. Ankhad, J. }

1. By this Petition, the Petitioner seeks the permission of this Court to undertake the construction and laying of a 132 KV transmission line from the existing Dahanu Sub-Station to the proposed Ambeserai Traction Sub-Station, Taluka Dahanu, District Palghar. Since the execution of the project entails the cutting and diversion of mangroves, the Petition has been filed seeking permission of this Hon'ble Court in terms of the judgment dated 17th September, 2018 delivered by this Court in ***Bombay Environmental Action Group & Anr. v. The State of Maharashtra & Ors.***¹ read with the order dated 2nd November, 2018 in Notice of Motion No.278 of 2018 therein.

2. Dr. Sathe, the learned Advocate General appearing for the Petitioner, submits that the proposed transmission line measures approximately 13.06 kilometres. Certain portions of the alignment

1 Public Interest Litigation No. 87 of 2006
2/24

traverse mangrove forest land and private forest within Dahanu Taluka, District Palghar. The transmission line is intended to energize the proposed Ambeserai Traction Sub-station, which forms an integral component of the Mumbai–Ahmedabad High Speed Rail Corridor (Bullet Train Project) being implemented by the National High Speed Rail Corporation Limited. The proposed infrastructure will provide uninterrupted power supply to the high-speed rail system. The project is of national importance and delay in its execution would adversely affect the Bullet Train Project between Mumbai and Ahmedabad.

3. The Petitioner submits that diversion of a total of 3.3561 hectares of forest land at Villages Mankod and Saravali, Taluka Dahanu, District Palghar, under the provisions of the Forest (Conservation) Act, 1980 *[now the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980]* has been approved by the competent authorities. The proposal details for felling of mangrove and non-mangrove are as follows:

Particulars	Area (Hectares)	Trees
Private Forest Area (Dahanu Territorial Forest Division)	1.3905	196 (Non-Mangrove)

Mangrove Forest (Mangrove Division, North Konkan)	1.9656	847 (Mangroves)
Total	3.3561	1,043

The felling shall be restricted to the minimum number necessary and that such felling shall be carried out only after the grant of approval by this Hon'ble Court and strictly under the supervision of the Forest Department.

4. The Petitioner states that all statutory and development permissions required up to this stage have been duly obtained. This includes the following:

- (i) On 21st June, 2024, Respondent No.2 granted Stage - I (In-Principal) approval under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980;
- (ii) On 1st October, 2024, Respondent No.2 granted Stage-II (Final) Approval under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980;
- (iii) On 23rd June, 2025, Respondent No.4 considered the Petitioner's proposal for Construction of 132 KV Dhanu-Ambesari Transmission Line and granted CRZ Clearance.

5. As per the statutory approvals, the Petitioner is obligated to carry out the proposed afforestation as follows:

(i) Compensatory Mangrove Plantation:

26,664 mangrove saplings shall be planted over 6.00 hectares, being three times the 1.9656 hectares of mangrove forest diverted. This shall be done at village Panchali (Boisar Forest Round) and villages Dehane and Asangaon (Dahanu Forest Round) which are in close proximity to the area of diversion. This work shall include tidal channelling, fencing, long term protection and is expected to be completed by July, 2026.

(ii) Compensatory Afforestation for the Non-Mangrove Trees:

7,457 number of trees would be planted on 6.7122 hectares of degraded forest land identified by the Forest Department. This is twice the total land diverted and shall be done at Survey No.260, Gut No.962, C. No.91, village Katphal, taluka Sangola, district Solapur.

6. The Petitioner has deposited the following amounts for the aforesaid purpose:

- (a) ₹1,04,94,276/- in the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) account;
- (b) ₹1,62,880/- with the Deputy Conservator of Forest, Dahanu towards tree cutting;
- (c) ₹1,41,53,735/- with the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra towards the cost of compensatory mangrove plantation, channelling, fencing and protection for ten years;
- (d) ₹56,72,668/- towards the cost of compensatory afforestation over 6.7122 hectares of degraded forest area, inclusive of the cost of ten years' maintenance and fencing;

- (e) ₹48,21,608/- towards the Net Present Value of the forest land diverted, computed in accordance with the Government of India Order dated 6th January, 2022 and the applicable valuation norms; and
- (f) ₹1,41,53,735/- to be deposited by the Petitioner with the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra towards the costs of compensatory mangrove plantation, channelling, fencing and protection for ten years.

