

ITEM NO.35

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION(CIVIL) No(s). 2/2019

IN RE FELLING OF TREES IN AAREY FOREST (MAHARASHTRA)Petitioner(s)

VERSUS

Respondent(s)

(IA No. 121434/2022 - APPLICATION FOR PERMISSION, IA No. 146635/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 106063/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 126011/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 163919/2019 - CLARIFICATION/DIRECTION, IA No. 121435/2022 - CLARIFICATION/DIRECTION, IA No. 26808/2023 - CLARIFICATION/DIRECTION, IA No. 178235/2019 - CLARIFICATION/DIRECTION, IA No. 26810/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 104887/2022 - EXEMPTION FROM FILING O.T., IA No. 186639/2022 - EXEMPTION FROM FILING O.T., IA No. 104737/2022 - EXEMPTION FROM FILING O.T., IA No. 126001/2022 - INTERVENTION APPLICATION, IA No. 105946/2022 - INTERVENTION APPLICATION, IA No. 163906/2019 - INTERVENTION/IMPLEADMENT, IA No. 126016/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON

WITH

SLP(C) No. 31178/2018 (IX)

(IA No. 48960/2019 - CLARIFICATION/DIRECTION, IA No. 169955/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 169956/2018 - EXEMPTION FROM FILING O.T., IA No. 84393/2025 - EXEMPTION FROM FILING O.T., IA No. 48969/2019 - INTERVENTION/IMPLEADMENT, IA No. 52988/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 111577/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 176654/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 14933/2019 (IX)

(IA No. 99013/2022 - APPLICATION FOR PERMISSION, IA No. 75721/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 105224/2022 - EXEMPTION FROM FILING O.T., IA No. 75723/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

W.P.(C) No. 1132/2019 (PIL-W)

(IA No. 140471/2019 - EXEMPTION FROM FILING O.T., IA No. 140468/2019 - INTERVENTION APPLICATION

SLP(C) No. 24849/2019 (IX)
(IA No. 158849/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 158850/2019 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 1283/2019 (PIL-W)
(IA No. 160062/2019 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 24958/2019 (IX)
(IA No. 48544/2020 - CLARIFICATION/DIRECTION, IA No. 48495/2020 - CLARIFICATION/DIRECTION, IA No. 52659/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 48850/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 160312/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 4002/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 52658/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 160315/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 160308/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 14-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Dr. J. P. Dhanda, AOR
Ms. Raj Rani Dhanda, Adv.

Ms. Srishti Agnihotri, AOR
Mr. D.p.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.
Ms. Anchal Kanthed, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Prerna Priyadarshini, AOR
Mr. Kush Chaturvedi, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushman Aggarwal, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Aditi Gupta, Adv.
Ms. Ayesha Choudhary, Adv.

Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Ms. Smuriti Gangadhar, Adv.

For Respondent(s) :

Mr. Maninder Singh, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Ashish Wad, Adv.
Mr. Manoj Wad, Adv.
Mr. Sandeep Mohan Patil, Adv.
Ms. Swati Arya, Adv.
Ms. Akriti Arya, Adv.
Ms. Nishi Sangtani, Adv.
M/S. J S Wad And Co, AOR

Mr. Tushar Mehta, Sr. Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Chirag Shah, Adv.
Mr. Naveen Bharadwaj, Adv.
Mr. Amlaan Kumar, Adv.
Mr. Vinayak Aren, Adv.
Mr. Vishal Prasad, AOR

Mr. Tanmaya Agarwal, AOR

Intervenor-in-person, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
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Mr. Adarsh Dubey, Adv.
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Mr. Amlaan Kumar, Adv.
Mr. Vinayak Aren, Adv.
Mr. Vishal Prasad, AOR

Mr. Shree Pal Singh, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Ashish Wad, Adv.
Mr. Manoj Wad, Adv.
Mr. Sandeep Mohan Patil, Adv.
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Ms. Akriti Arya, Adv.
Ms. Nishi Sangtani, Adv.
M/S. J S Wad And Co, AOR

Ms. Pooja Dhar, AOR

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

1. Vide our order dated 29.07.2025, while allowing the application(s) of the present applicant(s), we had issued the following directions:-

“16. We direct the Project Proponent to place on record the report of the Experts showing that no other alternative other than felling of 95 trees for launching shaft to lower the TBM is available. The Project Proponent shall also place on record the plan for compensatory afforestation so as to compensate for the loss of trees that would be felled for digging the shaft.

