

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI

O.A. No. 160 of 2020 (SZ)

E.A.S. SARMA & ANR.

... Applicants

-Vs-

UNION OF INDIA & ORS.

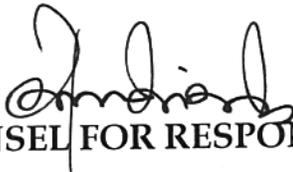
... Respondents

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Certified that the above documents are a true copy of the original.

Dated at Chennai on this the 18<sup>th</sup> day of August, 2021.

  
COUNSEL FOR RESPONDENT No. 7

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI

O.A. No. 160 of 2020 (SZ)

E.A.S. SARMA & ANR.

... Applicants

-Vs-

UNION OF INDIA & ORS.

... Respondents

AFFIDAVIT FILED ON BEHALF OF THE 7<sup>th</sup> RESPONDENT

I, K. Muralidharan, son of Krishna Moorthy Munuswamy, aged about 56 years, having office at Port Administrative Building, Beach Road, PB No. 11, Kakinada- 533 007, do hereby solemnly affirm and sincerely state as follows;

1. I am the Chief Executive Officer of Andhra Pradesh Maritime Board and as such, I am well aware of the facts and circumstances of the case and competent to affirm this Affidavit.
2. I state that I have perused a copy of the (i) Joint Committee Report dated Nil, (ii) Response dated 12.04.2021 to the Report filed by the Applicants, (iii) Joint Committee Report on Extent of Damage/Cost Required for Restoration, (iv) Response dated 23.06.2021 to the Second Report filed by the Applicants and (v) Affidavit dated 23.06.2021 filed on behalf of the 8<sup>th</sup> Respondent and am filing this Affidavit to certain aspects contained therein.
3. At the outset, it is to be noted that the proposal for dredging of channel for towing the barge and for disposal of dredged spoil was forwarded to the Government of Andhra Pradesh, which was sanctioned vide its proceedings dated 30.01.2020. Consequent thereto, the 7<sup>th</sup> Respondent

  
Dy. General Manager (F&E),  
A.P. MARITIME BOARD

  
CHIEF EXECUTIVE OFFICER  
A.P. MARITIME BOARD

had communicated the permission issued by the Andhra Pradesh Government to the 8<sup>th</sup> Respondent on 01.02.2021. Both these proceedings are part of the (First) Joint Committee Report dated Nil. Further, all activities within the area under the control of the 7<sup>th</sup> Respondent is permitted only as per the Master Plan of the 7<sup>th</sup> Respondent.

4. The averments that the dumping of dredge had far more extensive damage, not only in terms of the mangroves but also the mudflats and the associated biodiversity, is false and baseless. The dredge spoil was directed to be disposed in the approved designated area strictly as per Environmental & Coastal Regulation Zone Clearance, in the land owned by Ports Department and designated as area for Barge Mounted Power Plant, Coast Guard and Future use, as per the approved Master plan of the Kakinada Port. A copy of the approved Master Plan is attached herewith as *Annexure-1*.
5. I state that the Zoning Regulations of Sanctioned Master Plan of Kakinada Municipal Corporation specifies that the Zoning Regulation and Development Control Rules are applicable as per provision made in Kakinada Port Area Master Plan (2020) issued by the Govt. of Andhra Pradesh. Extract of the relevant pages of the Zoning Regulation & Development Control Rules are attached herewith as *Annexure-2*.
6. I state that as per the HTL/LTL map prepared by National Institute of Oceanography, Visakhapatnam, and approved by the AP Coastal Zone Management Authority for the Barge Mounted Power Plant Project, it is clearly evident that there are no mudflats near the plant site. A copy of the Map is attached herewith as *Annexure-3*.
7. I state that the allegations made by the Applicant contradicting the certain observations of the Joint Committee are baseless in so far as the



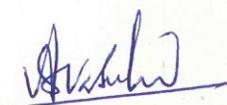
**Dy. General Manager (F&E),  
A.P. MARITIME BOARD**



**CHIEF EXECUTIVE OFFICER  
A.P. MARITIME BOARD**

said area was reclaimed by constructing a containment bund, as per the Environmental and CRZ Clearances granted by Ministry of Environment & Forests in File No. 10-81/2007-I.A. III dated 15.04.2008, a copy of which is attached herewith as *Annexure-4*. The said area is not low lying and regular tidal inundation is not experienced. The historical Google Earth imageries are attached herewith as *Annexure-5*, clearly show the reclaimed area.