7. It is in this background that the Petitioner has approached this Court for prior permission to undertake construction of the proposed transmission line and sub-station. The leave of this Hon'ble Court is sought in accordance with the:

- (a) Judgment and Order dated 17th September, 2018 passed by this Court in Public Interest Litigation No.87 of 2006 read with the order dated 2nd November, 2018 in Notice of Motion No.278 of 2018 in PIL No.87 of 2006.

(b) Condition No. xii and x imposed by Respondent No. 2 in the Stage-I (in-principle) and final Stage-II Forest Clearance granted under Section 2 of the Van (Sanrakshan Evam Sanvardhan) Adhiniyam, 1980 dated 21st June, 2024 and 1st October, 2024 respectively.

(c) Specific Condition No. 3 imposed by Respondent No.4 in its CRZ clearance dated 23rd June, 2025.

8. Ms. Bagwe, learned counsel for Respondent No.5 relies upon affidavit dated 11th February, 2026 filed by the Divisional Forest Officer, Mangroves Division, North Konkan and filed on behalf of the Additional Principal Chief Conservator of Forest (Mangrove Cell). The affidavit confirms that the proposal has been examined by the concerned statutory authorities and appropriate orders be passed subject to full and strict compliance with all conditions imposed by Respondent Nos.2 and 4.

9. Mr. Aditya Mehta, learned counsel appearing on behalf of Respondent No.3-Bombay Environmental Action Group does not

dispute the public importance of the project, but raises concerns regarding environmental impact of the proposed compensatory measures. The learned counsel submits that in the present case, the area identified for compensatory afforestation for non-mangrove trees is situated at Solapur which is approximately 500 kms. from the project site. The far away plantation cannot compensate for the ecological loss suffered by the affected areas in Dahanu-Palghar region. This non-mangrove afforestation ought to be undertaken closer to the project site considering that it impacts 1.3905 hectares of forest. Reliance is placed upon the order dated 15th April, 2024 passed by the Hon'ble Supreme Court of India in ***M.C. Mehta Vs. Union of India***² and the order dated 16th June, 2026 in ***Court on its Own Motion Vs. Principal Secretary, Ministry of Environment, Government of Maharashtra***³ passed by the Nagpur Bench of the Bombay High Court questioning rationale of the compensatory afforestation at distant locations. It is further submitted that this Court should ensure strict implementation of the conditions imposed in the earlier orders and continue judicial supervision for its compliance.

2 Writ Petition (Civil) No.4677 of 1985 – Order dated 15th April, 2024.

3 Suo Motu Public Interest Litigation No.10 of 2026

10. From the perusal of the aforesaid record, we find that the transmission line and the Ambeserai Traction Sub-Station is integral to the Mumbai–Ahmedabad High Speed Rail Corridor, a project of national importance. The proposal for diversion of mangroves and felling of trees has been scrutinised and approved by the Respondent-Authorities, after the determination by the expert bodies. We do not intend to interfere with the assessment of the expert bodies. The Petitioner and its agencies who will execute the project have agreed to comply with all the conditions in the said approvals. It is only on the basis of the express ecological commitments made and the categorical assurances furnished by the Petitioner and by Respondent Nos.1 and 5, that both the compensatory mangrove plantation and the compensatory afforestation of non-mangrove trees shall be carried out, protected and duly maintained, that we are inclined to grant the reliefs sought in this Petition. The Petitioner and Respondent Nos.1 and 5 jointly submit that they are willing to comply with any additional condition that this Hon'ble Court may deem appropriate to ensure that the re-plantation of mangroves and the compensatory afforestation achieve the intended growth and survival.

11. Thus, in our view, the Petitioner is entitled to leave as sought for in paragraph no.83(viii) of the judgment in Bombay Environmental Action Group, on the following conditions:-

- (a) Felling shall be confined to the 847 mangrove trees and 196 non-mangrove trees aforesaid and shall be carried out under the strict supervision of the Forest Department;
- (b) The compensatory mangrove plantation of 26,664 mangrove plants over 6.00 hectares at villages Panchali, Dehane and Asangaon, together with channelling for the free ingress and egress of tidal sea water, chain-link fencing and all protective measures, shall be carried out simultaneously with, or prior to, the felling of the mangroves, and shall in any event be completed by November, 2026, and shall thereafter be maintained and protected for a period of ten years by the Mangrove Division, North Konkan, at the cost of the Petitioner;

