



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

**INTERIM APPLICATION NO. 4114 OF 2025
IN
SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023**

**The Bombay Charcoal
Merchants Association Ltd.**

.. Applicant

Versus

**High Court of Judicature at
Bombay on its own Motion & Ors.**

.. Respondents

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Mr. Kevic Setalvad, Senior Advocate a/w Mr. Prerak Choudhary, Mr. Awais Ahmedji, Ms. Anisha Balse i/by Mr. Prerak Choudhary for applicant in IA/4114/2025.

Mrs. Neha Bhide, Govt. Pleader with Mrs. Jyoti Chavan, Addl. Govt. Pleader(OS), Mr. O. A. Chandurkar, Addl. Govt. Pleader (A.S) and Mrs. G. R. Raghuwanshi, AGP (A.S.) for respondent no.1.

Mr. A. A. Kumbhakoni, Senior Advocate i/by Jaya Bagwe for respondent-MPCB.

Mr. Mayuresh Lagu a/w Sagar Patil a/w Suruchi Rokade a/w Shashank Dubey for respondent -MBMC.

Mr. Saket Mone i/by Vidhii Partners for respondent-MSRDC.

Mr. Tejesh Dande for respondent - Navi Mumbai Municipal Corporation.

Mr. Y. R. Mishra a/w Upendra Lokegaonkar a/w Sachidanand T. Singh for respondent no.5-UoI in IA/4114/2025.

Mr. Jagdish G. Aradwad (Reddy) for respondent no.18- Panvel Municipal Corporation and respondent no.20-SRA.

Mr. Anup Kamble i/by Aditya Raktade for respondent - Ichalkaranji Municipal Corporation.

Mr. Anup Kamble i/by Hanmant Patil and Aditya Raktade for respondent - Latur Municipal Corporation.

Ms. Ketaki Patil i/by Abhijit Adagule for respondent - Kolhapur Municipal Corporation.

Mr. Suresh M. Kamble for respondent - Ulhasnagar Municipal Corporation.

Mr. Abhinandan B. Vagyani and Mr. C. M. Lokesh for respondent no.8-CPCB.

Mr. Vedant Bende h/f Mr. Mandar Limaye for respondent no.11 - TMC.

Mr. Janak Dwarkadas, Senior Advocate a/w Ms. Rishika

Harish, Sharad Bansal, Kanika Sharma, Ms. Swagata Ghosh i/by Shardul Amarchan Mangaldas for intervenor, "Vanashakti".

Mr. G. S. Hegde, Senior Advocate a/w Ms. P. M. Bhansali for respondent – MMRDA.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: 24th MARCH, 2025

P.C.:

1. This Public Interest Litigation has been directed to be registered suo motu on the basis of the report published in Times of India, namely, "Mumbai planet's seventh most polluted city". Thereupon, the coordinate Bench of this Court by an order dated 9th January, 2025 had issued several directions.

2. Interim Application No. 4114 of 2025 has been filed by the Association of the various merchants engaged in the business of Charcoal and allied products seeking intervention in this PIL.

3. Learned senior counsel for the applicant submits that the members of the applicant-association are engaged in the business of supply of Charcoal, which is in the list of approved fuels and is not coal.

4. In view of directions issued by this Court in paragraphs 14 and 15 of the order dated 9th January, 2025 and in the facts and circumstances of the case, we deem it appropriate to direct the Maharashtra Pollution Control Board (MPCB) to afford an opportunity of hearing to the members of the

applicant-association before proceeding further with the show-cause notices issued to its members.

5. It is, therefore, directed that the authorized representative of the applicant-association shall file a representation within a period of two weeks before the concerned authority of the MPCB. Thereafter, the MPCB shall afford an opportunity of hearing to the applicant/representative of the applicant and shall take a decision as to whether Charcoal is in the list of approved fuels and does not cause any pollution.

6. Needless to state that intervenor – Vanashakti shall also be allowed to appear in the proceeding which may be filed by the applicant and the MPCB shall afford an opportunity of hearing to it as well.

7. Let compliance report be submitted within a period of six weeks from today.

8. Mr. Kumbhakoni, learned senior counsel appearing for MPCB and the learned Additional Government Pleader appearing of the State undertake to file affidavit in compliance of the directions contained in the order dated 9th January, 2025 on or before the next date of hearing.

9. List on **21st April, 2025** for reporting compliance by the MPCB as well as by the State Government of the order dated 9th January, 2025.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)