8. The allegations/averments that the 7<sup>th</sup> Respondent is a violator responsible for destroying the mangroves, mudflat and the rich biodiversity of Kakinada Bay area is blatantly false and baseless. I state that permissions for dredging are provided within the Port limits, strictly on an as-needed basis, after carefully and holistically considering the requirement and perusing all relevant/requisite materials. In the instant case, permission was accorded only for needed dredging to facilitate the barge-mounted power plant to be taken out from the mooring basin, with a condition that the 8<sup>th</sup> Respondent shall take all relevant permissions, if any required, shall be taken. Further, it may be seen from the letter No. SE/PP2/05/2020, dated 10.06.2020, that the 7<sup>th</sup> Respondent has further cautioned the 8<sup>th</sup> Respondent regarding precautions to be taken to protect the mangroves. The 7<sup>th</sup> Respondent categorically and emphatically states that it has not authorised any dredging activity by disregarding the ecological relevance of the area. It is also necessary to note that the 7<sup>th</sup> Respondent has a statutory duty to perform its functions mandated under S. 15 of the Andhra Pradesh Maritime Board Act, 2018.
9. The 7<sup>th</sup> Respondent states that it is mischievous on the part of the Applicants, apart from the allegation being totally misleading, to state that the 7<sup>th</sup> Respondent is also the main violator responsible for destroying the mangroves, mudflats and the rich biodiversity of Kakinada Bay area and the said allegation/assertions is hence,

  
 Dy. General Manager (F&E),  
 A.P. MARITIME BOARD

  
 CHIEF EXECUTIVE OFFICER  
 A.P. MARITIME BOARD

vehemently denied. The 7<sup>th</sup> Respondent has clearly designated the dumping area and has specifically instructed the 8<sup>th</sup> Respondent to take all precautions to protect the mangroves while dumping the dredged spoil.

10.I state that the 7<sup>th</sup> Respondent has acted in full compliance with its statutory mandate at all times and shall continue to do act in the future as well. The allegations made against the 7<sup>th</sup> Respondent are reckless and baseless to say the least.

It is therefore prayed that this Hon'ble Tribunal may be pleased dismiss O.A. No. 160 of 2020 (SZ) as against the 7<sup>th</sup> Respondent and thus render justice.

  
**CHIEF EXECUTIVE OFFICER**  
**A.P. MARITIME BOARD**

Solemnly affirmed and signed his ( )  
 Name at Kakinada in my presence ( )  
 on this the 18<sup>th</sup> day of August, 2021 ( )

**BEFORE ME**

  
**Dy. General Manager (F&E),**  
**A.P. MARITIME BOARD**





GOVERNMENT OF ANDHRA PRADESH  
TRANSPORT, ROADS & BUILDINGS (PORTS) DEPARTMENT

Memo.No.11095/P1/2004

Dated:17-11-2006

Sub: Lands – Kakinada Port - Leasing of Ports lands to private parties at Kakinada on lease basis – Approval of Master Plan for Kakinada Port for land use and water front - Instructions – Issued – Regarding.

- Ref: 1.G.O.Ms.No.17, TR&b (Ports) Dept., dt.24-1-2005.  
2.From M/s L&T Ramboll Consulting Engineer, Chennai Lr.No.LTR-C1041113-006-L-KPS, dt.6-5-2005.  
3.Govt.Memo No.11095/P1/2004, TR&B(Ports) Dept.,dt1-6-2005.  
4.From the Director of Ports, Kakinada Lr.No.SE/DM3/20/2004 -05, dt.13-6-2005.  
5. From M/s L&T Ramboll Consulting Engineer, Chennai Lr.No.LTR-C1041113-012-L-TSN, dt.8-9-2005  
6.Govt. Memo No.14184/P1/2004, TR&B (Ports) Dept., Dated 3-8-2006.

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The attention of the Director of Ports, Kakinada, is invited to the references cited.

2. Government after careful examination have approved the Master Plan with shifting of the Fishing Harbour for Kakinada Port for Land use and Water Front as prepared by M/s L&T Ramboll Consulting Engineers, Chennai.
3. The Director of Ports, Kakinada, is hereby permitted to lease out the Port lands for the purpose of Marine related activities duly keeping in view of the Master Plan and the orders issued in the Govt. Memo 6<sup>th</sup> cited.
4. The Director of Ports, Kakinada shall take necessary action accordingly.

