

ITEM NO.25

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) NO. 120/2026

IN

SLP(C) NO. 13570/2024

UNION OF INDIA

PETITIONER(S)

VERSUS

SHOAIB ALAM (AUTHORIZED REPRESENTATIVE)
M/S. MIRA REAL ESTATE DEVELOPERS & ORS.

RESPONDENT(S)/
ALLEGED CONTEMNORS

IA No. 48922/2026 - EXEMPTION FROM FILING O.T.

Date : 29-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Mr. R. Venkataramani, Attorney General for India
Mr. N.Venkataraman, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Bhuvan Kapoor, Adv.
Mr. Abhishek Karnik, Adv.
Mrs. Seema Bengani, Adv.
Mr. Rajeev Ranjan, Adv.

For Respondent(s) :Mr. Mukul Rohatgi, Sr. Adv.
Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anshuman Srivastava, Adv.
Ms. Bedotroyi Gupta, Adv.
Ms. Pramita Mishra, Adv.
Ms. Deepti Arya, Adv.
Ms. Himanshi Nagpal, Adv.
Mr. E. C. Agrawala, AOR

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

1. This is a Contempt Petition at the instance of the Union of India. The Union came before this Court by filing a Special Leave Petition (Civil) No. 13570 of 2024 against the judgment and order dated 12.02.2024 passed by the High Court in I.A. No. 1041 of 2024 filed in First Appeal No. 1430 of 2019.. The Special Leave Petition preferred by the Union came to be disposed of by this Court *vide* order dated 05.08.2024. While disposing of the Special Leave Petition, this Court issued the following directions:

"9 Bearing in mind the position that the work of the casting yard has an element of public interest, bearing on the construction of the coastal road as stated before the Court, we are of the view that the impugned order of the High Court should be sustained albeit with certain modifications. The modifications to the impugned order would be to the following effect:

(i) The respondent shall maintain all the receipts which are received in pursuance of the Leave and License Agreements entered into with M/s Larsen & Toubro Limited and Apco Infratech Private Limited in a separate Escrow account which shall be notified in advance to the Deputy Salt Commissioner, Mumbai. No part of the aforesaid amount shall be utilized for any purpose whatsoever and all receipts which are placed in the Escrow account shall be invested in a fixed deposit of a nationalized bank to abide by the result of the First Appeal; and

(ii) The respondent shall on or before 14 August 2024, file an undertaking before this Court of all its partners indicating that:

(a) The character of the land shall not be irretrievably altered; and

(b) The land shall be restored to its original condition subject to the final result of First Appeal No 1430 of 2019.

2. Thus, this Court said two things in its order dated 05.08.2024 referred to above: First, that the respondent shall maintain all the receipts, which are received in pursuance to the Leave and License Agreements entered into with M/s Larsen and Toubro Limited and Apco Infratech Private Limited, respectively, in a separate escrow account and Secondly, the respondent was directed not to alter the character of land in any manner and the land shall be restored to its original condition, subject to the final result of First Appeal No. 1430 of 2019 pending in the High Court.

3. We are informed that the First Appeal No. 1430 of 2019 has been finally heard by the High Court and the judgment has been reserved.

4. In the present proceedings, the learned Attorney General would submit that the respondents have failed to maintain the receipts in a separate escrow account

and have also altered the character of the land.

5. In pursuance of the notice issued by this Court, an affidavit has been filed on behalf of the respondent, duly affirmed by one Mr. Shoaib Alam, wherein with respect to opening of the escrow account and maintaining of the receipts is concerned, the following has been stated:

"24. As stated above, the order dated 05.08.2024 *inter alia* directed: (i) maintenance of all license receipts in a separate Escrow Account to be notified to the Deputy Salt Commissioner, Mumbai; (ii) investment of the Escrow Account balance in fixed deposits of a nationalised bank. The answering Respondent submits that as and when the amounts are credited in the Escrow Account, the answering Respondent will comply with the directions of this Hon'ble Court."

And, with respect to the allegations that the character of the land has been altered, the reply is:

"72. In pursuance of the BMC's terms and conditions, the subject land which was uneven has been levelled for setting up the casting yard. Without such levelling the subject land could not have been used for the purposes of Casting Yard, for which permission was granted by this Hon'ble Court as well by the High Court at Bombay. The answering Respondent denies there were any salt pans on the subject property and puts the Petitioner herein to strict proof thereof. The revenue records of the subject land for the year 2024 clearly show that the land is "gavat pad" 'grass land" or 'grazing land".

73. With reference to paragraphs Nos. 7 and 8

of the Contempt Petition and the inspection reports relied upon therein (Annexures CP-3 to CP-10), the answering Respondent States that the said inspection reports are internal self-serving documents prepared unilaterally by departmental officers of the Salt Department who are acting at the instance of the petitioner herein and who have an interest in the outcome of the underlying litigation. Similar inspection records were produced by the petitioner earlier also before the Hon'ble High Court at Bombay, which were also self-serving and had no evidentiary value and therefore after considering the same the Hon'ble High Court at Bombay permitted the Respondents to participate in the Tender and also to execute leave and License Agreement with M/S L & T and APCO respectively. It is shocking that the said reports have been prepared without notice to the answering Respondent, without any technical assessment of the nature and extent of the activities observed, and without affording the answering Respondent any opportunity to respond to or dispute the findings therein or without even referring to the terms and conditions of the e-tender of the BMC which the Petitioner herein was at all times aware of. The Petitioner herein argued before the High Court at Bombay and this Hon'ble Court the point that the BMC's tender entailed levelling of the land up to the existing road level and these arguments were rejected by this Hon'ble Court and the Hon'ble High Court while permitting the setting up of the casting yard on the subject land subject to the undertaking of the answering Respondent as aforesaid. The Petitioner is herein the Union of India and therefore the dishonesty with which it appears to be acting to essentially scuttle the First Appeal and consequently the setting up of a casting yard which is required to construct the Mumbai coastal road (North) and which is a project of vital public importance speaks volumes about the conduct of the Petitioner herein. It is

