

News

Bombay High Court asks whether site for upcoming new HC building comes in poor air quality report



The report made after inspection by court appointed group flagged “extremely negligent” demolition at Bandra East government colony, the site earmarked for new High Court complex.

The Bombay High Court on Monday asked Brihanmumbai Municipal Corporation (BMC) and the Maharashtra Pollution Control Board (MPCB) whether the site of the High Court's upcoming new building at Bandra East features in the report submitted by a court-appointed committee inspecting sites with poor Air Quality Index (AQI) levels across Mumbai. [High Court of Judicature at Bombay on its own move]

A division bench of Chief Justice Shree Chandrashekhar and Justice Gautam Ankhad raised this question while taking note of a 74-page report submitted by a four-member committee detailing widespread violations of air pollution control norms at several building projects.

Demolition and construction activities are currently happening at the site of the new High Court building.

The Bench observed that the committee's findings reflected a complete lack of monitoring at various sites by BMC and MPCB.

Both agencies had earlier been directed to ensure compliance with civic and environmental guidelines aimed at reducing particulate emissions from building and demolition activities.

The Court also recorded a prima facie view that the heads of both agencies must personally explain the inaction of their officers.

It, therefore, directed the BMC Commissioner and the Member Secretary of MPCB to stay present in court at 11 am on December 23.

The committee performed an independent inspection of the demolition operations at the Government Colony in Bandra East, an area earmarked for the new High Court building.

It found that the activities were being carried out in an extremely negligent and dangerously unregulated way.

"The Committee finds that the demolition activities are extremely negligent and dangerously unregulated, posing immediate risks to public health, safety, and ambient air quality," the report recorded.

It explained that the demolition involved large-scale removal of existing structures, generating massive amounts of dust and debris which were scattered openly across the premises.

"There were no barricades, wet coverings, or dust-suppression mechanisms including

sprinklers or smog guns in place,” the report stated.

Vehicles carrying debris were found uncovered, and gas cylinders used for cutting steel were seen put on public pavements, posing safety hazards.

“No sensor-based or any form of air pollution monitoring devices were installed, eliminating any capacity for on-site air quality assessment,” the report stated.

The committee, led by Conservator of Forests, Sanjay Gandhi National Park, Anitta Patil, along with three lawyers, visited building sites across the city pursuant to a suo motu public interest litigation the Court started in 2023 over Mumbai's deteriorating air quality.

Between December 6 and 13, the committee carried out inspections in Mumbai and Navi Mumbai at a total of 36 sites, including 17 under-construction buildings and four AQI monitoring posts.

Senior Advocate Darius Khambata, the amicus curiae, had earlier warned that nearly 60% of Mumbai's air pollution is attributed to dust from construction and roads, based on a Source Apportionment and Emission Inventory study by IIT Bombay.

The Court took note of the committee's findings, which underscored that even government projects like the bullet train station project are failing to comply with dust-control and monitoring norms outlined under the BMC's 27-point guidelines.