# Legal Case Summary

Case Title: Bombay Dyeing & Manufacturing Co. Ltd vs Bombay Environmental Action Group & Others

Citation: AIR 2006 SC 1489, (2006) 3 SCC 434

Date of Judgment: 7 March 2006

Bench: Justice S.B. Sinha, Justice P.P. Naolekar

Author of Judgment: Justice S.B. Sinha

## Parties Involved

Appellant: Bombay Dyeing & Manufacturing Co. Ltd

Respondents: Bombay Environmental Action Group & Others

## Background / Facts of the Case

This case concerned the legality of Development Control Regulation (DCR) 58 framed under the Maharashtra Regional and Town Planning (MRTP) Act, as amended in 2001. The Bombay Environmental Action Group challenged the DCR provisions citing environmental degradation and loss of public open spaces due to commercial exploitation of mill lands, especially lands owned by the National Textile Corporation (NTC) and others.

## Legal Issues Raised

1. Whether the 2001 amendment to DCR 58 violated Articles 14 and 21 of the Constitution.

2. Whether environmental and public interest concerns overrode developmental incentives.

3. Whether the clarification dated 28 March 2003 amounted to an illegal amendment of DCR 58.

4. Whether sales and construction without Environmental Impact Assessment clearance were valid.

## Judgment / Decision

The Supreme Court allowed the appeals, upholding the validity of the 2001 DCR 58 amendment. It ruled that the development of mill lands was essential for urban revival and was framed with adequate safeguards for public housing and open space. It also held that public interest litigation could not be used to disrupt a lawfully framed regulatory mechanism and emphasized a balance between environmental concerns and industrial revival.

## Final Order

• High Court judgment set aside.

• Development and re-development of mill lands under amended DCR 58 upheld.

## Case Timeline

• 1991: DCR 58 introduced for mill lands

• 2001: Amendment to DCR 58 notified

• 2005: Bombay High Court ruled against amended DCR

• 7 March 2006: Supreme Court reversed High Court decision

## Relevant Legal Principles & Precedents

• Constitution of India – Articles 14, 21, 48A

• MRTP Act – Sections 37, 159

• Sustainable Development, Public Trust Doctrine, and Precautionary Principle

## Key Takeaways

- Development regulations must balance urban planning with environmental protection.

- Judicial review of policy should avoid interference in economic revival measures when due process is followed.

- Mill lands may be redeveloped under regulated plans provided public obligations are fulfilled.