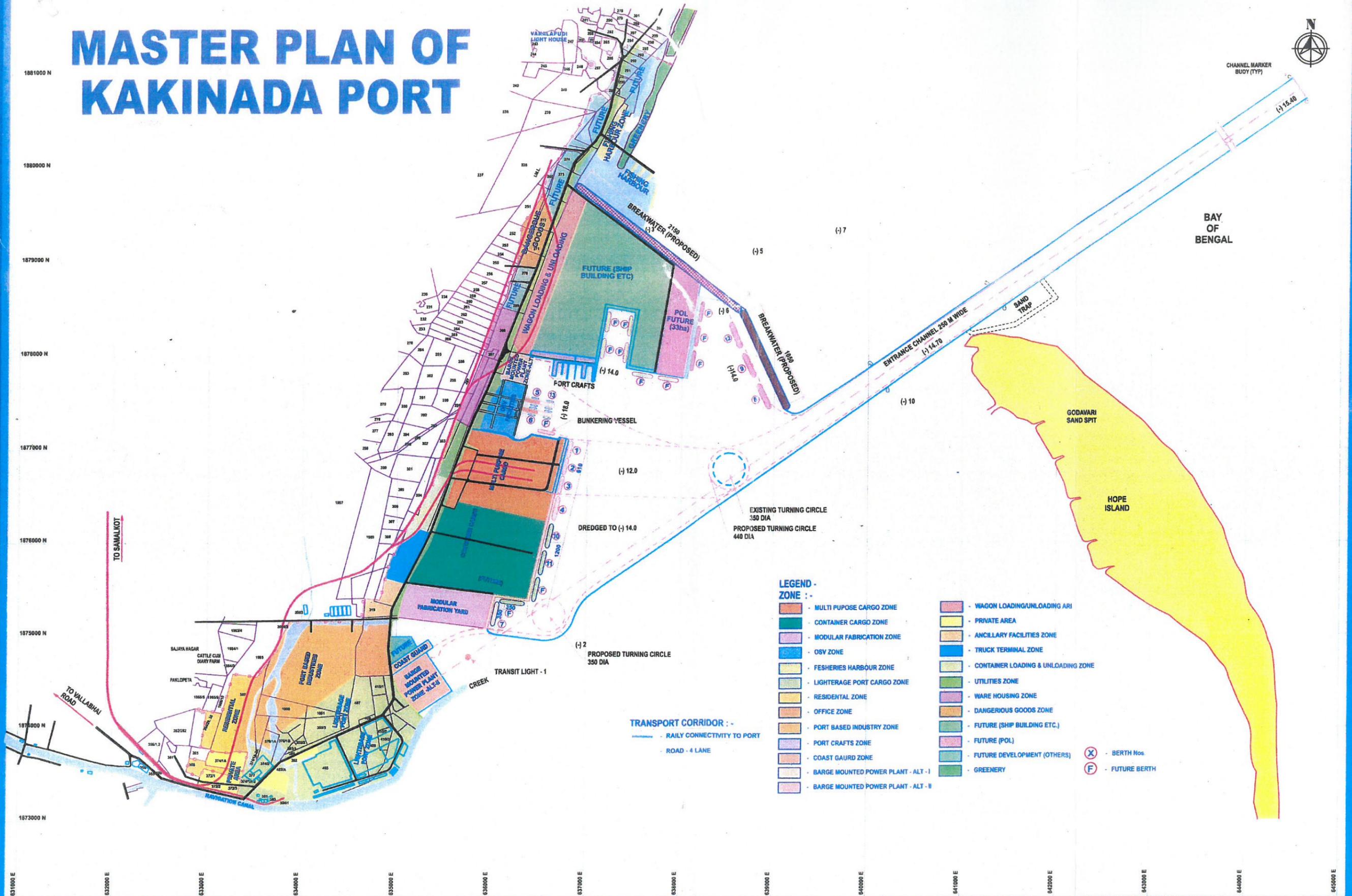
T.CHATTERJEE,  
PRL.SECRETARY TO GOVERNMENT.

To  
The Director of Ports, Kakinada  
SI/Sc

// forwarded by order //

S. N. Chatterjee  
SECTION OFFICER

# MASTER PLAN OF KAKINADA PORT



# **KAKINADA MUNICIPAL CORPORATION**

## **ZONING REGULATIONS OF SANCTIONED MASTER PLAN**

**(General Town Planning Scheme)**

**(Sanctioned vide G.O.Ms.No.160, DT.24.04.2019 of  
Municipal Administration & Urban Development Department)**

(PUBLISHED IN THE ANDHRA PRADESH GAZETTE VIDE NOTIFICATION NO.352, DT.24-04-2019).



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

**PART I EXTRAORDINARY**

No.352

AMARAVATI, WEDNESDAY, APRIL 24, 2019

G.74

**NOTIFICATIONS BY GOVERNMENT**

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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT  
(H1)**

KAKINADA MUNICIPAL CORPORATION, EAST GODAVARI DISTRICT – GENERAL TOWN PLANNING SCHEME (MASTER PLAN) – SANCTION UNDER RULE 13 OF THE ANDHRA PRADESH METROPOLITAN REGION AND URBAN DEVELOPMENT AUTHORITIES ACT, 2016 (ACT 5 OF 2016)

*[G.O.Ms.No.160, Municipal Administration & Urban Development (H1) Department, 24<sup>th</sup> April, 2019]*

**NOTIFICATION**

In exercise of the powers conferred by section 13 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 (Act 5 of 2016), the Government of Andhra Pradesh hereby accord sanction to the General Town Planning Scheme of Kakinada Municipal Corporation, approved finally in G.O.Ms.No.164, MA&UD Dept., dated:27-04-2017, along with the Zoning Regulations and as recommended by the Commissioner, Kakinada Municipal Corporation, East Godavari District and the Vice-Chairperson, Godavari Urban Development Authority, Kakinada subject to condition that, the Building Rules shall be as per the Andhra Pradesh Building Rules, 2017 issued in G.O.Ms.No.119, MA&UD Dept., dated:28-03-2017 and the Andhra Pradesh Land Development (Layout and Sub-division) Rules, 2017 issued vide G.O.Ms.No.275, MA&UD(H1) Department, dated:18.07.2017.

