

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTER ZONE AT KOLKATA**
Original Application No. 93/2024 with 95/2024 with MA/23/2024

IN THE MATTER OF:

Ashish Kothari

...Applicant

v.

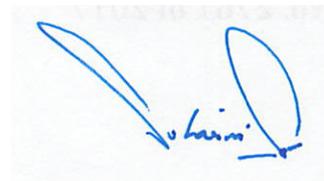
Ministry of Environment, Forest
and Climate Change & Anr.

...Respondents

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THROUGH



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Date: 14.12.2025

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**WRITTEN SUBMISSIONS ON BEHALF OF THE UNION OF INDIA
THROUGH MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE**

I. Background to the present project:

1. The captioned applications have been filed pursuant to Judgement dated 03.04.2023 passed by this Hon'ble Tribunal wherein after a detailed and threadbare scrutiny of consolidated environmental and ICRZ clearance dated 11.11.2022, this Hon'ble Tribunal was pleased to uphold Environment and Forest clearances thereby finding no ground for interference. Relevant excerpts from the findings of this Hon'ble Tribunal qua Forest & ICRZ Clearance and are reproduced herein below:

“28... As regards forest clearance, it is seen that forest cover in the area is more than 75%. While forest is of great significance in tackling air pollution and climate change, development cannot be totally ignored. There is hardly any development in the area. There is need not only for economic development but also national security. These factors are not shown to be irrelevant. There is no conflict of interest as such. There is policy permitting afforestation outside the State if forest cover is more than 75%. Thus, no case is made out to interfere with the FC, considering the countervailing public interest in allowing diversion of forest land for the project which is subject to all relevant conditions...”

(Emphasis supplied)(**Running Page 546-547**)

XXX

“32. We are of the opinion that there can be no two views about the need for adequate studies of adverse impact on coral reefs, mangroves, turtle nesting sites, other wildlife, of erosion, disaster management and other conservation and mitigation measures. ICRZ 2019 has to be duly complied with about the location of the Port. Tribal rights and their rehabilitation has to be ensured. Compensatory Afforestation/mangrove plantations have to be as per forest policy. Stand of the respondents show that such studies have already been undertaken and further studies are proposed. The respondents are committed to comply with the ICRZ 2019 and tribal rights. They have also planned compensatory afforestation and mangrove plantations. Thus, by and large the project is compliant and EC does not call for interference.”

(Emphasis supplied)(**Running Page 551-552**)

2. Thus, as is evident, this Hon’ble Tribunal after a detailed examination of the environmental clearance, and all aspects listed above including “*adverse impact on coral reefs, mangroves, turtle nesting sites, other wildlife, of erosion, disaster management and other conservation and mitigation measures*” etc., came to the conclusion that the project in question was complaint and that no environmental norms were violated and accordingly upheld the environmental clearance.
3. This Hon’ble Tribunal was further pleased to constitute a High Powered Committee (HPC) for the purpose of revisiting the Environmental Clearance on three aspects viz. translocation of remaining 4518 coral colonies, number of seasons for which data was to be collected for the purpose of impact assessment and to ensure that no part of port project falls in the CRZ IA area. Relevant excerpts from the aforesaid judgment are reproduced hereinafter:

“33. However there are some unanswered deficiencies as pointed out by the appellants which need to be addressed. By way of instance, it is pointed out that out of 20668 coral colonies, 16150 are proposed to be translocated without any mention of threat to remaining 4518 colonies. It is pointed out that the ICRZ Regulations prohibit destruction of corals. Further, data collected for impact assessment is only of one season as against requirement of three seasons. It is also shown that part of the project is in CRZ IA area where Port is prohibited. These aspects may call for revisiting the EC by a High-Powered Committee (HPC) which we propose to constitute. The same will be headed by Secretary, MoEF&CC, GoI. Other members will be Chief Secretary, Andaman & Nicobar, Zoological Survey of India, Botanical Survey of India, Central

Pollution Control Board, nominee of Vice-Chairman Niti Aayog, nominee of Secretary, Ministry of Shipping and Director, Wildlife Institute of India...”
(Running Page 552)

As is clear from usage of the phrase ‘*these aspects*’, this Hon’ble Tribunal limited the scope of evaluation to the three instances set out in paragraph 33 and thereafter, in this limited context, this Hon’ble Tribunal further directed that the environmental clearance or its conditions may be re-looked by the Competent Authority in light of the report of the High Powered Committee on these three aspects i.e. (i) the threat to the remaining 4518 coral colonies, (ii) the requirement of three season data for impact assessment and (iii) the location of the Port component of the project.

4. However, instead of limiting the scope of their captioned applications to the aforesaid there aspects, the Applicants have attempted to regurgitate the issues, otherwise settled by the aforesaid judgment dated 03.04.2023 passed by this Hon’ble Tribunal. While limiting the scope of the instant written submissions to the aforesaid there aspects adverted to by this Hon’ble Tribunal, relevant factual matrix for proper appreciation of facts and hence adjudication, is detailed hereinafter.

The Answering Respondent granted Environmental Clearance dated 11.11.2022 in favor of Respondent No. 2 herein under EIA Notification, 2006 and ICRZ Notification, 2019 for establishment of the following:

- a. International Container Transshipment Terminal (ICTT) - 14.2 million TEU.
- b. Greenfield International Airport- (4000 peak hour passengers - PHP)
- c. Township and area development
- d. 450 MVA gas and solar based powerplant.

over an area of 16610 hectares in the Greater Nicobar Islands (hereinafter referred to as “**project**”).**(Running Page 244)**

5. Only 166.1 sq. km of area is proposed for development, which is approximately 2% of the total area of A & N Islands. Further, 130.75 sq. km of forest area is proposed to be diverted for the project which is only approximately 1.82% of the total forest area of A & N Islands. **(Running Page 255)**
6. Relevantly, the aforesaid project was conceived by the Niti Aayog in the year 2020 and forms part of the Niti Aayog's endeavour towards the holistic development of identified islands of India. Even though the project is of great national importance to the defence and strategic needs of the nation, in order to adhere to the principles of sustainable development, the Government has ensured that the present environmental clearance provides ironclad and robust protection to the biodiversity of the area while also balancing the specific strategic needs of India. **(Running Page 244)**
7. At this juncture, the Answering Respondent reiterates that the Ministry of Home Affairs has communicated to the Answering Respondent that the Greenfield International Airport proposed at Gandhi Nagar-Shastri Nagar area of Great Nicobar Island as part of Integrated Development of the Island, will be developed as a joint military-civil, dual-use airport, under the operational control of Indian Navy. This project will be for Defence, Strategic, National Security and Public Purpose and therefore, the portion of deliberation made for the airport component only may be dealt accordingly as a project of strategic nature. **(Running Page 248)**
8. Furthermore, the strategic and geopolitical significance of the present project was also specifically noted by this Hon'ble Tribunal in the judgment dated 3.04.2023, as follows:

