



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

SUO MOTU PUBLIC INTEREST LITIGATION NO.3 OF 2023

High Court of Judicature at Bombay
on its own motion

] **..Petitioner**

Versus

1. The State of Maharashtra]
2. The Chief Secretary,]
Government of Maharashtra]
3. The Principal Secretary,]
Ministry of Environment, Govt. of Maharashtra]
4. The Principal Secretary,]
Public Health Department, Govt. of Maharashtra]
5. The Principal Secretary,]
Medical Education, Govt. of Maharashtra]
6. The Principal Secretary,]
Department of Transport, Govt. of Maharashtra]
7. The Secretary,]
Ministry of Forest and Environment, Union of India]
8. The Member Secretary,]
Central Pollution Control Board (CPCB)]
9. The Member Secretary,]
Maharashtra Pollution Control Board (MPCB)]
10. The Commissioner,]
Brihanmumbai Municipal Corporation]
11. The Commissioner,]
Thane Municipal Corporation]
12. The Commissioner,]
Kalyan-Dombivali Municipal Corporation]
13. The Commissioner,]
Navi Mumbai Municipal Corporation]
14. The Commissioner,]
Ulhasnagar Municipal Corporation]
15. The Commissioner,]
Bhiwandi-Nizampur Municipal Corporation]
16. The Commissioner,]
Vasai Virar City Municipal Corporation]
17. The Commissioner,]
Mira-Bhaingar Municipal Corporation]
18. The Commissioner,]
Panvel Municipal Corporation]
19. The Commissioner of Police, Mumbai]
20. The Chief Executive Officer,]
Slum Rehabilitation Authority, Mumbai]

] **..Respondents**

ALONG WITH
INTERIM APPLICATION (STAMP) NO.24655 OF 2025
INTERIM APPLICATION (STAMP) NO.22790 OF 2025
INTERIM APPLICATION (STAMP) NO.27937 OF 2025
INTERIM APPLICATION (STAMP) NO.37942 OF 2025
INTERIM APPLICATION NO.9523 OF 2025
INTERIM APPLICATION NO.9524 OF 2025
INTERIM APPLICATION NO.9525 OF 2025
INTERIM APPLICATION NO.9526 OF 2025
INTERIM APPLICATION NO.4099 OF 2025
INTERIM APPLICATION NO.4114 OF 2025
INTERIM APPLICATION NO.17225 OF 2023
INTERIM APPLICATION NO.17880 OF 2023

Anuranjan Mohnot	] .. Applicant
Nitin Shetty	] .. Applicant
NAREDCO West Foundation	] .. Applicant
Darpan Gupta	] .. Applicant
The Bombay Bankers Association	] .. Applicant
Hotel and Restaurant Association	] .. Applicant
National Restaurant Association	] .. Applicant
Indian Hotel and Restaurant Association	] .. Applicant
Hirali Foundation	] .. Applicant
The Bombay Charcoal Merchants Association Ltd.	] .. Applicant
Awaaz Foundation and Anr.	] .. Applicants
Kalpesh Bhagat	] .. Applicant

- Mr. Darius Khambata, Senior Advocate as Amicus Curiae, with Mr. Tushar Hathiramani and Ms. Vidhi Shah, Advocates for the Petitioner.
- Mrs. Neha S. Bhide, Government Pleader with Ms. Jyoti Chavan, Additional Government Pleader, Mr. O.A. Chandurkar, Additional Government Pleader and Mrs. G.R. Raghuwanshi, Assistant Government Pleader for Respondent Nos.1 to 6.
- Mr. Y.R. Mishra with Mr. Upendra Lokegaonkar and Mr. S.T. Singh, Advocates for Respondent No.7-Union of India.
- Mr. Abhinandan Vagyan with Mr. C.M. Lokesh, Advocates for Respondent No.8-CPCB.
- Mr. A.A. Kumbhakoni, Senior Advocate, with Ms. Pooja Bagwe, Advocate for Respondent No.9-MPCB.
- Mr. G.S. Hegde, Senior Advocate, with Ms. P.M. Bhansali and Mr. Arafat Siddiquie, Advocates for the Respondent-MMRDA.