2. The above scheme will be open to the inspection of the public at the Office of Godavari Urban Development Authority, Kakinada, Office of Kakinada Municipal Corporation, Kakinada and also at the Offices of the Panchayats affected by the scheme, during the office hours for a period of six months from the date of publication of this notification in the Andhra Pradesh Gazette.

**R. KARIKAL VALAVEN  
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

spread and buffer belt as per in-force development control rules(DCR) i.e., G.O.Ms.no.119,dt.28.03.2017 of MA&UD Dept, applicable DCR issued by Govt. of Andhra Pradesh from time to time. The only exception is fishing, boating, platforms for fishing and rain shelters and snack bars each not exceeding 10 sqm in area not exceeding four in numbers around one water body.

## 12. AGRICULTURE USE ZONE

USES Permissible by Local Authority	Uses permissible by Competent Authority
<ul style="list-style-type: none"> <li>• All Agricultural uses</li> <li>• All the uses permissible in the residential use zone and ancillary to it within the Gram Kantam boundaries (Settlements)</li> <li>• Diary and Cattle Farms</li> <li>• Electric Sub-Stations</li> <li>• Farm House and building for Agricultural activities subject to plinth area not exceeding 5% of continuous agricultural land holding</li> <li>• Fish farms</li> <li>• Forestry</li> <li>• Installation of electric machinery of not exceeding 15 Horse Power may allowed for the uses mentioned above</li> <li>• Petrol Pump</li> <li>• Piggeries and Poultry farms</li> <li>• Receiving stations</li> <li>• Sewage disposals</li> <li>• Storing and drying of fertilizers incidental to the agricultural operations</li> <li>• Water tanks and reservoirs</li> </ul>	<ul style="list-style-type: none"> <li>• Burial/burning grounds or crematoria and brick kilns.</li> <li>• Comping sites and other recreational uses</li> <li>• Parks and Play grounds</li> <li>• Sewage farms and garbage dumps</li> <li>• Temporary touring Cinemas subject to Cinema rules issued from time to time.</li> </ul>

Uses Prohibited: Use/Activity not specified above.

## 13. PORT AREA ZONE

The Zoning regulation and Development Control rules are applicable as per provision made in Kakinada port area Master Plan (2020), issued by the Government of Andhra Pradesh.

### B. BUILDING RULES:

1. The various uses and activities mentioned in the zoning regulations and for all types of site development and construction of buildings shall be permitted subject to compliance of these with regard to minimum abutting road width, and other set back requirements etc., and conditions and specification as per the provisions of the Revised Building Rules, 2012 and as amended by the Government and other instructions issued or to be issued by the Government from time to time.
2. The road width given in approved General Town Planning Scheme or Master Plan shall be reckoned as either existing or proposed. In case of existing roads which are required to be

widened to as stipulated in the statutory plan, the permission shall be given only after the owner surrenders the area affected in road widening free of cost to the local authority and TDR will be awarded accordingly in the road affected portion surrounded by the owner of the land to the local authority.

3. Statutory plan means the approved General Town Planning Scheme or Master Plan indicating the land proposed for development of residential, commercial, industrial, public and semi-public, circulation, recreational uses etc in the planning area for implementation. Similarly, the RDPs (Road Development Plans) prepared and approved by the Competent Authority duly following the procedure laid down are also statutory plans.
4. The local authority shall be responsible for ensuring that all the conditions and requirements of the development activity or building activity that may be imposed by the competent authority from time to time are complied with at the time of issue of occupancy certificate.

**C. Others:**

1. All other existing Stipulations / Rules / Regulations which are not in conflict or in consistent with the present regulations shall continue to be in operation.
2. Regarding other land uses other than the mentioned above, the regulations as specified in the respective zoning regulations will continue to be in operation and will apply the same.
3. The Government may issue guidelines and instructions to operationalize the zoning regulations from time to time.
4. The Government's decision shall be final in the cases other than the uses mentioned in the Zoning Regulations.
- 5.