respectfully submitted that the fact that the answering Respondent had commenced the levelling of the land as required under the BMC's tender was already placed before the Hon'ble High Court at Bombay and this Hon'ble Court as submitted above. This establishes the fact that such levelling activity which is now being dishonestly alleged by the Petitioners as something that was undertaken after the orders of Hon'ble Court (and thus constitutes alleged contempt) was in fact on-going in pursuance of the BMC's tender and which was permitted by the Hon'ble High Court at Bombay vide its order dated 12.02.2024. It is therefore baffling as to the level of dishonesty the Petitioner herein would indulge in just to somehow cuttle the proceedings before the Hon'ble High Court at Bombay. It is respectfully submitted once again that the very same dishonest allegations and averments were made by the Petitioner herein and the same considered by the High Court Bombay and the same were rejected while passing the order and this Hon'ble Court while permitting the setting up of the casting yards on the subject land.

74. With reference to paragraph 9 of the Contempt Petition, the answering Respondent submits that the temporary No Objection Certificate (NOC) dated 24.06.2024 issued by the Assistant Commissioner MBMC (Annexure CP-11) was required for the setting up of the Casting Yard by the Contractors as per the MBMC's process and Unified Development Control Regulation (UDCPR), 2017.

75. With reference to paragraph Nos. 10, 11 and 12 of the Contempt Petition, the answering Respondent denies that the communications issued by the Deputy Salt Commissioner, Mumbai, to the MBMC Commissioner (Annexures CP-12 CP-13, CP-14 and CP-15) have any material bearing on the question of compliance with the order of this Hon'ble Court. The Petitioner, herein has chosen to issue these communications

not pursuant to any directions of this Hon'ble Court but in furtherance of its own dishonest agenda in the underlying litigation. These communications cannot clothe the Petitioner herein with any additional rights or convert otherwise lawful activities into acts of alleged contempt.

76. With reference to paragraph 13 of the Contempt Petition, the answering Respondent states that after nine months of the order dated 05.08.2024 passed by this Hon'ble Court, the legal notice dated 06.05.2025 (Annexure CP-16) was received by it and was duly considered. The answering Respondent states that as there was no violation of the order dated 05.08.2024 and therefore the absence of a formal reply to the said notice cannot be construed as an admission of violation or as evidence of wilful disobedience as alleged by the Petitioner herein.

77. With reference to paragraph 14 of the Contempt Petition, the answering Respondent denies that the FIR dated 18.01.2025 registered under Sections 15 and 19 of the Environment (Protection) Act, 1986 at Bhayandar Police Station (Annexure CP-17), constitutes any evidence of contempt of the order of this Hon'ble Court. Again the Petitioner herein i.e., the Union of India is attempting to distort the facts dishonestly to mislead this Hon'ble Court. It is basic knowledge that an FIR is merely a first information report lodged by an interested complainant and does not, by itself, establish any guilt or violation by the answering Respondent. The FIR was lodged on account of the contractors of the answering Respondent commencing levelling work in the 50-meter Mangrove Buffer Zone at the periphery of the land under reference. This activity was immediately stopped by the answering Respondent upon being noticed and the levelling material was removed from the small stretch in which this activity was unintentionally commenced

by the contractors of the answering Respondent. There was no destruction of mangroves whatsoever as alleged or at all in the said FIR. This answering Respondent states that while the requirement of 50 metres buffer zone for mangroves is now not even applicable for private lands as per Coastal Regulation Zone Notification dated 18th January 2019 and as per the order dated 11th February 2026 passed by the High Court Bombay in WP No. 789 of 2026, however the answering Respondent has nonetheless left a 50 metres buffer zone along the mangroves, pending determination of title in the First Appeal. A copy of the CRZ 2019 Notification is annexed herewith and marked as ANNEXURE R-15 (At page 173 to 199). A copy of the Order dated 11.02.2026 passed by the Bombay High Court is annexed herewith and marked as ANNEXURE R-16 (At page 200 to 211).

78. As stated above, it is noteworthy that the Government of India, through the Ministry of Environment Forest and Climate Change, CRZ, has specifically approved the setting up of the Casting yard on the subject land."

6. Mr. Mukul Rohatgi and Mr. A.N.S. Nadkarni, the learned Senior Counsel appearing for the respondent, submitted that there is no contempt.
7. Learned Attorney General would like to file a detailed rejoinder to the affidavit filed by the respondent.
8. Let the rejoinder come on record.
9. List on 30th July, 2026.

(POOJA SHARMA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER (NSH)