- (c) Compensatory afforestation of 7,457 trees over 6.7122 hectares of degraded forest land at Village Katphal, Taluka Sangola, District Solapur, shall be undertaken by the Forest Department of Respondent No.1 at the cost of the Petitioner, and shall be maintained, fenced and protected for a period of ten years at the cost of the Petitioner.
- (d) All information relating to the felling, the compensatory mangrove plantation and the compensatory afforestation of non-mangrove trees including the plantation sites, the number of saplings planted, and the survival and mortality rates thereof shall be published and periodically updated on the website created for monitoring the compensatory plantation of mangroves and to be created for non-mangrove trees, so as to ensure transparency and public awareness;
- (e) The maximum area, wherever feasible, shall be restored upon completion of the project, at the project cost;

(f) The conditions set out in paragraph 40(IV) of ***Mumbai Metropolitan Region Development Authority v. Union of India, through the Ministry of Environment, Forest & Climate Change & Ors.***⁴ and paragraph 22 of ***Brihanmumbai Municipal Corporation v. Union of India & Ors.***⁵ shall also apply, to the extent relevant, to the present project;

(g) In the event of failure to comply with any of the above conditions, the Petitioner, as the User Agency, shall be liable to action and prosecution in accordance with the rules and guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

h) The mangroves which have been planted as a part of any compensatory afforestation scheme approved or directed by this Court in any other matter, shall not be felled by the Respondents.

⁴ Writ Petition No.3727 of 2025 – Order dated 9th September 2025.

⁵ Writ Petition No.3790 of 2025 – Judgment dated 12th December 2025.

12. We find merit in the concern expressed by Respondent No.3 on the issue of compensatory afforestation of non-mangrove trees proposed at Solapur. Compensatory afforestation is not intended to be a mere numerical replacement of trees felled for a project. Its purpose is ecological restoration. The same can be meaningful only if restoration is attempted in the same ecological region or, where that is demonstrably impossible, in the nearest adjoining area. Plantation undertaken hundreds of kilometres away may satisfy a statistical requirement, but fails to restore the environmental benefits of the affected locality. This principle has been reiterated by the Hon'ble Supreme Court in ***M.C. Mehta's case (supra)*** and by this Court in ***Writ Petition No.3727 of 2025*** and ***Suo Motu Public Interest Litigation No. 10 of 2026 (supra)*** while considering compensatory plantation at distant locations. The Court recorded that plantation undertaken at distant locations cannot compensate the residents who lose the environmental benefits of mature trees in the affected locality. Ordinarily, compensatory afforestation for non-mangrove trees should be undertaken in the vicinity of the project area itself. Nevertheless, having regard to the fact that the proposal has already been approved by the competent authorities, as also urged by the learned

Advocate General, we are granting permission for the non-mangrove afforestation at Solapur only as an exceptional measure. This shall not be treated as a precedent or extended to any other project.

13. However, there is another aspect of the matter which causes us far greater concern. While considering similar applications for cutting of mangroves and trees for infrastructure projects in ***Mumbai Metropolitan Region Development Authority v. Union of India***⁶, this Court issued comprehensive directions, *inter alia*, for creation of dedicated public portals, websites, publication of project-specific information, identification of land banks for compensatory afforestation etc. They constituted binding judicial directions designed to ensure that compensatory afforestation does not remain confined to files and affidavits, but is translated into measurable ecological restoration capable of continuous scrutiny. The relevant portions of the order are quoted:

“27. During the course of the hearing, keeping in mind our concern regarding the implementation and transparency of afforestation efforts, we directed the authorities to create a dedicated website, accessible to one and all. A website containing details of the project, amounts deposited,

⁶ Writ Petition No.3727 of 2025 – Order dated 9th September 2025.

mangroves/trees affected, including details of species of trees to be felled and compensatory afforestation efforts undertaken i.e. trees/mangroves where planted, including the numbers/species, their survival details, etc. Details of Court order along with conditions to be complied with; status of compliance done, along with updated photographs, periodically, etc. also to be uploaded on this website. We had also expressed our serious concern that the procedure for inviting objections with regard to the destruction/affecting of mangroves was opaque and hence required greater transparency. The learned Addl. G.P, on instructions, assured us that such a dedicated website would be created within four weeks from the date of the order, incorporating all requisite details.

38. We have also taken note that compensatory afforestation is being carried out at locations far remote from the sites where trees are felled, rather than in close proximity to the affected areas, which are environmentally impacted by such felling. The same requires serious consideration. **The Apex Court, in M.C. Mehta v. Union of India**, has observed in paragraph 3 as under:

“3. We are informed across the Bar by Mr. S.W.A. Qadri, the learned senior counsel for the applicant that the site for compensatory afforestation is approximately at a distance of 10 kilometers from the site of the project. The question is whether there can be, in true sense, compensatory afforestation by providing a site approximately at a distance of 10 kilometers away from the site of the project.”

39. This observation underscores the necessity of ensuring that afforestation is not only undertaken

but is done in a manner that meaningfully restores ecological balance in the very regions that suffer degradation, rather than in distant areas where the environmental impact is negligible. We also are of the opinion that it is imperative to create land banks i.e. areas readily available where afforestation can undertaken in future. Further, the progress of afforestation must be closely monitored, including the mortality rate of planted saplings. Where trees or mangroves are translocated, their survival and growth shall also be systematically monitored and reported, so that the compensatory measures are not illusory but effective in practice.

40. *In view of the above discussion and findings, the Petition is disposed of with the following directions: I. The Petitioner is permitted to commence and execute the proposed construction of the Kasheli Depot with EHV towers and transmission lines for Mumbai Metro Line– 5, including the cutting of 26 mangroves, subject to strict compliance with all conditions imposed by the concerned statutory authorities. II. The plantation of 370–400 mangrove saplings, as undertaken by the authorities, shall be completed by 30th September 2025 in Survey No. 62 at Village Surai. Trees also to be planted at Dhule. III. The cost of fencing of the plantation area referred to in Clause II shall be borne by the concerned Planning Authority.*

IV. In addition to the aforesaid project-specific directions, the following shall operate as general conditions applicable to this and all future permissions concerning cutting or diversion of mangroves/trees:

(a) Monies deposited by the project proponent shall be utilised exclusively for afforestation purposes, the purpose for which it is deposited i.e. for plantation of trees/mangroves or both.

- (b) The authorities shall, within six weeks, launch a dedicated public website/portal to host project-specific information, past and present, pertaining to projects of the last ten years, wherein permissions were granted for cutting of trees or mangroves, together with the approvals and conditions imposed on the project proponents. The web portal to also contain details such as (i) the name, location, and purpose of the project; (ii) all approvals granted; (iii) the number and location of mangroves/trees affected; (iv) details of compensatory plantation, i.e. species, number, and location; (v) the status of afforestation, supported by geotagged and time-stamped photographs duly certified by the Nodal Officer; (vi) details of compliance, together with annual verification reports; and (vii) survival of trees/mangroves so planted i.e. mortality, and, if the same do not survive, the re-plantation done.
- (c) The said portal shall be updated once every four months giving the aforesaid particulars.
- (d) Details of the land bank created for afforestation shall also be uploaded on the portal within eight weeks. Such land shall be duly fenced, kept free from encroachment, mutated in favour of the Forest Department, and handed over to it. Land identified as suitable for mangrove plantations shall likewise be earmarked as land banks and reflected on the website. Regular monitoring shall be undertaken to ensure that no encroachment takes place on the land banks created for afforestation.

- (e) Where diversion exceeds one hectare, the User Agency must identify equivalent non-forest land for compensatory afforestation. Such land must neither be under the control of the Forest Department nor notified as forest under any law. It shall be verified and certified by the Deputy Conservator of Forests (Territorial) as suitable for afforestation. Upon such identification, the User Agency must acquire the land, fence it, ensure mutation of land records in favour of the Forest Department, and hand over possession to the Forest Department, in accordance with Rule 13 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Chapter II of the Compensatory Afforestation Guidelines.
- (f) Where diversion is less than one hectare, the User Agency shall bear the cost of plantation of ten times the number of trees proposed to be cut. In such cases, compensatory mangrove afforestation shall be undertaken on degraded mangrove land, within the same district, following the principle of “land-for-land” and “tree-for-tree”, as provided in Chapter 2, Guideline 2.1. In cases of large-scale mangrove loss, afforestation shall be planned in alternate degraded mangrove areas within the same district or region.
- (g) Environmental approvals to be obtained and granted for the project as a whole, and not in a piecemeal manner, so that the total number of trees/mangroves likely to be affected is placed before the authorities and the Court. All such approvals shall be uploaded on the website as and when obtained/granted.