- Dr. Milind Sathe, Senior Advocate, with Mr. Joel Carlos and Mr. Santosh Mali, Advocates for Respondent No.10-MCGM.
- Mr. Mandar Limaye, Advocate for Respondent No.11-Thane Municipal Corporation.
- Mr. Tejas Dande, Advocate for Respondent No.13-Navi Mumbai Municipal Corporation.
- Mr. Suresh M. Kamble, Advocate for Respondent No.14-Ulhasnagar Municipal Corporation.
- Ms. Swati Sagvekar, Advocate for Respondent No.16-Vasai Virar City Municipal Corporation.
- Mr. Mayuresh Lagu, Advocate for Respondent No.17-Mira-Bhaindar Municipal Corporation.
- Mr. Jagdish G. Aradwad (Reddy) for Respondent No.18-Panvel Municipal Corporation and for Respondent No.20-SRA.
- Mr. Kedar B. Dighe, Advocate for the Respondent-PCMC.
- Mr. Janak Dwarkadas, Senior Advocate, with Ms. Kanika Goenka, Advocate, i/by Shardul Amarchand Mangaldas, for the Intervener-Vanshakti NGO (Mr. Stalin Dayanand).
- Mr. Tushad Kakalia with Mr. Zoru Bhathena, i/by Ms. Pushpa Thapa, Advocates for the Intervener.
- Ms. Gulnar Mistry with Ms. Pooja V. Thorat, Advocates for the Applicant in Interim Application (Stamp) No.37942 of 2025.
- Ms. Anisha Balse, i/by Mr. Prerak Choudhary, Advocates for the Applicants in Interim Application No.4114 of 2025.
- Mr. D.K. Shukla, i/by Mr. D.D. Singh, Advocates for the Applicant in Interim Application No.9523 of 2025.
- Ms. Gayatri Pol, i/by Ms. Mayura Maru, Advocates for the Applicant in Interim Application (Stamp) No.24655 of 2025.
- Mr. Sameer Pandit with Ms. Sarrah Khambatti and Mr. Arshan Engineer, Advocates, i/by Wadia Ghandy & Co., for the Applicant(s) in Interim Application (Stamp) No.22790 of 2025 and Interim Application Nos.9524 of 2025 and 9526 of 2025.
- Mr. Abhishek Kothari with Mr. Samit Shukla and Ms. Sayali Diwadkar, Advocates, i/by Trilegal, for the Applicant in Interim Application (Stamp) No.27937 of 2025.
- Mr. Avinash Kate, D.M.C. Environment and Ms. Varsha Athalye, Ex. Eng. Environment are present in the Court.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 28TH NOVEMBER 2025.

P.C. :

This matter has come up on Board for hearing pursuant to the order passed on 27th November 2025.

2. Dr. Sathe, learned senior advocate appears for the MCGM and Mr. Kumbhakoni, learned senior advocate appears for the MPCB.

3. Mr. Darius Khambata, the learned senior counsel and amicus curiae in this Suo Motu Public Interest Litigation has drawn our attention to the earlier orders passed by this Court, in particular, the orders dated 6th November 2023, 10th November 2023 and 29th April 2025. He submits that there is non-compliance of the orders passed by this Court and urgent steps are required to be taken in view of the worsening air quality in the city of Mumbai. The Municipal Corporation has issued 27-point Guidelines for checking the deterioration in air quality which includes covering construction sites with metal sheets and green tarpaulin cloth, water sprinkling at construct sites, covering of all vehicles carrying construction materials, installation of CCTV cameras and sensor-based air pollution monitors. However, as per the newspaper reports, a large number of construction sites are found not following the MCGM guidelines. There is a provision for deployment of special squads on a ward-wise basis and videography of the construction sites. But the special squads formed by the MCGM are either not visiting the sites or are ignoring the non-compliance of 27-point Guidelines for mitigation of air pollution in the city of Mumbai. The learned amicus curiae

submits that as per the report prepared by IIT and NEERI, a major portion of air pollution is contributed by construction dust. The learned amicus curiae refers to a part of the affidavit of the Maharashtra Pollution Control Board, which relies on the above report and records that about 60% of the air pollution results from construction and road dusts as per Source Apportionment and Emission Inventory conducted by IIT, Bombay. This is the submission and a suggestion made by the learned amicus curiae that a direction may be issued to the MCGM and MPCB to ensure a strict compliance of the environment guidelines to keep the pollution level within the permissible limits.

