

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

ORIGINAL APPLICATION No.225 of 2021

IN THE MATTER OF :

VIDHYADHAR DURGEKAR

Applicant

-Vs-

CHIEF SECRETARY, Govt. of Karnataka and 8 others

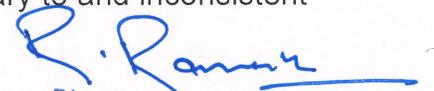
Respondents

COUNTER AFFIDAVIT ON BEHALF OF M/s. NATIONAL CENTRE FOR

SUSTAINABLE COASTAL MANAGEMENT (7th RESPONDENT)

I, Dr. R. Ramesh, son of Mr. G. Ramachandran, aged about 63 years, currently working as Director in the National Centre for Sustainable Coastal Management (NCSCM), Ministry of Environment, Forest and Climate Change, having office at Anna University Campus Chennai 600 025 and residing at Old No. 5, New No. 24, L.5, 26th Street, Anna Nagar East, Chennai - 600 102 do hereby solemnly affirm and state as follows:

1. I am working as Director in the National Centre for Sustainable Coastal Management (NCSCM), Ministry of Environment, Forest and Climate Change, having office at Anna University Campus, Chennai respondent and I am conversant with the facts of the case as borne out from the records. I am swearing this affidavit on behalf of the National Centre for Sustainable Coastal Management (NCSCM) respondent No.7 as I am duly authorized to do so.
2. It is submitted at the very outset that the Respondent No. 7 denies each averment and/or submission made in the application which is contrary to and inconsistent



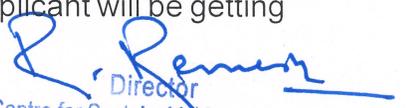
Director
National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025. India

the averments made and facts stated in the present reply. It is submitted that the nothing stated in the application may be deemed to have been admitted by the Respondent No. 7 unless and until the same is expressly admitted in the present reply.

3. The National Centre for Sustainable Coastal management (NCSCM) (Respondent No. 7), Ministry of Environment, Forest & Climate Change (MoEF&CC), Anna University Campus, is an authorized agency authorized by MoEF&CC, Govt. of India for preparation of the Coastal Zone Management Plans (CZMPs) and Coastal Regulation Zone (CRZ) maps. NCSCM prepared the Coastal Zone Management Plans (CZMPs) of Karnataka as per the CRZ Notification, 2019. Thus the role of NCSCM in the present case pertains to preparation of the Coastal Zone Management Plans (CZMPs) and NCSCM does not deal with illegal constructions and CRZ violations, which are dealt by the Karnataka Coastal Zone Management Authority.
4. The draft CZMPs of Karnataka were prepared by NCSCM as per the provision of CRZ notification, 2019 and guidelines issued by MOEF&CC. The main reason for delay of CZMP preparation is the COVID 19 pandemic.
5. This is not within the purview of CZMP preparation.
6. A Notification was issued on "Publication of draft Karnataka State Coastal Zone Management Plan inviting suggestions, objections, comments from the stakeholders and public" on dated 27th April 2021. The draft CZMP was published on website <https://ksczma.karnataka.gov.in> dated 8th May 2021. Accordingly, the Applicant may submit his suggestions, objections, comments on the CZMP to the concerned authority. Public hearing is public consultation.


Director
National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025, India

7. Scientists/Experts/Representatives of NCSCM have visited Karwar Beach while preparing CZMPs.
8. As per Para 6. (iii) of CRZ notification, 2019 states that "The coastal States and Union territories shall prepare draft CZMP in 1:25000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation". Draft CZMP of Karnataka has been prepared as per the provision of CRZ notification, 2019 and guidelines issued by MOEF&CC.
9. In the High Court of Madras, dated: 13.02.2020 in case of M/s. Jesu Rethinam vs The Union of India and 4 Ors, said that
"We are of the opinion that we need not constantly monitor the said fresh process of making of new Maps in this PIL and no useful purpose will be served in keeping these PIL petitions pending any longer. Our directions given in the detailed interim order dated 03.12.2019 will continue to be in operation and apply to the Respondents in the said process. Let the entire process of making fresh maps as per the latest Notification dated 18.01.2019 be completed in accordance with law after the effective public hearings, where, it is needless to say that the petitioner will also have a right of participation and of raising all the objections and making her suggestions, which will be considered by the competent authorities".
10. The Hon'ble NGT (SZ) in this very case (OA No.225 of 2021 (SZ)) has also observed in para 6 of its order dated 22/11/2021 regarding the prayer No. 1 (cancellation or withdrawal of draft CZMP 2019 of Karnataka) of the applicant that "As regards prayer No. 1 is concerned, it is a premature one and only draft notification was issued and after considering the objections raised by the public, it is for the authorities to finalise the same and at that time the applicant will be getting


Director
National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025, India

an opportunity to challenge the same before the appropriate forum. So, at this stage it is a premature one and the same cannot be granted”.

11. Accordingly, the Applicant may submit his suggestions, objections, comments on the draft CZMP to the concerned authority.

12. The answering respondent reserves the right to file the additional Information before the Hon'ble Tribunal till Pendente - lite.

13. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).


Director
National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025, India
DEPONENT

VERIFICATION

I, Dr. R. Ramesh, the above named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 7 in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at **M/s. National Centre for Sustainable Coastal Management (NCSCM)** on this the 28th day of February, 2022.


Director
National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025, India
DEPONENT