- (h) *In case of any subsequent modifications, the project proponent must provide due justification and undertake a fresh Environmental Impact Assessment, together with a revised mangrove conservation plan covering the project in its entirety.*
- (i) *The Forest Department/Mangrove Cell shall identify sites for compensatory afforestation in close proximity to the affected area, in line with the observation of the Apex Court in MC Mehta v. Union of India (supra).*
- (j) *No felling shall commence until afforestation measures are initiated, bearing in mind the considerable time required for trees and mangroves to attain maturity.*
- (k) *The Forest Department/Mangrove Cell shall give seven days' advance intimation to the Respondent No. 6 (Bombay Environmental Action Group) before carrying out afforestation, to enable deputation of a representative to observe the plantation process.*
- (l) *The following documents shall be made freely accessible to the public on the Mangrove Cell website without login or registration: project proposals, clearances, EIA/EMP reports, minutes of meetings, inspection reports, CZMP maps, NoCs, approvals, conservation and afforestation plans, geo-tagged plantation details, photographs, and compliance/status reports, etc.*
- (m) *All mangrove patches within and around the project site shall be geo-tagged and GIS-mapped.*

(n) Re-plantation shall strictly be in compliance with the provisions of the 1980 Act and the Rules of 2023 framed thereunder.”

14. We find that even after almost a year, Respondent No.1 has not complied with the directions relating to creation of land banks, publication of the requisite information on the public portal and establishment of a transparent mechanism for monitoring **compensatory afforestation of non-mangrove trees**. This continuing default and administrative apathy displayed by the concerned authorities cannot be accepted. Unless effective monitoring mechanisms, transparent disclosure and properly identified land banks are put in place, compensatory afforestation would remain a theoretical exercise rather than an ecological restoration. Such a situation cannot be permitted to continue. We accordingly direct the Chief Secretary, Government of Maharashtra, the Principal Secretary (Forests), the Principal Chief Conservator of Forests and the Additional Principal Chief Conservator of Forests (Mangrove Cell) to ensure full compliance and implementation of the directions contained in the judgments dated 9th September 2025 within a period of four weeks from today. The Principal Secretary

(Forests) and/or the Principal Chief Conservator of Forests shall file compliance affidavits specifically stating:

- (i) creation of land banks district-wise;
- (ii) availability of land suitable for non-mangrove restoration;
- (iii) status of plantation and fencing;
- (iv) operational status of the public portal;
- (v) project-wise compliance of the permissions granted by this Court till date shall be uploaded on the portal;
- (vi) mechanism adopted for monitoring survival percentages; and
- (vii) names of the officers responsible for maintenance of the portal.

The affidavit shall not be vague or omnibus but shall disclose project-specific compliance.

15. We make it clear that the present permission, insofar as it permits compensatory afforestation for non-mangrove trees at a distant location, is granted as an exceptional case and having regard to the national importance of the project. In future, this Court shall not grant permissions where compensatory afforestation is proposed at locations far remote from the area affected until Respondent No.1 complies with the directions issued by the Court issued almost a year ago.

16. To ensure that the plantation, maintenance, protection and afforestation of the mangroves and non-mangrove trees is effectively implemented, the Petitioner shall file an Interim Application on a bi-annually basis, with comprehensive status/audit reports supported by affidavits signed by the Petitioner (through its Managing Director), by Respondent No.5 (through the Additional Principal Chief Conservator of Forest, Mangrove Cell), and by the Principal Chief Conservator of Forests, Nagpur. Such Interim Application shall be filed **twice every year on or before 12th January and 12th July for the next ten years** and shall be automatically listed on the third Friday of January and third Friday of July respectively, for the purposes of compliance and review. Failure to file such reports or Interim Application shall be treated as contempt of this Court. Subject to the outcome of the Applications, this Court may issue such further directions as required. It is also on account of the apathy displayed by the State Government as is noted in the order passed by this Court on 9th September, 2025 that we are modifying the condition of listing the Interim Applications which contained the comprehensive status/audit report to be listed, bi-annul basis for monitoring and for compliance.

17. In view of the above, **Writ Petition No.11256 of 2025** 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) for diversion of 3.3561 ha. of forest land out of which 1.9656 ha. of mangrove forest land in favour of the MSETCL for cutting of 847 mangroves trees within the construction zone for the project forming part of village Mankode, Saravali, Taluka Dahanu, District Palghar for use of non-forest purpose under the Forest (Conservation) Act, 1980 for the forest land involved towards construction of 132 KV EHV Transmission Line from 132 KV Dahanu Substation to the proposed 132 KV Ambesarai Traction Substation (TSS) as part of the Mumbai-Ahmedabad High-Speed Rail Project in the State of Maharashtra.”

18. Liberty to apply.

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