4. Mr. Janak Dwarkadas, the learned senior counsel for the Intervener-Vanshakti NGO through Mr. Stalin Dayanand has referred to the order dated 9th January 2025 passed by this Court under which a Committee was to be constituted for suggesting measures for controlling air pollution. According to the learned senior counsel, the report prepared by the said Committee has not been produced on record in the last six months.

5. Mr. Tushad Kakalia, the learned counsel appearing for the Intervener makes an allegation that the permission for construction of buildings and roads are granted ignoring the statutory regime under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 which provides for compensatory planting of trees. Ms. Gulnar Mistry, the learned counsel for the applicant in Interim Application No.37942 of 2025 makes a suggestion that during or rather before the onset of autumn season there must be a health advisory issued by the MCGM and Department of Health, as a part of awareness program for the citizens of the city of Mumbai to protect themselves from air pollution. Another suggestion is that at the railway stations,

bus stops and at the traffic points, the government may provide masks for the commuters free of costs. The learned counsel appearing for NAREDCO West Foundation in Interim Application (Stamp) No.27937 of 2025 states that the members of the Consortium are not able to follow the instructions issued by the MCGM as far as installation of sensor-based air pollution monitor is concerned. This is the stand taken that the MCGM has authorized only thirteen vendors who are not able to supply sufficient number of sensors to be installed at the construction sites.

6. After hearing the parties in this Suo Motu Public Interest Litigation, we find that despite repeated directions of this Court, air pollution during the autumn months has now become a recurring and persistent concern. We requested the learned counsels appearing in the matter to recommend a few names, who would be who can be a part of Court appointed committee. However, we have decided to constitute this Committee comprising of the following members:

- (i) Ms. Anitta Patil, Conservator of Forests, Sanjay Gandhi National Park;
- (ii) Mr. Karan Bhosale, Advocate;
- (iii) Ms. Namrata Vinod, Advocate; and
- (iv) Mr. Anant Mallya, Advocate.

7. With assistance from MPCB and MCGM, the Committee shall identify areas within Mumbai and Navi Mumbai recording the highest AQI levels and undertake brief inspections of some of the construction sites and the industrial unit which may be contributing the air pollution, as deem fit by the Committee. The inspection shall include verification of compliance with essential conditions under the Guidelines, such as covering sites with metal sheets and green tarpaulin, provision of water sprinklers for dust

suppression, installation of CCTV cameras, and deployment of sensor-based air pollution monitors and air pollution measures taken by the undertakings. We clarify that the purpose of this exercise is solely to collect data and ascertain ground-level realities contributing to rising pollution levels. In our view, such information will assist in formulating long-term remedial measures. To ensure maximum coverage, the members of the Committee are at liberty to devise a mutually convenient schedule amongst themselves and proceed with the inspections. The team shall submit a brief report on or before the next date of hearing. It is clarified that we have nominated three advocates, so that at least one of them is able to visit the site with other members of the Committee based on their availability.

8. The MCGM shall extend full cooperation, including logistical support such as transportation facilities, and shall deploy the necessary staff and security personnel to facilitate the team's entry at construction sites for the limited purpose of inspection. Mr. Shashank Bhore, Deputy Municipal Commissioner (Engineering) MCGM shall act as a nodal officer for the Committee. The Assistant Municipal Commissioner of each Ward shall act as the single point of coordination. The MCGM and MPCB shall forthwith circulate this order, by email and through all other modes, to all construction sites where work is ongoing, to all industrial units, to all Ward Offices, and shall ensure the smooth conduct of the site visits.

9. The Registrar General is directed to forthwith call for the reports for the last one year from the Committee constituted pursuant to paragraph 13 of this Court's order dated 10th November 2023.

10. The MCGM and the MPCB shall file their affidavits indicating the immediate steps as also long term measures proposed to be undertaken to ensure mitigation of air pollution and secure compliance with the existing Guidelines and Regulations.

11. The remuneration of the advocates shall be paid by MCGM and will be decided on the next date of hearing. List the matter on 15th December 2025 at 4:30 p.m. Liberty to apply.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

SNEHA
ABHAY
DIXIT

Digitally signed
by SNEHA
ABHAY DIXIT
Date: 2025.12.01
19:25:13 +0530