**d. CRZ - Construction of Beach Resorts or Hotels-Conditions**

- Live fencing and barbed wire fencing with vegetative cover allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach. Plan: The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more. Section: Basement construction will not adversely affect flow of groundwater in that area no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts. Plan of a coastal plot:
  - Plot area: Not less than 0.4 hectares.
  - FSI: Not more than 0.33
  - No flattening of sand dunes shall be carried out.
- Elevation of a coastal building: Overall height: 9m. Max. floors: G + 1. Plan: Tapping of ground water Plan: Altering sandy stretches the construction shall be consistent with the surrounding landscape and local architectural style. necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with Floor Space Index: the area of entire plot including the portion which falls within the no development zone shall be taken into account. approval of the State or Union territory Tourism Department shall be obtained

**CONSTRUCTION METHODS IN CRZ Section** • The construction in coastal region should preferably be done on stilts so as to prevent the house from high and low tides, which can lead to destruction. • Raising the houses on stilts not only prevent the tides but also helps in proper ventilation inside the house. • The diagram shows the difference between an unelevated and an elevated house. • The construction on sand is practically impossible as the sand recedes along with the water during high tides. • Foundation and Stilts are the most important step in





**LEGEND :**

**CRZ Details :**

- CRZ - I : LTL-HTL
- : LTL
- : HTL
- CRZ - II : HTL to 500
- : 500m. Line
- : 200m. Line
- : Road
- : CRZ Boundary for Creek
- : Plant boundary
- : Canal
- 3.12 : Other vegetation
- 3.3 : Dummula Peta Creek
- 3.7 : Sand/ Beach/spit/Bar
- 3.10.2 : Sparse mangroves
- 5.1 : Habitation

**GEODETTIC DETAILS :**

**SPHEROID** : Everest 1830

**PROJECTION** : Universal Transverse Mercator

**SCALE : 1 : 5000**

**TIDAL INFORMATION :**

Place	Position			MSL
Kakinada	Latitude	Longitude	82°15' E	
Height above Chart Datum				
<b>Mean High Water</b>		<b>Mean Low Water</b>		0.87 m
Higher	Lower	Higher	Lower	
1.58m	1.13 m	0.29 m	0.19 m	

**SURVEY ORGANIZATION :**

**NATIONAL INSTITUTE OF OCEANOGRAPHY**  
 COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH  
 REGIONAL CENTRE  
 NO.176, LAWSONS BAY COLONY  
 VISAKHAPATNAM - 530017  
 PHONE : (0891) 2534180 E-MAIL : nioc@nio.org  
 URL : http://www.nio.org

For : M/s. GMR POWER ENERGY LIMITED, BANGALORE.

**Fig. 2: DEMARCATION OF LTL, HTL AND DELINEATION OF CRZ BOUNDARIES NEAR KAKINA BAY AREA.**

<b>Prepared by</b>	<b>Approved By</b>
B. Prabhakar Rao S. PRABHAKARA RAO Senior Surveyor in Charge (N. Coastal Sea Survey) Visakhapatnam-530017	V. Srinivasan Murthy DIRECTOR IN CHARGE Regional Centre of Oceanography 176, Lawson's Bay Colony VISAKHAPATNAM-530017 (Dr. V.S.N Murthy)

**No.10-81/2007-IA.III**  
 Government of India  
 Ministry of Environment & Forests  
 (IA-III Division)

Paryavaran Bhavan  
 C.G.O. Complex, Lodhi Road,  
 New Delhi-110003

Dated the 15<sup>th</sup> April, 2008

**Sub: Relocation of 220 MW Barge Mounted Gas based Power Plant in Kakinada Port area, Kakinada, Andhra Pradesh by M/s GMR Energy Limited - regarding.**

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Reference is invited to the letter No.10019/CZMA/2007, dated 25.3.2008 from the Forest, Ecology and Environment Department, Government of Andhra Pradesh on the subject mentioned above. The information provided by M/s GMR Energy Limited vide their letters No.Nil, dated 23.7.2007 and dated 14.2.2008 have also been considered.

2. The proposal is for setting up of the proposed facility is located at Kakinada Port area. Kakinada Deepwater Port is located north of the site. The site abuts the northern groyne of the Kakinada Commercial Canal. About 23ha of land has been allocated in the port master plan for the proposed facility. The dimensions of the site are 500m (North-South) and 460m (East-West) which is a vacant coastal land. The power barge is of 106m length, 55m width and with a total draft of 60m. The following are mounted on the floating barge, four (4) LM 6000PC gas turbines (GT) alongwith gas turbine generators, one (1) steam turbine (ST), four (4) once through steam generators (OTSG) alongwith other auxiliary equipment, transformers, electrical and control systems.

3. The new facilities that will be developed for anchoring the barge mounted power plant include, - navigational channel, creation of Barge Basin, cooling water intake and outfall support facilities includes cooling water pump house, switchyard control room and fuel gas handling system

4. Accordingly, to the project proponent the approach channel existing in the Kakinada Port is connecting the anchorage port to the high seas (outside Hope Island). The depth in the outer channel varies from -12.5m to -14.0m CD and the depth of the inner channel connecting to the berthing area of the Kakinada Deepwater Port ranges from -11.5m to -14.0m CD. Further, from the turning circle to the anchorage port, the channel depth varies from -4 to -5m CD. The site identified for locating the barge is an intertidal zone and is 1km away from the existing navigation channel, it is proposed to create an approach channel by dredging the stretch between the proposed site and the navigation channel to tow the barge to the barge basin. The cooling water systems requires 20,500 cu m/hr of seawater to take heat loads from the steam turbine condenser, chiller condensers and other auxiliary coolers. The capital dredge material estimated from the above activities is 2.5 lakh cu m approximately. It is proposed to dump the capital dredge spoil into a containment bund owing to the unsuitable soil properties within the project site. A containment bund will be constructed at the project site to retain the capital dredge spoil and allow it to consolidate over a period of time so that the area can be put to use in the later stages. A demineralisation plant (DM plant) will be set up on the backup area to produce demineralised water for generating steam in Once Through Steam Generator (OTSG). It is proposed to develop more than 33% of the total plant area for the green belt.

5. The source of wastewater from the proposed facilities is as follows:-

- Barge wastes – Chemical and oily wastes
- DM Plant Effluent
- Domestic Sewage

6. The proposal was considered by Expert Committee at its meeting held on 28<sup>th</sup> & 29<sup>th</sup> September, 2007 and 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> March, 2008 and has recommended. Accordingly, this Ministry accords clearance to the said project under the provisions of Coastal Regulation Zone Notification 1991, subject to the following conditions:-

**A. Specific Conditions:**

- (i) During reclamation it shall be ensured that there is no turbidity in coastal/ marine waters.
- (ii) The quarry material shall be obtained from the licensed quarries.
- (iii) The thermal power plant shall generate its own water to a maximum extent so as to reduce the intake from the municipal sources.
- (iv) All the norms laid down by the APPCB shall be adhered to with regard to installation and operation of the plant.
- (v) The intake system shall be designed in such a manner that no marine life is destroyed during the process.
- (vi) The project proponent shall undertake green belt development for preventing erosion. A detailed plan in this regard shall be submitted within 3 months from the date of receipt of this letter.
- (vii) No Objection Certificate from the Andhra Pradesh State Pollution Control Board shall be obtained before initiating the project.
- (viii) Project proponent shall install necessary oil spill mitigation measures in the shipyard. The details of the facilities provided shall be informed to this Ministry within 3 months from the date of receipt of this letter.
- (ix) No activities shall be undertaken in the mangrove area and 50 m buffer zone shall be provided all along the mangrove area which is abutting the site. The project proponent shall undertake suitable mangrove afforestation measure in the 50m buffer zone and also conserve the existing mangroves.
- (x) No hazardous chemicals shall be stored in the Coastal Regulation Zone area.
- (xi) There shall be no withdrawal of ground water in CRZ area, for this project. In case any ground water is proposed to be withdrawn from outside the CRZ area, specific prior permission from the concerned State/Central Ground Water Board shall be obtained in this regard.
- (xii) The project shall not be commissioned till the requisite water supply and electricity to the project are provided by the PWD/Electricity Department.
- (xiii) Specific arrangements for rainwater harvesting shall be made in the project design and the rain water so harvested shall be optimally utilised. Details in this regard shall be furnished to this Ministry within 3 months.
- (xiv) The facilities to be constructed in the CRZ area as part of this project shall be strictly in conformity with the provisions of the CRZ Notification, 1991 and its amendment. The facilities such as office building and residential buildings which do not require water front and foreshore facilities shall not be constructed within the Coastal Regulation Zone area.
- (xv) The proposed septic tank for collection of sewage from the toilets shall be constructed such that it is properly concreted/cemented on all sides, including at the bottom, so as to avoid any seepage from the tank. Necessary arrangements shall be made not to allow any overflow of the same and also to empty the tank at regular intervals through municipal tankers for transportation of the same to the designated locations for further necessary treatment and disposal with the necessary approval of the Andhra Pradesh State Pollution Control Board.

**B. General Conditions:**

- (i) Construction of the proposed structures shall be undertaken meticulously conforming to the existing Central/local rules and regulations including Coastal Regulation Zone Notification 1991 & its amendments. All

the construction designs / drawings relating to the proposed construction activities must have approvals of the concerned State Government Departments / Agencies.

- (ii) The proponent shall ensure that as a result of the proposed constructions, ingress of saline water into ground water does not take place. Piezometers shall be installed for regular monitoring for this purpose at appropriate locations on the project site.
- (iii) Adequate provisions for infrastructure facilities such as water supply, fuel, sanitation etc. shall be ensured for construction workers during the construction phase of the project so as to avoid felling of trees/mangroves and pollution of water and the surroundings.
- (iv) The project authorities must make necessary arrangements for disposal of solid wastes and for the treatment of effluents by providing a proper wastewater treatment plant outside the CRZ area. The quality of treated effluents, solid wastes and noise level etc. must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and the Union Ministry of Environment and Forests under the Environment (Protection) Act, 1986, whichever are more stringent.
- (v) The proponent shall obtain the requisite consents for discharge of effluents and emissions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (prevention and Control of Pollution) Act, 1981 from the Andhra Pradesh State Pollution Control Board before commissioning of the project and a copy of each of these shall be sent to this Ministry.
- (vi) In order to carry out the environmental monitoring during the operational phase of the project, the project authorities shall provide an environmental laboratory well equipped with standard equipment and facilities and qualified manpower to carry out the testing of various environmental parameters.
- (vii) The proponents shall provide for a regular monitoring mechanism so as to ensure that the treated effluents conform to the prescribed standards. The records of analysis reports must be properly maintained and made available for inspection to the concerned State/Central officials during their visits.
- (viii) The sand dunes and mangroves, if any, on the site shall not be disturbed in any way.
- (ix) A copy of the clearance letter will be marked to the concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been received while processing the proposal.
- (x) The Andhra Pradesh Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's Office/Tehsildar's Office for 30 days.
- (xi) The funds earmarked for environment protection measures shall be maintained, in a separate account and there shall be no diversion of these funds for any other purpose. A year-wise expenditure on environmental safeguards shall be reported to this Ministry.
- (xii) Full support shall be extended to the officers of this Ministry's Regional Office at Bangalore and the officers of the Central and State Pollution Control Boards by the project proponents during their inspection for monitoring purposes, by furnishing full details and action plans including the action taken reports in respect of mitigative measures and other environmental protection activities.
- (xiii) In case of deviation or alteration in the project including the implementing agency, a fresh reference shall be made to this Ministry for modification in the clearance conditions or imposition of new ones for ensuring environmental protection.
- (xiv) This Ministry reserve the right to revoke this clearance, if any of the conditions stipulated are not complied with to the satisfaction of this Ministry.
- (xv) This Ministry or any other competent authority may stipulate any other additional conditions subsequently, if deemed necessary, for environmental protection, which shall be complied with.

- (xvi) The project proponent shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen at Website of the Ministry of Environment & Forests at <http://www.envfor.in>. The advertisement shall be made within 7 days from the date of issue of the clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Bangalore.
- (xvii) The Project proponents shall inform the Regional Office at Bangalore as well as the Ministry the date of financial closure and final approval of the project by the concerned authorities and the date of start of Land Development Work.
- (xviii) Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

7. The above mentioned stipulations will be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (protection) Act, 1986, the Hazardous Chemicals (Manufacture, Storage and Import) Rules, 1989, the Coastal Regulation Zone Notification, 1991 and its subsequent amendments and the Public Liability Insurance Act, 1991 and the Rules made thereunder from time to time. The project proponents shall also ensure that the proposal complies with the provisions of the approved Coastal Zone Management Plan of Andhra Pradesh State and the Supreme Court's order dated 18<sup>th</sup> April, 1996 in the Writ Petition No.664 of 1993 to the extent the same are applicable to this proposal.

  
(Dr. A. Senthil Vel)  
Additional Director

To,

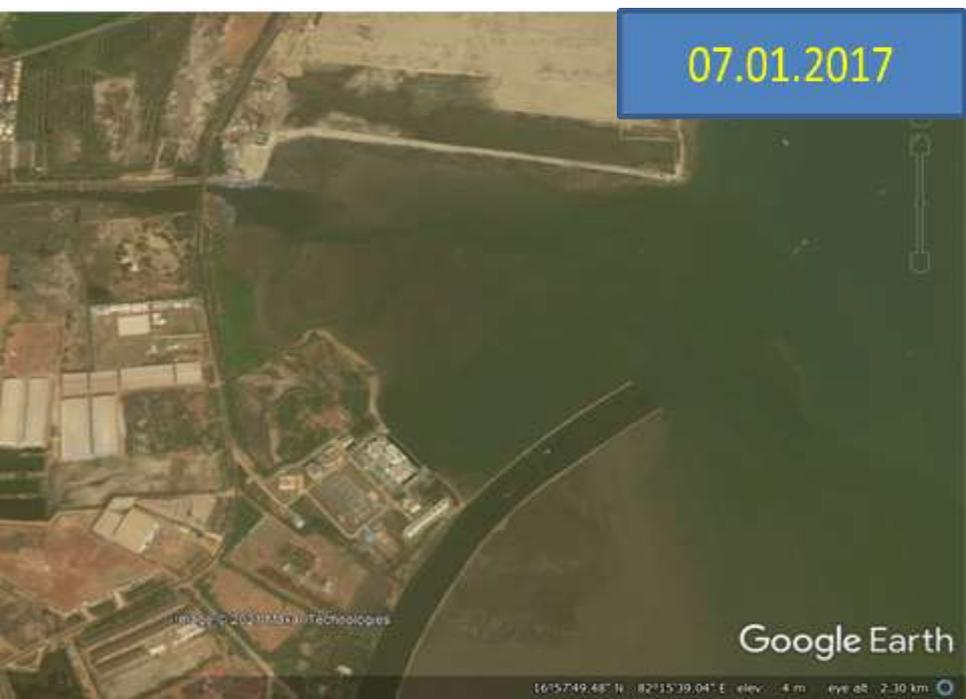
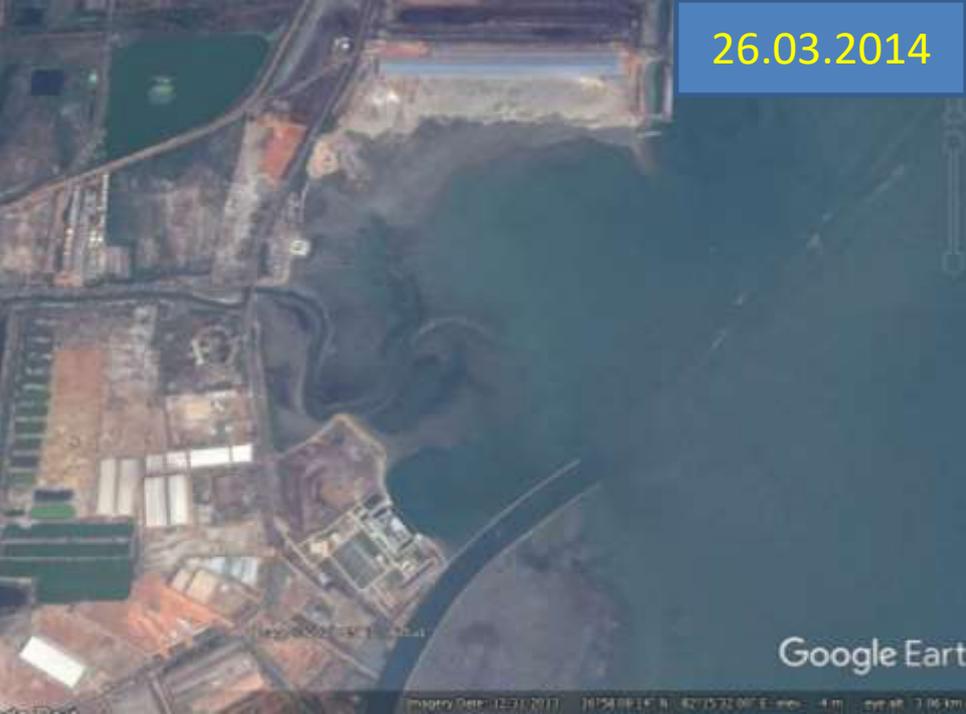
**Special Chief Secretary,**  
Environment Forests Science and Technology Department,  
Secretariat, Hyderabad-500022.

**Copy for information to:-**

1. The Member Secretary, Andhra Pradesh State Pollution Control Board, Paryarana Bhawan, A-3, Industrial Area, Sanathnagar, Hyderabad-500 018, Andhra Pradesh.
2. Managing Director, M/s Seavalley Resorts Private Limited, 7-8-1/1, Varun Towers, Kasturba Marg, Siripuram, Visakhapatnam-530003.
3. Member Secretary, Central Pollution Control Board, Parivesh Bhavan, CBD-cum- Office Complex, East Arjun Nagar, Delhi -110032.
4. The Chief Conservator of Forests, Ministry of Environment & Forests, Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, 1<sup>st</sup> Block, Koramangala, Bangalore - 560 034.
5. Director (EI), Ministry of Environment & Forests, New Delhi.
6. The Regional Office Cell, MoEF.
7. Guard File.
8. Monitoring File

  
(Dr. A. Senthil Vel)  
Additional Director







**BEFORE THE NATIONAL GREEN  
TRIBUNAL, SOUTHERN ZONE  
BENCH, CHENNAI**

**O.A. No. 160 of 2020 (SZ)**

**E.A.S. Sarma & Anr.**  
**... Applicants**  
**v.**  
**Union of India & Ors.**  
**... Respondents**

**TYPED SET OF PAPERS**

**R. PALANIANDAVAN (1266/08)**  
**G. RAJKUMAR (348/2000)**  
**S. MANISHA BOHRA (4583/2018)**

**COUNSEL FOR 7<sup>TH</sup> RESPONDENT**

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