“26. From above resume, it is patent that the project has great significance not only for economic development of the island and surrounding areas of strategic location but also for defense and national security. Even the appellants have not joined issue on these aspects. While the Tribunal's consideration is confined to material on record, we have also noted (without any comment) media reports that the area is located in China's 'string of pearls' strategy which is sought to be

countered by Indian Authorities under India's 'Act East' policy. Indian Ocean has emerged as a key intersection zone of Indian and Chinese strategic interests. There are further media reports of huge poaching of environmental marine resources of Andaman by poachers from Myanmar for which number of people have been arrested. Poaching activities include destruction of corals, killing of sharks, taking away of valuable fishes. The project will help bridge infrastructural gap in island and promote international trade saving huge amount on transshipment cargo." **(Running Page 546)**

9. The Answering Respondent unequivocally clarifies that the project area does not fall within the boundary of any National Park or Wildlife Sanctuary or their Eco-Sensitive Zones and therefore, the project is not proposed to be established in any Eco Sensitive Zone of any Protected Area. Further, the project site is outside the Ecologically Sensitivity Zone (ESZ) notified around the two National Parks. A perusal of the Environmental Clearance dated 11.11.2022 would demonstrate that EAC, specifically directed the Project Proponent that any/all part of the proposed master plan for Ports which are falling within CRZ IA areas shall be excluded from the revised layout of master plan in order to safeguard the ecological sensitive areas of the coastal areas. **(Running Page 254)**

10. It is further respectfully submitted that the appraisal of the present project has scrupulously adhered to the mandates of the Environment Impact Assessment Notification, 2006, the Island Coastal Regulation Zone Notification, 2019 and all other applicable statutory provisions. As is evident from the material on record, the appraisal undertaken by the Respondent No.1 has been both threadbare as well as extremely robust. The Expert Appraisal Committee thoroughly reviewed all aspects of the Project and the same has been duly featured in the CRZ and Environment Clearance granted to the project.

Salient Features of Environmental Clearance Dated 11.11.2022

11. It is reiterated that the Environmental Clearance dated 11.11.2022, *inter alia*, comprised of EIA Report dated 07.03.2022 which detailed the public hearing which was held on 27.01.2022 amongst 138 participants including



representatives of the concerned tribal groups. Further, prior to issuance of the Environmental Clearance dated 11.11.2022, the project was accorded the highest level of scrutiny at all levels, having been deliberated upon in five meetings of the Expert Appraisal Committee i.e. the 258th, 260th, 293rd, 297th and 306th meetings. The project was appraised comprehensively by the EAC which comprised not only members of the Infra-I sector but also Member Secretaries of the Infra- II sector, Thermal sector and Nuclear, Defence and Strategic (NDS) sector, Coastal Regulation Zone (CRZ) sector. The expert members from the abovementioned sectors were also co-opted for comprehensive appraisal of the various components of the Project both before grant of the ToR and thereafter at the time of appraisal for grant of the EC/CRZ Clearance. (**Running Page 248-250**). The minutes of each meeting and the recommendations issued therein have been placed on record before this Hon'ble Tribunal. (**Running Pages 285-485**) It is further most respectfully submitted that a perusal of the minutes of each of these meetings would show that every aspect of each one of the components of the present project was examined in the minutest detail.

12. Further, a bare perusal of the Environmental Clearance dated 11.11.2022 would demonstrate that it is an extremely detailed document containing as many as 42 specific conditions dealing with each component of the project, in addition to all standard conditions applicable to each component dealing with statutory compliances, air quality monitoring and preservation, water quality monitoring and preservation, noise monitoring and preservation, energy conservation measures, waste management, green belt, marine ecology, transport, human health environment and risk mitigation and disaster management. Additionally, the environmental clearance provides for detailed and continuous studies over multiple years, as well as mandates extensive mitigation measures to be taken by the Respondent No.2, Project Proponent. It is respectfully submitted that out of these specific conditions, the first condition dealing with wildlife conservation plan itself comprises of 9 further sub-conditions dealing with each of the following aspects - (i) Leatherback Turtles (ii) Nicobar Megapode (iii) Saltwater Crocodile (iv) Impact of invasive species on native flora (v) Impact on inter-tidal

flora and fauna (vi) Nicobar Macaque, Robber Crab and other endemic bird species of Greater Nicobar (vii) Mangrove Restoration (viii) Coral translocation and (ix) Welfare of local tribal population of Shompen and Nicobarese. Each of these sub-conditions contemplate detailed specific recommendations involving research and assistance in conservation by the top scientific institutes of the nation (**Running Page 219 onwards**). By way of example, some portions with respect to some of the mandated conservation measures are extracted below:

- i. **Leatherback Turtles** : *WII will establish its long-term field research unit in Andaman and Nicobar Islands with one base in Great Nicobar, one based in Little Andaman and one in south Andaman to undertake and monitor sea turtle related research in A&N islands. Some of the specific mandates in this regard as spelt out in the environmental clearance are extracted below:*

“g. Holistic development will include data and recommendation from WII, ZSI, SACON and BSI studies in the deliberations and directions of the monitoring committee as stated in 3.10.3(VI) and plans maybe modified accordingly if found necessary in the interest of all species of sea turtles with focus of Leatherback Sea Turtle and other flora and fauna of GNI. Additional measures may be considered by the Committee if found essential.

*h. Zero nest predation approach must be ensured by the state forest department to achieve highest possible survival of Leatherback, Hawksbill, Olive Ridley and Green Sea Turtle. Community based nest monitoring and protection programme should be initiated from year 2022 nesting season. The budget for the same will be submitted by state forest department”(**Running Page 219**)*

- ii. **Nicobar Megapode** : So far the Nicobar Megapode is concerned, it the environmental clearance *inter-alia* provides as follows: “...Accordingly, SACON and WII shall submit two full proposals to PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The SACON will undertake studies for population ecology, meta

populations, disease surveillance and translocation of endemic Nicobar Megapod and WII will study population genetics and Satellite tagging studies. SACON and WII is advised to develop full proposals with sufficient budgetary provisions and timeline. Based on the revised proposal sent by SACON and WII corresponding amount for first 5 years will be released by PP within 3 months of submission of proposal which would enable SACON and WII to undertake uninterrupted research and conservation interventions on endemic Nicobar Megapod. A&NFD will ensure implementation of conservation measures as recommended by SACON and WII.”(Running Page 220)

- iii. **Impact on inter-tidal flora and fauna:** With respect to the impact on inter-tidal flora and fauna, the environmental clearance specifically states “ *The ZSI report emphasize rich biodiversity of the inter-tidal region of GNI. Several parts of this region will be either directly reclaimed or used for other infrastructure such as road on stilts, and other permissible activities within CRZ. Accordingly, the Committee suggested that a detailed proposal consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 along with budgetary provisions shall be developed by Zoological Survey of India (ZSI) and submitted to the PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to ZSI within three months from the grant of EC and CRZ clearance to undertake immediate work to undertake the detailed baseline documentation and further monitoring of the same during entire implementation phase of the holistic development plan. ZSI should also document shift in the inter-tidal community with each phase of the project is being implemented so as to understand the impact and develop mitigation strategies. Accordingly, the Committee informed PP to revise the EMP provisions. A&NFD will ensure implementation of conservation measures as recommended by ZSI.” (Running Page 222)*

- iv. **Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar:** With respect to the conservation of these endemic species, the environmental clearances states: *“For conservation of Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar the Committee suggested that a detailed proposal consistent with the holistic development plan for GNI i.e. till the completion of the final phase of the same in the year 2052 along with budgetary provisions shall be developed by SACON and submitted to the PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to SACON within three months from the grant of EC and CRZ clearance to undertake detailed baseline documentation, conservation intervention and further monitoring of the same during entire implementation phase of the holistic development plan. Accordingly, the Committee informed PP to revise the EMP provisions. A&NFD will ensure implementation of conservation measures as recommended by SACON.”* **(Running Page 222)**

In addition to the above which were set out only by way of example, it is respectfully submitted that the environmental clearance contains specific conditions and requirements for each category of flora and fauna regardless of whether there is likely to be any impact upon the same or not. It is submitted that it goes without saying that the Environmental Conditions will be strictly monitored by the answering Respondent in accordance with the prevailing law, and failure to adhere to the conditions of the EC would have the necessary statutory consequences. The project proponent is required in terms of the Environmental Clearance to submit 6 monthly compliance reports to the concerned Regional Office of the Answering Respondent and the same are being submitted by the project proponent regularly.

13. **Continuous Study of Impacts and Data Collection**: That it is further respectfully submitted that in terms of the EIA Notification 2006, the ICRZ Notification 2019 and the other extant notifications, the project proponent, i.e. the Respondent No.2 has been asked to study the environmental impacts of each component of the project both while undertaking the EIA/EMP studies and even after the submission of the EIA Report, through Specific Conditions, prescribed in the EC/CRZ clearance. In terms of the directions of the Expert Appraisal Committee and the Environmental Clearance, these studies and their consequent mitigation measures are to be monitored at the highest level by the top statutory and non-statutory bodies whose credentials and competence cannot conceivably be doubted. By way of example, the following are some, though not all, of the studies that were conducted by the Project Proponent: (**Running Page 251-252**)

- i. Independent evaluation of impact of proposed port site at Galathea Bay by engaging a nationally recognized institute such as Zoological Survey of India (“ZSI”) or Salim Ali Centre for Ornithology and Natural History (“SACON”) or the Wildlife Institute of India (“WII”) or a consortium of these institutes.
- ii. Independent study for the assessment of biodiversity and Wildlife value of all alternative port sites by engaging nationally reputed institutes like WII, BSI, ZSI, SACON.
- iii. Comprehensive study of the impact of dredging and reclamation and port operations by ZSI, SACON or WII or a consortium of these institutes
- iv. A specific study on the impact of the proposed development on migratory birds by ZSI, SACON or WII covering both inward and return migration period.
- v. Involvement of an independent organization with specialized skill such as IIT, NIOT, NCCR, NIO etc for technical aspects of site selection of the port as well reputed research institutes such as WII, ZSI, SACON for ecological assessment.

14. In addition to the above, the Project Proponent also undertook multiple studies through reputed agencies for the preparation of an environmentally sound Environmental Management Plan (“EMP”) : (**Running Page 251**)

- i. Marine Ecological Conservation of Island Fauna Diversity and Marine Ecological Studies,
- ii. Comprehensive conservation plan for Nicobar Megapode,
- iii. An assessment of the Environmental sensitiveness of sea turtle nesting beaches of the Great Nicobar Island,
- iv. Environmental Baseline Data Monitoring, Socio-Economic Survey, Environmental Impact Assessment Study,
- v. Topographic survey through helicopter mounted LIDAR and OLS Survey,
- vi. Mathematical Modelling Study,
- vii. Oceanographic Study,
- viii. Hydrographic Survey and Bathymetric & Geophysical Survey,
- ix. Soil Investigation Study
- x. Traffic & Market Analysis for Port.

15. **Mitigation Measures:** Additionally the environmental clearance mandates very stringent mitigation measures to be undertaken by the Respondent No.2 either independently or in close collaboration with the most premier national research institutes. These mitigation measures form part of the conditions of the environmental clearance and it is submitted that these measures would more than adequately address the impacts of the proposed project upon the ecology of the region. By way of example, a few of the conservation/mitigation measures that form a part of the Environmental Clearance are: (**Running Page 223-229**)

- i. Wildlife Institute of India (WII) would establish a long-term field research unit in the Andaman & Nicobar specifically for undertaking uninterrupted turtle research and carrying out necessary conservation interventions if required

- ii. WII and Salim Ali Centre for Ornithology (SACON) would undertake comprehensive conservation measures for the endemic Nicobar Megapod, and two full proposal for the same are to be submitted to the Project Proponent with a copy to the Answering Respondent.
- iii. The Project Proponent would release funds within three months to the WII and A & N Forest Department for conservation measures for saltwater crocodiles
- iv. SACON would develop a detailed proposal for the conservation of the Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar.
- v. Over and above all other conservation proposals, the Project Proponent is to separately provide funds to the Andaman & Nicobar Forest Department for the complete oversee of the conservation and mitigation work, infrastructure and operation costs towards implementation of Leatherback Sea Turtle, Nicobar Megapod, Saltwater Crocodile management and other endemeic flora and fauna conservation.
- vi. Safe wildlife corridors at 8 locations along the eastern side of the island would be created.
- vii. The Mangrove Conservation and Management Plan for Greater Nicobar Island prepared by the Andaman & Nicobar Administration would be adhered to.
- viii. The Coral Conservation Plan prepared by Zoological Survey of India (ZSI) addresses both the conservation strategies for coral colonies around Great Nicobar Island(GNI) as well as translocation strategies for ten hectares of impacted corals.
- ix. Various restrictions on dredging, construction activity, waste management, disease control etc. have been provided for within the environmental clearance.

16. **Establishment of 3 new Wildlife Sanctuaries:** For the purpose of conservation of biodiversity, the environmental clearance specifically notes as follows:

“21. Three (3) new wildlife sanctuaries have been identified at Little Nicobar, Menchal and Meroe Islands for conservation and protection of Leatherback Turtles, Megapode and Corals respectively and the Ministry of Home Affairs (MHA) accorded approval on 21.03.2022 for new wildlife sanctuaries to be created. The details are: 1. Leatherback turtle sanctuary of 13.75 sq. km at Little Nicobar Island 2. The entire Menchal Island of 1.29 sq.km as a Megapode Sanctuary, 3. The entire Menchal Island of 1.29 sq.km as a Coral Sanctuary.” (Running Page 215)

17. **Mandatory conditions related to three independent monitoring committees:**

It is respectfully submitted that the environmental clearance mandates that the Project Proponent will *“establish three independent Monitoring Committees to oversee the implementation of Environmental Management Plan. Each committee must meet twice a year and undertake one site visit each year. The committees will take review of progress of work of respective areas and implementation of mitigation measures and advise further on its implementation. Minutes of the meetings, site visit reports by these committees and recommendation of the same will be included in the implementation plans of each institute and PP. Proceedings of each Committee will be uploaded on the A&N state forest department website under a specific link provided to the project at GNI. For the first three years following constitution is recommended:*

i. Committee to oversee pollution related matters – The Committee will be chaired by Member Secretary of State Pollution Control Board. The other members of the committee should include representative from CPCB, one national reputed expert each in the field of air, noise, water, solid waste and soil pollution. The committee will also include representative of Chief Wildlife Warden not below the rank of CF, representative of PP, representative of Niti Aayog, representative of

collector, representative of disaster management unit, representative from Central/State-UT Ground Water Authority and one member of EAC-CRZ and Infra 1 Committee.

ii. Committee to oversee biodiversity related matters – The Committee will be chaired by PCCF (WL) A & N Forest Department. The other members of the committee must include directors of WII, SACON, ZSI, and Botanical Survey of India, representative of PP, representative of Niti Aayog, representative of collector, Director, CSIR-National Botanical Research Institute, two independent and nationally recognized scientists in the field of terrestrial and marine biodiversity, Director-Deep Sea Mission of GoI and one member of EAC-CRZ and Infra 1 Committee with biodiversity expertise

*iii. Committee to oversee welfare and issues related to Shompen and Nicobarese- The Committee will be chaired by the Collector. The other members of the committee should include Director - A & N Tribal Welfare Department, PCCF and HoFF-A&N, Director of department of health, two independent and nationally reputed individual experts on Shompen and Nicobarese, representative of PP, representative of Niti Aayog, representative of A&N Administration and one member of EAC-CRZ and Infra Committee" (**Running Page 224-225**)*

18. **No disturbance to the Tribal Community:** The Answering Respondent further submits that it has ensured that the Project Proponent has kept the interest of the tribal population at the forefront while granting the present project prior environmental clearance. It is submitted that there are 6 tribes residing in Great Nicobar, which are various stages of development – with the majority of them preferring to remain away from modern society. In these circumstance, the tribals were duly represented at the public hearing through the Andaman Adim Janjati Vikas Samiti (hereinafter the “AAJVS”) whose views were considered. It was also noted that the only habitation of Shompens or Nicobarese in the project area

is at New Chingen, Rajiv Nagar and further, the Administration is not proposing displacement of any tribal habitations. Additionally, the Expert Appraisal Committee had taken note of the following submissions made by the project proponent - (i) That the project will not disturb or displace any Shompen/ Nicobari tribal or their habitation, (ii) that there will be a clear demarcation of land so that there is no scope of conflict arising in future, and (iii) the habitat rights of the tribal persons will be duly taken care of as per the provisions of Forest Rights Act in the unlikely event that any issue in this regard should arise. Further, the Environmental Clearance mandates that Project Proponent constitute a specific committee to oversee all issues related to welfare of the Tribal population. (**Running Page 253-254**)

Evaluation of the “Three Aspects” by the High Powered Committee (HPC):

19. Pursuant to the judgement dated 03.04.2023, the High Powered Committee was constituted through Office Memorandum dated 13.04.2023 and the Terms of Reference (ToR) of the HPC were as follows: (**Running Page 975**)

- i. To review the proposal related to coral translocation submitted by the project proponent and regulatory provisions under ICRZ Notification, 2019 with respect to corals.
- ii. To review the data collection requirement for the project as per the EIA Notification, 2006.
- iii. To review CRZ boundaries of the port project with respect to ICRZ Notification, 2019.

20. It is further submitted that the ToRs were framed to incorporate not only the aspects pointed by the Hon’ble NGT in Paragraphs, 28, 29 and 33 of its order dated 03.04.2023 but to also ensure a holistic approach in addressing the related aspects of the case. The intention of the High Powered Committee, was to ensure that the mandate provided by the Hon’ble Tribunal is fulfilled in both letter and spirit, while simultaneously enabling a more robust and scientifically grounded framework for assessment and decision-making. By doing so, the ToRs serve as

an effective tool to guide the HPC in undertaking an in-depth and balanced evaluation of the issues at hand.

Translocation of Coral Colonies considered by HPC:

21. The HPC considered the study conducted by ZSI and its report which categorically stated that no corals have been found in the proposed site for the construction of port and other amenities at the Galathea Bay. **(Running Page 905-906, 967-969)**
22. It is submitted, that it has all along been the stand of the Answering Respondent as noted by the Hon'ble Tribunal and attested to by the Zoological Survey of India (ZSI) that no corals have been found in the proposed project site. It is submitted that the Zoological Survey of India (ZSI), which has been working on the corals around Great Nicobar Island for the past 14 years, by conducting periodic undersea surveys. It is submitted that the ZSI after carrying out a comprehensive reef biodiversity study in the waters adjacent to the project area, has certified that no coral colonies exist directly beneath or within the physical boundaries of the proposed port construction site.
23. It is submitted that as stated in the Counter Affidavit dated 21.10.2024 and Additional Affidavit dated 05.07.2025 filed by the Union of India, the HPC concluded based on the ZSI study, that no corals have been found in the proposed site for the construction of port and other amenities at Galathea Bay. However, corals which are likely to be impacted because of the project are found in proximity of the proposed construction site at depths ranging from 5 to 30 metres. The total number of coral colonies encountered in the adjoining area is about 20,668. Among them about 16,150 coral colonies were found within 15 metres depth of water column while 4,518 colonies were observed at the depth ranges of 15 to 30. These 16,150 coral colonies need to be translocated to suitable recipient sites based on the sediment trap results. The remaining 4,518 colonies which are observed at 15-30 metres of depth may be duly studied and observed to analyse the sedimentation load and rate of sedimentation before any decision on translocation or otherwise is taken. **(Running Page 205-206, 967-969)**

24. It is thus respectfully submitted that the threat to the remaining 4518 colonies, if affected by the project, will be subjected to a detailed study, with respect to sedimentation load and rate of sedimentation and thereafter a decision on whether or not to translocate the said colonies would be taken. The potential threat to all corals which may potentially be affected by the project, has been duly assessed, and adequate provision has been made in the event that any damage is likely to occur. (Running Page 205-206, 967-969)

25. At this juncture, it is profitable to refer to Para 23 of Judgement dated 03.04.2023., wherein this Hon'ble Tribunal has recorded the statement of the Director, ZSI, which is being reproduced herein below: (Running Page 537-538)

“The assessment made by ZSI revealed that the environmental impact can be managed sustainably to restore the pristine ecosystem though proper conservatory measures and have suggested long term environmental management plans for that area.

A total of 309 species of scleractinian corals under 66 genera, 19 families are recorded from Great Nicobar Island based on the comprehensive studies for last 14 years across all the coastal areas of this island. However, it has been noted that no major coral reef exists within the work area of the project. Only scattered coral reefs are available at the peninsular part of Galathea Bay. As per the detailed analysis, the environmental status and physicochemical status of the sampling sites are conducive to the oligotrophic environment. Hence, the overall benthic community of Galathea Bay is different from other major reefs. The size of the colonies reported from Galathea Bay is relatively small and most of the species are found scattered with small growth forms which may be due to the presence of an extremely high cover of algae (51.75%). The high density of Halimeda sp. growing in Galathea Bay is known for its quick growth rate and deposit of calcium on a higher scale.

During the construction in seafront areas, the marine ecosystem may be affected especially wherever there are coral reefs. The development of jetties and ports along the coastal areas is likely to have an impact on the entire benthic cover including coral reefs, seagrass, and seaweed habitats along with associated faunal communities.

Even though there are no coral reefs in the proposed site, coral reefs are recorded in the adjoining areas of the proposed project site. However, as a precautionary measure, to avoid damage to the corals by any means, it is a prerequisite to translocate the corals from the Galathea Bay adjoining up to the depth limit of 15 m.

Any coral colonies which are presumed to be get impacted by the proposed construction has been recommended by ZSI to be translocated to a suitable place where similar environment as well as topographic features prevails in the Great Nicobar.

Reef restoration and coral relocation due to coastal development and/or dredging, are among the most common reasons for transplantation and is world-wide solution, which could be easily executed in Great Nicobar in alternate suitable offshore habitats. Successful coral reef restoration has previously been accomplished by ZSI in Gulf of Kachchh and the transplanted corals had >90% survival and effectively transformed into a functional coral reef.

Rehabilitation, restoration and development of new reef areas by modern technologies can lead to protection and conservation of reef and reef associated fauna of Great Nicobar.”

(Emphasis Supplied)

Issue of Baseline Data Considered by HPC:

26. At the outset, it is submitted that the ZSI in its report on the Holistic Development in Greater Nicobar Island and Conservation of Island Faunal Diversity, dated 28.07.2021, which formed part of the EIA, categorically states that the baseline data such as physio-chemical and biological characteristics was conducted during March 2021 for which several surveys conducted during the past 5 years were utilised. For the said study, the literature survey on the faunal and floral components as well as inter-tidal and marine surveys along the proposed project areas from Campbell Bay to Indira Point were conducted to get the comparative analysis.

27. It is submitted that the HPC was apprised of the fact that Guidelines for conducting EIA/EMP studies, 2010 issued by the Answering Respondent

categorically states that only one season data should be monitored other than monsoon as per CPCB norms. The abstract of the EIA Guidance manual for Ports and Harbors have been appended with the counter affidavit. Pursuantly, the HPC concluded that only one season data should be monitored other than monsoon as per CPCB norms.

28. At this juncture it is relevant to mention that the concept of Rapid EIA study involving collection of 1 season data and Comprehensive EIA studies collecting 3 season data was defined in EIA Notification, 1994. The aforesaid provisions have been superseded by EIA Notification, 2006 which do not specifically prescribe Rapid or Comprehensive EIA studies.

29. Moreover Paragraph 8 of the ICRZ Notification, 2019 deals with '**Procedure for ICRZ clearance for permissible and regulated activities**' requires collection of three season data ONLY for eroding stretches, whereas, the proposed project area is an accreting stretch. The relevant portions of the ICRZ notification are as follows:

8. '**Procedure for ICRZ clearance for permissible and regulated activities**'

...

(ii) Rapid EIA Report including marine and terrestrial component as applicable, except for building and construction projects or housing schemes

(iii) Comprehensive EIA with cumulative studies for projects, (except for building and construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA notification) **if located in low and medium eroding stretches**, as per the ICRZP to this notification"

(Running Page 89 of OA 93/2024)

30. It is submitted that the eastern flank of the Great Nicobar Islands, stretching from the southeast of the Galathea River to east of Hayward Point over a distance of

approximately 6.3 km, is characterized by a predominantly stable to moderately accreting shoreline. The observed coastal accretion is primarily due to the protective influence of offshore sheet rock formations, which buffer the coast from direct wave attack and aid in sediment deposition. Additionally, seasonal variations in monsoonal currents and the orientation of littoral drift contribute to the sediment dynamics in this region, facilitating deposition and stabilizing the coastal profile.

31. It is submitted that the Applicants have placed reliance on the Shoreline Change Atlas of Lakshadweep Islands and Andaman and Nicobar Islands prepared by the Space Application Centre (SAC), Ahmedabad, Indian Space Research Organisation (ISRO) which is available in the link:vedas.sac.gov.in/vcms/static/atlas/slc/Shoreline_Change_Atlas_Vol-VI.pdf. It is submitted that the present study has several limitations, apart from being 9 years old such as:
- i. The study has used the High-Tide Line (HTL) of 2004-06 and the High-Tide Line of 2014-16, as the two reference shorelines and based on change of two high Tide lines, the coast has been classified as erosion, accretion and stable.
 - ii. The SAC map, (2021) indicates erosion in the northern parts of the East and West flanks of the Bay.
 - iii. However, the erosion/accretion has not been classified as high/ medium/ low. The study is about 9 years old.

In view of the above study, it is well established that the port is not falling in the eroding zone, moreover, the eastern flank has been categorized into predominantly a stable and an accretion zone. Therefore, comprehensive EIA with cumulative studies for projects located is not required for the project as per ICRZ Notification, 2019.

32. In this regard it is submitted that all the institutions engaged in conducting various environmental studies for the project-including the Zoological Survey of India (ZSI), Botanical Survey of India (BSI), Salim Ali Centre for Ornithology

and Natural History (SACON), and the Wildlife Institute of India (WII)-are reputed government organizations with a long-standing presence and institutional capacity in the Andaman and Nicobar Islands. These institutes possess extensive historical datasets and a deep understanding of the local ecological context, having conducted research and data collection in the region over several decades.

33. It is thus respectfully submitted that while the primary data for the current project may have been collected over a single seasonal cycle, it is critical to note that the analysis has not relied solely on this limited field data. Instead, the institutes have integrated the freshly collected seasonal data with decades of historical data available in their institutional repositories. This hybrid approach of combining baseline seasonal observations with longitudinal datasets ensures that the assessment of potential environmental impacts is both temporally comprehensive and scientifically robust. Furthermore, this depth of data and institutional experience has also contributed significantly to the development of site-specific Environmental Management Plan (EMP), which addresses both immediate and long-term environmental concerns. The EMP incorporates mitigation and conservation strategies that are aligned with the ecological character of the islands and are grounded in scientifically validated methodologies developed by these institutions over the years.
34. As far as the OM dated 3.11.2009 (**Running Page 1034-1036**) relied by the Applicant is concerned, which is placed at Annexure 12 of the Environment Impact Assessment (EIA) Guidance Manual for Ports and Harbours is one of the several reference documents used for preparation of manual. The manual was finally released in 2010 which has the following prescription:
- i. **Baseline data for the air quality parameters** - particulate matter size less than 10 μ m or PM10 μ g/m³, particulate matter size less than 2.5 μ m or PM2.5 μ g/m³, sulphur dioxide (μ g/m³), nitrogen dioxide (μ g/m³), carbon monoxide (μ g/m³) and heavy metals (keeping in view of cargo proposed to be

- handled), extending an area up to 5km from the project boundary should be generated for **one season** other than monsoon as per the CPCB norms.
- ii. **Baseline data of ground water** including data of pH, dissolved solids, suspended solids, BOD, DO, coli-form bacteria, oil, heavy metals (depending upon the type of cargo) is to be collected at least for **one season**
 - iii. **Baseline data on location of surface water** like lagoons, lakes, tidal inlets, streams, rivers, their details, present quality and their utility, if any, is to be provided. Details of water bodies in the project area shall be described specifically. Water quality is to be monitored for **one season**.
 - iv. Geological/geophysical data like bathymetry, seismic and side scan sonar can be collected only at **one time**
35. Without prejudice to the aforesaid, it is submitted that paragraph of the same OM specifically provides, “New projects to be located at the sites indicated in Table 1, shall be subjected to Comprehensive Environment Impact Assessment, based on a minimum of 3 seasons data, and Environment Impact Assessment report prepared based on actual field measurements, appropriate modelling studies etc”. The specific details of Table 1 are extracted below for the convenience of this Hon’ble Tribunal: (**Running Page 1036**)

Table:1 – Sites along the Coastal Stretches where Shoreline changes has been Observed

S.No	Name of State	Districts / Division / locations of critical erosion.
1.	Gujarat	Valsad, Navsari, Surat, Bharuch
2.	Maharashtra	Mumbai, Suburban, Thane, Raigad, Ratanagiri, Sindhudurg
3.	Goa	South Goa, North Goa
4.	Karnataka	Mangalore, Udupi, Kundapur, Bhaktal, Honnavar, Kumta, Ankola, Karwar
5.	Kerala	Thiruvananthapuram, Alappuzha, Thale, Manjeri, Kozhi, Kasargod
6.	Tamil Nadu	Chennai north, Kovalam, Devanampattinam, Poomuhar, Tharangambadi, Kanyakumari
7.	Andhra Pradesh	Uppada, Chinnagollapalem.
8.	Orissa	Gopalpur, Rushikulya, Puri, Satbhaya, Chandabali
9.	West Bengal	Digha, Shridarnagar, Buraburirtat, Gobardhanpur Frezerganj, Shibpur, Beguakhali, Kusumtala
10.	Pondicherry	Along Gandhi Statue stretch
11.	Andaman & Nicobar	-
12.	Lakshadweep	Agatti, Amini, Androth, Bitra, Chetlat, Kadmat, Kiltan, Kalpeni, Kavvatti, Minicoy

(Source: <http://www.envfor.nic.in>)

36. As evident from the above, Serial No.11 which pertains to Andaman and Nicobar Island is blank, and thus there are no shoreline changes indicated in the table for Andaman and Nicobar Islands, therefore, the comprehensive study of three seasons data is not applicable to the Andaman and Nicobar Island. The HPC, accordingly, concluded that one season data may be collected for preparation of EIA/EMP Report. (**Running Page 206**)

Issue of CRZ-IA Considered By HPC:

37. It is further submitted that on the directions of HPC the concerned Agency, i.e., the National Centre for Sustainable Coastal Management (NCSCM) visited the project site on 17th and 18th of June 2023 and its nearby areas and undertook extensive ground truthing to determine status of High Tide Line, Low Tide Line and Ecologically Sensitive Areas (ESA) for the proposed Port Area/ International Container Transshipment Terminal (ICTT) at Galathea Bay in Great Nicobar Island. Thereafter, taking into consideration the factual position, layout of the project prepared by the Andaman & Nicobar Islands Integrated Development Corporation Limited (ANIIDCO), observations made during the ground truthing exercise and in terms of the response received by the Forest

Department of UT Administration and Project Proponent, the NCSCM concluded that no portion of the proposed port falls in CRZ-IA. (Running Page 207-208)

38. Apart from this, the Project Proponent ANIIDCO is also bound by the specific condition IX of the EC, which prohibits construction works in the Coastal Regulation Zone area, other than those permitted in the Coastal Regulation Zone Notification. Specific Condition IX of the Environmental Clearance states, *“Construction activity shall be carried out strictly according to the provisions of the ICRZ Notification, 2019. No construction works other than those permitted in Coastal Regulation Zone Notification shall be carried out in the Coastal Regulation Zone area”*.
39. Further, in compliance with ICRZ Notification, development within CRZ area will be in compliance with ICRZ Notification 2019 and no construction works other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area. It is reiterated that no activity is proposed to be undertaken by ANIIDCO within ICRZ-IA (Turtle nesting/Megapode nesting/ Biosphere reserve).
40. It is further submitted that a 500-meter buffer zone around nesting beaches has been instituted where no construction, movement, or lighting is permitted during the nesting season (December to March). The Environmental Clearance explicitly lists these restrictions as binding conditions. Further, WII will commence a detailed satellite-based tagging and tracking program in the 2025-26 nesting season to enhance site-specific conservation strategies. Additionally, fencing protocols and artificial light suppression methods are already approved under the Biodiversity Management Plan. These measures constitute one of the most comprehensive marine turtle conservation frameworks implemented for any infrastructure project in India. It is most respectfully submitted that the integrity of turtle nesting zones within CRZ-IA has not only been preserved but institutionally reinforced through design, regulation, and scientific monitoring. It is pertinent to mention herein that the same has been duly incorporated in

General and Specific conditions in para no I A, V, VII, XXV, XXIX of the Environmental Clearance dated 11.11.2022. (**Running Page 456-485**).

41. It is respectfully submitted that additional measures to conserve biodiversity are already incorporated in the present project as evident from the environmental clearance itself. The HPC has further reiterated that all General and Specific conditions of the EC must be complied with, including the constitution of three Committees, namely (i) Committee to oversee pollution-related matters, (ii) Committee to oversee biodiversity-related matters, and (iii) Committee to oversee welfare and issues related to the Shompen and Nicobarese communities, as per EC Condition No. VI. It has also been emphasized that the Project Proponent must provide all requisite logistical and financial support to the concerned organizations entrusted with responsibilities under these Committees. These safeguards extend well beyond the construction phase into the operational life of the project. In the earlier counter affidavit filed by the Ministry dated 22.02.2023, it has been mentioned that three new wildlife sanctuaries are being created at Little Nicobar, Menchal and Meroe Island for conservation and protection of Leatherback turtles, Megapode and Corals respectively and Ministry of Home Affairs has granted permission for the same 21.03.2022. [**Running Page 267, Para 46**].

42. It is further reiterated that during the appraisal process, the EAC in its 297th meeting held on 24th-25th May, 2022 directed that the project layout maps be revised to ensure that “*Parts of proposed master plan for Ports which are falling within CRZ1A and 1B areas (viz areas BCD etc shown in presentation) shall be excluded from the revised layout of master plan.*” (**Running Page 382**) Pursuant thereto, the project proponent submitted their revised maps through the ADS reply on Parivesh Portal vide letter dated 19th August 2022. The revised maps clearly demonstrate the specific exclusion of all ICRZ-IA areas on the western flank of Galathea bay. It may also be reiterated that no turtle nesting sites or coral reefs are present on the eastern flank of Galathea Bay where port project is proposed. The specific exclusion of the CRZ1A areas was carried out by the

project proponent as well which were placed on record before this Hon'ble Tribunal by the Applicant itself and admitted area as follows:

“EAC Observation(x):

Though many parts of the proposed master plan for port falling within CRZ 1A and CRZ1B (viz area B,C and D etc) are proposed to be eliminated from master plan yet the revised layout map of the project after excluding such areas have not been submitted.

Response (x):

The areas highlighted in the observation (x) above have been removed from the proposed port plan. Refer Enclosure 5. (Running Page 1272)

It is further most respectfully submitted that the said Enclosure 5 containing the map which was circulated to the Hon'ble Tribunal demarcating the exclusion in the layout plan is at **Running Page 1341-1342.**

43. Thereafter, upon carrying out of the exclusion and upon satisfaction of the Expert Appraisal Committee that the project was fully compliant with the ICRZ, 2019 and the EIA, 2006, the environmental clearance dated 11.11.2022 was issued. It is respectfully submitted that the environmental clearance itself specifically mandates as follows:

“STANDARD CONDITIONS

A. International Container Transshipment Terminal (ICTT)

- (i) Construction activity shall be carried out strictly according to the provisions of ICRZ Notification, 2019 and the Coastal Zone Management Pla as drawn up by the State/UT Government. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone Area...”*

(Running page 229)

44. As submitted before the Hon'ble Tribunal, Counter Affidavit dated 21.10.2024 and Additional Affidavit 05.07.2025, the EAC while appraising the project and looking into the fact that the construction period is of nearly 30 years until 2050,

the Environmental Clearance (EC) conditions prescribed by the EAC have mandated a rigorous and time-bound environmental monitoring schedule for both the construction and operational phases of the project. This continuous monitoring framework is designed to capture dynamic environmental changes and ensure compliance with prescribed mitigation measures. The results generated through this monitoring regime will serve as the evolving baseline for guiding the adaptive implementation of the Environmental Management Plan (EMP). Importantly, this monitoring mechanism is not a one-time exercise but a recurring and integral component of the Environmental and Coastal Regulation Zone (CRZ) clearance process, ensuring that environmental safeguards remain robust and responsive throughout the lifecycle of the project.

45. Reference may also be made to paragraph 7 (at **Running Page 967**) and paragraph 11 (at **Running Page 971**) of the Additional Affidavit dated 05.07.2025. The Respondent wishes to respectfully draw the attention of this Hon'ble Tribunal to paragraph 11 of the Additional affidavit dated 05.07.2025 (at **Running Page 971**) which states *inter-alia* as follows:

*“11. It is most respectfully submitted that, **in view of the issues raised by the Hon'ble Tribunal, the Environmental Clearance dated 11.11.2022 has been duly examined by the Ministry of Environment, Forest and Climate Change in compliance with the directions of the Hon'ble National Green Tribunal (EZ) in Appeal Nos. 29-32 of 2022, vide judgment dated 03.04.2023.** In this regard, a High-Powered Committee was constituted by the Ministry vide Office Memorandum dated 13.04.2023 to examine the matter. **The Ministry after due examination of the recommendation of the HPC and with the approval of the competent authority, vide Office Memorandum dated 17.08.2023, forwarded the report of the HPC to the Project Proponent and the Chief Secretary, Andaman and Nicobar Administration for necessary action.** The said OM clearly states that the conclusions and recommendations of the HPC report are to be duly noted and implemented by the Project Proponent along with the conditions mentioned in the EC dated 11.11.2022....”*

(emphasis supplied)

46. It is also the specific submission of the Union of India that the HPC looked not only at the three instances framed by this Hon'ble Tribunal but also did a thorough examination of the environmental clearance on all aspects as stated in paragraph 8 of the Additional Affidavit dated 05.07.2022 as follows:

“8. It is submitted that, apart from addressing the issues raised by the Hon'ble NGT, the HPC also deliberated on several issues related to the implementation of the EC/CRZ conditions, logistic and financial support to the committees and the Organizations/Institutions, constitution of the overarching Committee etc.”

(Emphasis supplied)

47. It is pertinent to mention herein that, the overarching committee has been constituted vide Order No. 683 dated 02.01.2024 to ensure coordinated implementation among all stakeholders, the Chief Secretary convened a high-level meeting on 04.03.2025 with representatives from WII, BSI, ZSI, SACON, IIFM, and relevant departments of the A&N Administration to facilitate timely execution of wildlife conservation and tribal welfare plans, among others. **(Running Page 977-985)** The recommendations of the Committee are as follows: **(Running Page 205-209)**

- a. Looking to the issue raised by NGT in its order, Committee reiterated that the institutional framework as envisaged in the environment clearance letter may be operationalized by PP at the earliest to ensure that environmental safeguards are adhered to by all concerned.
- b. As already stated in the Environment Clearance, it was reiterated that all the General and Specific conditions need to be complied with by the Project proponent, including the formation of the 3 committees namely (i) Committee to oversee pollution related matters, (ii) Committee to oversee biodiversity related matters and; (iii) Committee to oversee welfare and issues related to Shompen and Nicobarese as mentioned in the EC condition No VI and all requisite logistic and financial support be provided to all the related Organizations who have been assigned responsibilities in the aforesaid Committees .

- c. It was emphasised that all necessary logistic support including office building, manpower, equipment, procurement of lab and research equipment, Running-Operation-Maintenance cost of equipment and machines as well as mobility support including travel shall be provided by the Project Proponent for the aforesaid committee as mentioned in the EC condition so that these Committees become operational and are able to perform efficiently and effectively before the start of the Project.
- d. All necessary logistic and financial support be provided to the different Organizations/Institutions like WII, ZSI, BSI and SACON including office space and logistic support as per the EC condition so that they become operational as per their respective plan of action for research and monitoring activities.
- e. Regarding the issue of coordinated research and monitoring by WII, ZSI, SACON and BSI it was noted that as per 'Other Specific Conditions No. II' of EC, there is a provision for setting up two all-weather good quality research stations with all the necessary infrastructure. HPC observed that an area of 0.8 Ha of land is situated at Rangachang village which has already been allocated to ZSI at Port Blair for establishment of National Coral Reef Research Institute. It was suggested by Director, ZSI that one Research Station could be set up in 0.8 Ha of land situated at Rangachang village, Port Blair and for the other Research Station, a parcel of 5.0 acres of land near Campbell Bay may be considered for earmarking for the setting up of the laboratory, after preparation of DPR and finalization of the detailed master plan of the project.
- f. Institutional mechanism as mentioned in EC and the foregoing sections should be put in place before the commencement of the Project and an overarching Committee needs to be constituted under the chairmanship of the Chief Secretary and comprising members as may be considered appropriate by the Chief Secretary for the purpose of coordination as well as for resolving issues if any, between the Project Proponents and the various Institutions

such as BSI, ZSI, WII, Tribal Welfare and Forest Department of UT of A&N island and such other Departments / Organizations for ensuring smooth coordination between Monitoring and Implementing Agencies.

- g. IRO Kolkata shall monitor the status of compliance of the Specific and General conditions of the EC and ensure that PP respond swiftly to the issues related to compliance of the EC conditions.

48. In the above circumstances, it is the respectful submission of the Union of India, that a detailed scrutiny has been undertaken by the High Powered Committee at the highest level with the expert assistance of the premier scientific institutions of the nation such as WII, BSI, ZSI, SACON, IIFM. The directions of this Hon'ble Tribunal as contained in the judgment dated 03.04.2023 have been fully complied with.

Confidentiality of the HPC Report:

49. It is respectfully submitted that the importance of the Project from defence, strategic and national importance can be gauged from the fact that the Hon'ble NGT which is charged with the responsibility of effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto has on its own in **paragraph 26** of its judgment dated 03.04.2023 observed that:

“From above resume, it is patent that the project has great significance not only for economic development of the island and surrounding areas of strategic location but also for defence and national security. Even the appellants have not joined issue on these aspects. While the Tribunal's consideration is confined to material on record, we have also noted (without any comment) media reports that the area is located in China's 'string of pearls' strategy which is sought to be countered by Indian Authorities under India's 'Act East' policy. Indian Ocean has emerged as

a key intersection zone of Indian and Chinese strategic interests. There are further media reports of huge poaching of environmental marine resources of Andaman by poachers from Myanmar for which number of people have been arrested. Poaching activities include destruction of corals, killing of sharks, taking away of valuable fishes. The project will help bridge infrastructural gap in island and promote international trade saving huge amount on transshipment cargo.”

50. It is submitted that as consistently stated by the Union of India and specifically in paragraph 24 Counter-affidavits dated 21.10.2024 (at **Running Page 209**) the present project is one of immense defence, strategic and national importance. It is further submitted that it has been the consistent stand of the Ministry that the HPC report pertains to matters of strategic and national importance and is, therefore, confidential. Accordingly, the report cannot be placed in the public domain. The aforesaid is not the subject matter of the present proceedings. **It further most respectfully submitted that those aspects of the HPC report which have a bearing on the present matter, and the relevant recommendations of the HPC are all a part of the pleadings in the present matter and find mention in the Counter Affidavit dated 21.10.2024 and Additional Affidavit 05.07.2025 filed by the Respondent.**

51. It is respectfully submitted that this position is consistent with standard practice in matters involving national security. However, as already submitted in the Additional Affidavit dated 05.07.2025, the Union of India was ready and willing to show the complete report to the Hon'ble Tribunal for its perusal and satisfaction to ensure that the Hon'ble Tribunal has complete access to all material/facts for arriving at its judgment, while preserving the confidentiality on the report of the HPC. It is submitted that the Union of India has discharged its responsibilities both legally and institutionally, and respectfully requests the Hon'ble Tribunal to take into account this sensitive aspect while examining the subject matter of the present Original Application.

52. Additionally, it is submitted that the Union of India has all through the present proceedings asserted the defence, strategic and national importance of the project

as well as the highly sensitive nature of the same. It is submitted that even in the earlier round of litigation, the Union of India submitted before this Hon'ble Tribunal that the Ministry of Home Affairs vide letter no. 15020/10/2022 dated 30th March, 2022 mentioned that the Greenfield International Airport proposed at Gandhi Nagar-Shastri Nagar area of Great Nicobar Island as part of the Integrated development of the Island, will be developed as a joint military-civil, dual-use airport, under the operational control of Indian Navy. This project is for Defence, Strategic, National Security, and Public Purpose. In view of this, the portion of deliberation made for Airport component may not be made public due its strategic nature. Reference may kindly be made to counter affidavit dated 22.02.2023 filed in the first round of litigation before this Hon'ble Tribunal and which is also presently on record. (**Running Page 248, para 10**)

53. Additionally, it was also stated before the Hon'ble Tribunal in the earlier round of litigation that the proposal for diversion of 130.75 Sq. Km. of forest land under Section -2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Andaman and Nicobar Island Integrated Development Corporation (ANIIDCO) for sustainable development in Great Nicobar is of significant strategic and national importance, the proposal has been considered in offline mode and no documents were made public. Reference may kindly be made to counter affidavit dated 22.02.2023 filed in the first round. (**Running Page 279, para 62**)

54. In pursuance to the aforesaid, it is humbly submitted that the record clearly demonstrates full compliance with every direction issued by this Hon'ble Tribunal. The scope of reconsideration was confined to three specific issues, and each has been rigorously examined by the High-Powered Committee comprising senior governmental authorities and premier scientific institutions. The environmental clearance has been duly revisited as directed by the Hon'ble Tribunal vide order dated 03.04.2023, safeguards reinforced where necessary, and compliance and coordination mechanisms institutionalised. The concerns raised regarding coral protection, baseline data, and CRZ-IA boundaries have

been duly examined by the HPC through validated scientific assessment, field verification, and binding regulatory framework. The strategic, defence and national importance of the project has also been duly acknowledged by this Hon'ble Tribunal and remains undisputed.

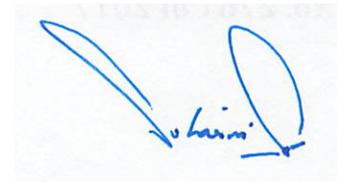
55. In light of the above, there remains no basis for further interference. It is prayed that this Hon'ble Tribunal may take on record and consider the above submissions and dismiss the present Applications, or pass any other appropriate order which the answering Respondent shall duly comply with, and thus render justice.

Settled By:

Ms. Aishwarya Bhati

Additional Solicitor General of India

THROUGH



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