17. The report and the plan for the compensatory afforestation would be filed along with the affidavit of a responsible officer by 07th August, 2025.”

2. Accordingly, two affidavits have been placed on record.

3. In the first affidavit filed by the Project Proponent, the letter from the Department of Civil Engineering to the Project Proponent dated 11.04.2025 has been placed on record. This letter is based on the holistic study report, prepared by

the experts in the field.

4. It will be relevant to refer to the following observations contained in the letter dated 11.04.2025:

“The SGNP is a unique landscape with historical and environmental value, and it comprises dense forests with substantial flora-fauna diversity and two major lakes, which constitute an important water source for Mumbai City. The thick forest of the SGNP plays a pivotal role as a carbon sink for the surrounding Mumbai Suburbs and Thane area. The development of Greater Mumbai is characterized by a concentration of commercial and business activities in the Island City in the South and the development of predominantly residential activity towards the North along the Western and Eastern Suburbs. Mumbai’s transportation corridors have also evolved longitudinally, traversing along the North-South axis with few East-West linkages. Thus, with the recent rapid growth of the Eastern and Western Suburbs of Greater Mumbai, an urgent need has been felt to develop the East-West Road connectivities. With this in view, BMC has proposed to create the Goregaon Mulund Link road (GMLR), a length of about 12.2.km. including twin tunnels of about 4.7 km underneath Sanjay Gandhi National Park (SGNP). The TBM tunnelling, at a depth of 20m to 160m, has been proposed, starting from a location near the Film City, Goregaon. Earlier, the launching shaft location, where the Tunnel Boring Machines (TBMs) was supposed to be lowered, was near the SGNP Boundary, which BMC has shifted by 600m towards the Film City Gate, primarily due to various societal/site-related issues. This location is far from the SGNP Boundary. Hence, negligible disturbance will be caused to the flora and fauna within the SGNP. Furthermore, there will not be any adverse effects of these tunnels on the groundwater regime, water supply system, or the two lakes, as the size of the tunnels

with respect to the overall depth(cover) is insignificant. These tunnels have been designed considering the seismic effects, which is a prerequisite, considering the sensitivity of the project. The approximate aerial distance of the proposed Twin Tube tunnels between Thane and Borivali from the proposed GMLR tunnels is about 6.0 km, and high-altitude terrain between these tunnels would act as an isolator. Incidentally, the exit point of the GMLR tunnels on the Mulund side is at Khindipada, which is outside the SGNP premises."

5. It could thus be seen that after consideration of the reports submitted by the experts, it has been found that the launching shaft location has been shifted by 600 meters towards the Film City Gate. This location is situated far from the Sanjay Gandhi National Park (SGNP) boundary. It has further been found that there will be no adverse effects of these tunnels on the groundwater regime, water supply system, or the two lakes, as the size of the tunnels with respect to the overall depth(cover) is insignificant. It has further been found that the exit point of the Goregaon-Mulund Link Road (GMLR) tunnels on the Mulund side is at Khindipada, which lies outside the SGNP premise.

6. We are, therefore, satisfied that the Project Proponent has come to a conclusion that there is no alternative other than to remove these 95 trees and the said conclusion is based on the findings of the Expert Committee Reports.

7. Insofar as compensatory afforestation is concerned, in

the second affidavit filed by the Tree Authority, the draft permission would show that the Tree Authority has duly considered the requirement for compensatory afforestation.

8. The Project Proponent has been directed to plant 1344 trees in lieu of the 95 trees permitted to be cut/transplanted.

9. Ms. Pooja Dhar, learned counsel appearing for the petitioner has expressed concern that the draft permission does not include the requirement of geo-tagging, as is required under Section 8(5C) of the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975.

10. Mr. Dhruv Mehta, learned senior counsel appearing for the Project Proponent makes a statement that all the statutory provisions, including geo-tagging will be strictly adhered to.

11. Learned counsel for the petitioner has also expressed concern that in spite of earlier directions issued by this Court, the Conservator of Forest has not filed an affidavit indicating the status of the plantation carried out as a measure of compensatory afforestation

12. We direct the Forest Conservator, Mumbai to place on record the affidavit showing as to what is the present status of the compensatory afforestation undertaken within the area falling under the Mumbai Metro Rail Corporation Limited (MMRCL) in the last decade, including the photographs showing

the current status of the compensatory afforestation taken by the authorities.

13. With aforesaid observations, we permit the Tree Authority to grant permission for felling/transplanting of 95 trees to the Project Proponent.

14. List this matter after six weeks.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR