

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

Original Application No. 254 of 2020 (SZ)

IN THE MATTER OF:

Sugandhi Shekar, Karnataka

...APPLICANT

Versus

Union of India and Others

...RESPONDENTS

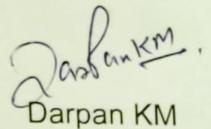
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Next Date! - 07/12/2021

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Respondent No. 8 and 10

Through


Darpan KM

Advocate for Respondents

*Date 06/12/2021
Place New Delhi*

1

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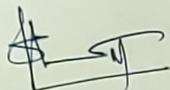
Union of India and Others

...RESPONDENTS

REPLY ON BEHALF OF RESPONDENTS NO. 8TH AND 10TH

MOST RESPECTFULLY SHOWETH:

1. That Respondent No. 8 herein vide the District Coastal Zone Management Committee, Udupi ('**DCZMC**') has recommended to the Karnataka State Coastal Zone Management Authority ('**KSCZMA**') to take appropriate action against the Respondents 21, 22 and 23 herein for violating the provisions of the Coastal Regulation Zone Notification, 2011. The proceedings of the DCZMC, Udupi dated 07.04.2017 (against Respondents 21 and 22 herein) is produced as **Annexure A** and the proceedings dated 25.01.2018 (against Respondent No. 23 herein) is produced as **Annexure B**.
2. That the KSCZMA has issued a Section 5 notice under the Environment (Protection) Act, 1986 to the aforesaid respondents. The copy of the said notices issued to Respondents 21, 22 and 23 are produced herewith as **Annexures C, D and E** respectively.
3. That Respondent No. 8 herein has already initiated the appropriate action under the provisions of the Coastal Zone Regulation Notification, 2011.



4. That the jurisdiction as per CRZ Notification, 2011 is as below:
- i. the land area from High Tide Line (hereinafter referred to as the HTL) to 500 mts on the landward side along the sea front.
 - ii. CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation. - For the purposes of this sub-paragraph the expression tidal influenced water bodies mean the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

- iii. land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.
- iv. the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

And, it is categorized in to CRZ I to IV Zones and Critically Vulnerable Coastal Area (CVCA). The degree of regulation varies in different zones.

5. That although, the areas that are ecologically sensitive and geomorphologic features which play a role in the maintaining the integrity of the coast have been classified as CRZ-I, the Udyavara village of Udupi

Taluk is not entirely declared as CRZ I. The situation of respondent – 21, 22 and 23 units are as respectively below:

M/s. Hindustan Marine Industries (Respondent No. 21):

- Total area: 8632.725 sq.mtrs
- Within CRZ II: 1445 sq.mtrs
- Outside CRZ: 7187.725 sq.mtrs

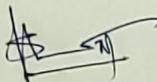
M/s. Yashashwi Fish Meal and Oil Company (Respondent No. 22):

- Total Area: 22105.996 sq.mtrs
- Within CRZ I: 1550.202 sq.mtrs
- Within CRZ II: 9778.974 sq.mtrs
- Within CRZ IV: 296.795 sq.mtrs
- Outside CRZ: 10480.025 sq.mtrs

M/s. Unity Fish Meal and Oil Company (Respondent No. 23):

- Total Area: 4060.15 sq.mtrs
- Within CRZ II: 822.65 sq.mtrs
- Outside CRZ: 3237.5 sq.mtrs

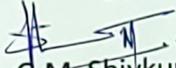
6. That although the Coastal Regulation Zone Notification 2019 has prohibited certain activities within CRZ and has put certain norms for the regulation of activities permissible thereunder, it is submitted that the said notification is not under implementation as of now.
7. That the KSCZMA has issued notice to Respondents 21, 22 and 23 under Section 5 of the Environment (Protection) Act, 1986 to remove the structures falling under the jurisdiction of CRZ.
8. That Respondent No. 22 has obtained stay from this Hon'ble tribunal under Appeal No. 5/2020. And, with regard to Respondents 21 and 23 herein, the status is pending for action under Section 19 of Environment (Protection) Act, 1986.



9. That Respondent No. 8 herein has not received any complaints or applications regarding laying of pipelines for operation of any other fish meal units from this area.
10. That the provisions of CRZ Notification, 2011 prohibit the establishment of new fish meal units and expansion of existing fish meal units in CRZ area. Therefore, adequate action will be taken in case of complaints or notice of any such illegal activities. It is submitted that Aquaculture is not being adopted in this area.
11. That there are chances of dissolved oxygen depletion due to direct discharge of effluents to the River. And it is not true that every day the fish and other marine life are dying. But it has to be monitored regularly by the Pollution Control Board.
12. That the Department of Fisheries is collecting Fishery statistics by statistical method by taking into consideration of fish catches in harbours and jetties and preparing the data. An exclusive study can be taken up by CMFRI, and only then can the number of endangered/extinct fish and other marine species of the River stretch can be evaluated.
13. It is thus submitted that Respondent No. 8 herein vide DCZMC, Udupi has recommended for action against Respondents 21, 22 and 23 herein for violating CRZ regulations to KSCZMA as per Annexure-A (Respondents 21 and 22) and annexure-B(Respondent 23) is produced and KSCZMA has issued Section 5 notice as per Annexures C, D and E for demolition of the structures established in violation of CRZ Notification, 2011. The Respondent 22 has obtained stay from this Hon'ble Tribunal in Appeal No. 5/2020 against the Section 5 notice of

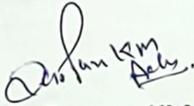
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KSCZMA, while action under section 19 of Environment (Protection) Act,
1986 against respondents 21 and 23 is pending.


(Shripati B.S)
Regional Director(Environment), Udupi
REGIONAL DIRECTOR
(ENVIRONMENT)
UDUPI.


G.M. Shivkumar
Deputy Director of Fisheries

Udupi
DEPUTY DIRECTOR OF FISHERIES
UDUPI

THROUGH


Mr. Darpan KM
Advocate for Respondent No. 8 and 10

BEFORE THE NATIONAL GREEN TRIBUNAL
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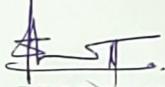
Union of India and Others

...RESPONDENTS

AFFIDAVIT

I, G.M. Shivakumar, son of G Mallappa, aged about 51 years, resident of Udupi, Karnataka, do hereby solemnly affirm and state as under:

1. I say that I am working as the Deputy Director of Fisheries in the Department of Fisheries, Government of Karnataka, Respondent No. 10 herein, and am conversant with the facts of the present case.
2. I say that the contents of the accompanying Reply are based on the information available with the Respondent No. 8 and 10 herein in its normal course of business and believed by me to be true.


 DEPONENT
 DEPUTY DIRECTOR OF FISHERIES
 UDUPI

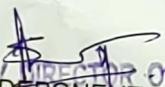
VERIFICATION

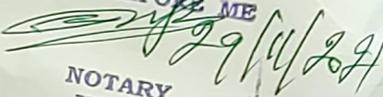
I, the Deponent above named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, and no part of it is false and nothing material has been concealed therefrom.

Verified at Udupi on this 29 day of November, 2021.



of Collections MS


 DEPUTY DIRECTOR OF FISHERIES
 DEPONENT
 UDUPI

SIGNED BEFORE ME

 NOTARY
 UDUPI

NOTARIAL REGISTER

Sl. No. 494 Dt: 29-11-2021

M. UPENDRA NAYAK, B.A., LL.B.
ADVOCATE & NOTARY PUBLIC
Near Hotel Naivedya Shri Krishna Building
Court Road, UDUPI - 576 101

(TRANSLATED COPY)

Annexure - A

**PROCEEDINGS OF THE 19TH MEETING OF THE UDUPI DISTRICT COASTAL
ZONE MANAGEMENT COMMITTEE HELD ON 07.04.2017**

Present:

1. Deputy Commissioner, Udupi District cum President, Udupi District Coastal Zone Management Committee.
2. Chief Executive Officer, Udupi Zilla Panchayath, Member, Udupi District Coastal Zone Management Committee.
3. On behalf of Fisheries Senior Assistant Director, Udupi, Member, Udupi District Coastal Zone Management Committee.
4. On behalf of Environment Officer, Karnataka State Pollution Control Board Manipal, Member, Udupi District Coastal Zone Management Committee.
5. Commissioner, Udupi Urban Development Authority, Udupi cum Member, Udupi District Coastal Zone Management Committee, Udupi.
6. Sri S. Janardhana, "Vishwachethana", Shivarama Karantha Road, Maravanthe, Kundapura Taluk, and Member, Udupi District Coastal Zone Management Committee, Udupi.
7. Sri Shekhara Chatrabettu, S/o Madhava Marakala, "Madhava Kripa", Beejadi, Koteshwara Post, Kundapura Taluk, and Member, Udupi District Coastal Zone Management Committee, Udupi District.
8. Smt. Catherine Rodrigues, D/o Late John Rodrigues, John Arch, Yenagudde Village, Katapady Post, Udupi Taluk, and Member, Member, Udupi District Coastal Zone Management Committee.
9. Regional Director (Environment), Udupi, Member Secretary, Udupi District Coastal Zone Management Committee.

Absent:

1. Senior Geologist, Mines and Geology Department, Udupi, Member, Udupi District Coastal Zone Management Committee.
2. Commissioner, Udupi City Municipality, Udupi cum Member, District Coastal Zone Management Committee, Udupi.

Anuraj K.
19/11/2021

Anuraj K., B.Com., LL.B.
Advocate

Door No - 145, Hotel Naivedya Building,
Opp. Canara Bank, Court Road,
UDUPI - 576 101.

.....2

DEPUTY DIRECTOR OF FISHERIES
UDUPI

DEPUTY DIRECTOR OF FISHERIES
UDUPI

The Regional Director (Environment), Udupi and the Member Secretary welcomed the President of the District Coastal Zone Management Committee and all the members present at the meeting. The President of the Committee took up the subject for discussion as below.

5. Regarding building constructed by Hindoostan Marine Industries in S.No. 193 of Udyavara Village violating The Coastal Regulation Zone Notification, 2011.

Member Secretary cum Regional Director, Environment, Udupi presented the below mentioned information in the meeting in connection with Hindoostan Marine Industries, Udyavara.

Hindoostan Marine Industries, Udyavara, have commenced Fish Processing Unit in the year 2005 without obtaining No Objection Certificate from Coastal Regulation Zone. In The Coastal Regulation Zone Notification, 1991, 150 Mtrs. From the river is the limit of Coastal Regulation Zone.

On 05.07.2012, Hindoostan Marine Industries have submitted application for No Objection Certificate for Fishmeal Industry, and as per the Approved CZMP, this area is existing in Coastal Regulation Zone - 1, and since, as per the available documents and Spot Inspection, this was established after 1991, and the said industry is a clear violation of The Coastal Regulation Zone Notification, 1991, Endorsement, as per Letter No. PraaNIpa/213/2012-13, dated 05/10/2012, of this Office, have been issued rejecting the same.

Since no Consent Letter was given by the Environment Officer, Karnataka Pollution Control Board, as per Coastal Regulation Zone Notification and correspondence made by the Regional Director (Environment), to continue the Fish Processing Unit, suit has been filed before the Hon'ble High Court of the State, at Bengaluru, National Green Tribunal, Chennai, and Karnataka State Environment Appellate Tribunal, at Bengaluru, Final Order has been passed in all the applications.

K. Anuraj
18/11/2021
Anuraj K., B.Com., LL.B.
Advocate

Door No - 145, Hotel Naivedya Building,
Opp. Canara Bank, Court Road,
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.....3

A. S. V.
DEPUTY DIRECTOR OF FISHERIES
UDUPI

It was seen, on 14/02/2017, at the time of Spot Inspection, that building relating to Hindoostan Marine Industries has been constructed in the development prohibited area of the Coastal Regulation Zone - 1 till a distance of about 20 Mtrs. from the High Tide Line of the Udyavara River adjoining S.No.193 of Udyavara Village within the limits of Udyavara Village, and expansion of Fish Processing Unit has been made. The building seen at the time of the present Spot Inspection has been newly extended, and the same is not connected to the aforesaid court cases. Therefore, considering this as a special case of Coastal Regulation Zone Violation, notice has been issued to the violators on 10/03/2017. The said persons have replied that they have not constructed any building.

The matter of having made extension of the Fish Processing Unit till the river, which was found at the time when Spot Inspection was conducted on behalf of the State High Court, Legal Aid Committee, at Bengaluru, Udupi District Legal Service Authority, along with a Judge on 10/03/2017, based on complaint of the public, was presented before the Committee.

In this regard, the Committee resolved to give intimation to the concerned Panchayath Development Officer to report after removing the building constructed without No Objection Certificate of the Coastal Regulation Zone, and resolved to submit the said case to Karnataka State Coastal Zone Management Authority for further appropriate steps.

6. Regarding building being constructed in S.No. 110 of Udyavara Village violating The Coastal Regulation Zone Notification, 2011 - Yashasvi Fishmeal and Oil Company.

Correspondence has been made requesting No Objection Certificate for establishing Fisheries Industry Unit in lands, bearing S.Nos. 110/4A, 110/15, 110/9C, 110/5B, 110/4B, of Udyavara Village, as per letter, bearing No. ALN/CR/744-800/2006-07, dated 02.03.2007, of the Tahsildar, Udupi.

K Anuraj
18/11/2021

.....4

Anuraj K., B.Com., LL.B.
Advocate

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Opp. Canara Bank, Court Road,
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DEPUTY DIRECTOR OF FISHERIES
UDUPI

In this background, it has been informed in the letter, bearing No. Kra.Ma. NIPa/74, 75/2006-07, dated 16.03.2007, of this Office, that the lands, 0.08 acre in S.No. 110/9C2B, 0.56 acre in 110/5B, 0.20 acre in 110/15, 0.49 acre in 110/4A, 0.17 acre in 110/15, 0.19 acre in 110/9C2B, 0.21 acre in 110/5B, and 0.37 acre in 110/21C2BP2, of Udyavara Village, are situated at a distance of 101 Mtrs. from the High Tide Line of Udyavara River.

Primarily Yashasvi Fishmeal and Oil Company was commenced in the area existing outside the Coastal Regulation Zone. Thereafter, it is seen that the area of this industry has been expanded.

It was seen at the time when Spot Inspection of Coastal Regulation Zone in the limits of Udyavara Village of Udupi Taluk was being conducted, on 14/02/2017, that building relating to Yashasvi Fishmeal and Oil Company has been constructed in the development prohibited area of the Coastal Regulation Zone - 1 adjoining the High Tide Line of the Udyavara River adjoining S.No.110 of Udyavara Village. This is violation of Coastal Regulation Zone Notification. In this regard, notice has been issued to the violators on 10/03/2017.

However, they have replied that they have not violated the Coastal Regulation Zone Notification by constructing any building. The said matter was presented before the Committee.

In this regard, the Committee resolved to give intimation to the concerned Panchayath Development Officer to report after removing the building constructed without No Objection Certificate of the Coastal Regulation Zone, and resolved to submit the said case to Karnataka State Coastal Zone Management Authority for further appropriate steps.

Anuraj K.
18/11/2021

Anuraj K., B.Com., LL.B.
Advocate
Door No - 145, Hotel Naivedya Building,
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.....5

[Signature]
DEPUTY DIRECTOR OF FISHERIES
UDUPI

3. Regarding request for No Objection Certificate in 0.20 acre area of government land in S.No.292 of Kodi Kasba Area to implement 24X7 Water Supply Project (Over Head Tank) to Kundapura Town in ADB assisted KIUWMIP-Tranche-2.

The Chief Officer, Town Municipality, Kundapura, has submitted application to this office for construction of Over Head Tank in S.No.294/3P2 of Kundapura Kasba Village. As per the Proceedings of the meeting of the District Coastal Regulation Zone Management Committee held on 01/07/2016, the said application and Proposal for OHT 4 Lakh Litre Storage Capacity have been submitted to Karnataka State Coastal Zone Regulation Authority.

However, the Chief Officer, Town Municipality, Kundapura, has submitted application for permission to construct Overhead Water Tank Unit in 0.20 acre of government land in S.No.292 of Kundapura Kasba Village, since suit has been registered in Kundapura Court regarding 0.21 acre of S.No.294/3P2 and proposal for construction of Overhead Water Tank Unit in the said land has been dropped. The Member Secretary presented regarding this before the Committee.

This area come within CRZ-III, and as per Para 8(i)III CRZ-III A (iii) (i) of The Coastal Regulation Zone Notification, 2011, there is scope for construction of Overhead Water Storage Unit. The Committee unanimously agreed in this regard that priority shall be given for water facilities in places of residence so that it would be convenient for the public by this Project, and it was resolved to recommend the said application to Karnataka State Coastal Regulation Zone Management Authority.

Sl. No.	Letter No. of this Office	Letter Receipt Date	Name and Address of the Applicant	Subject	Remark
1	2	3	4	5	6
1	PraaNIpa/NIpa/157/2016 -17	22/03/2017	Chief Officer, Town Municipality, Kundapura	For construction of Overhead Water Storage Unit, Kundapura Kasba Village CRZ-III is at a distance of 85 meters from the High Tide Line of the sea	May be submitted to Karnataka State Coastal Zone Management Authority.

Anuraj
18/11/2021

Anuraj K., B.Com., LL.B.
Advocate

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Opp. Canara Bank, Court Road,
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[Signature]
DEPUTY DIRECTOR OF FISHERIES
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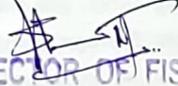
Since there were no any other matters, at the end, the meeting was concluded on the Member Secretary giving Vote of Thanks to the President and all the Members present at the meeting.

Sd./-
President,
Udupi District
Coastal Zone Management Committee

Translated from Kannada to English by:

K. Anuraj
18/11/2021

Anuraj K., B.Com., LL.B.
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DEPUTY DIRECTOR OF FISHERIES
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(TRANSLATED COPY)

13
Amethur B.

PROCEEDINGS OF THE 26TH MEETING OF THE UDUPI DISTRICT COASTAL ZONE MANAGEMENT COMMITTEE HELD ON 25.01.2018

Present:

1. Deputy Commissioner, Udupi District cum President, Udupi District Coastal Zone Management Committee, Udupi District.
2. On behalf of Senior Geologist, Mine and Geology Department, Udupi, Member, Udupi District Coastal Zone Management Committee.
3. Fisheries Senior Assistant Director, Udupi, Member, Udupi District Coastal Zone Management Committee.
4. Environment Officer, Karnataka State Pollution Control Board Manipal, Member, Udupi District Coastal Zone Management Committee.
5. Commissioner, Udupi Urban Development Authority, Udupi cum Member, Udupi District Coastal Zone Management Committee, Udupi.
6. Sri S. Janardhana, "Vishwachethana", Shivarama Karantha Road, Maravanthe, Kundapura Taluk, and Member, Udupi District Coastal Zone Management Committee, Udupi.
7. Sri Shekhara Chatrabettu, S/o Madhava Marakala, "Madhava Kripa", Beejadi, Koteswara Post, Kundapura Taluk, and Member, Udupi District Coastal Zone Management Committee, Udupi District.
8. Smt. Catherine Rodrigues, D/o Late John Rodrigues, John Arch, Yenagudde Village, Katapady Post, Udupi Taluk, and Member, Member, Udupi District Coastal Zone Management Committee.
9. Regional Director (Environment), Udupi, Member Secretary, Udupi District Coastal Zone Management Committee.

Absent:

1. Chief Executive Officer, Udupi Zilla Panchayath, Member, Udupi District Coastal Zone Management Committee.
2. Commissioner, Udupi City Municipality, Udupi cum Member, District Coastal Zone Management Committee, Udupi.

.....2

Anuraj K. A Gowd
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DEPUTY DIRECTOR OF FISHERIES
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The Regional Director (Environment), Udupi and the Member Secretary welcomed the President of the District Coastal Zone Management Committee and all the members present at the meeting. The President of the Committee took up the subject for discussion as below.

Index 1. Regarding Case of Violation of Coastal Regulation Zone Notification, 2011.

Regarding construction of Waste Water Disposal Unit (ETP) made by M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara in S.No.240/1A1 of Udyavara Village, Udupi Taluk, violating Coastal Regulation Zone Notification.

Secretary to the Government, Forest, Ecology and Environment Department has informed to submit recent stage report regarding construction of building made by M/s Unity Fishmeal and Oil Company, in S.No.240/1A1 of Udyavara Village, Udupi Taluk, violating Coastal Regulation Zone Notification.

Accordingly, when Spot Inspection was conducted, Fish Industry Unit of M/s Unity Fishmeal and Oil Company is situated at a distance of 180 Mtrs. from the High Tide Line of the River, as per Coastal Regulation Zone Notification and Coastal Zone Management Plan (CZMP), and is situated outside the limits of Coastal Regulation Zone. However, the Waste Water Disposal Unit (ETP) connected to the Fish Industry Unit of M/s Unity Fishmeal and Oil Company has been constructed at a distance of about 60 Mtrs. From the High Tide Line of the river, in S.No.193 of Udyavara Village. The said Waste Water Disposal Unit is coming within Category-I of the Coastal Regulation Zone, and is a violation of The Coastal Regulation Zone Notification, 2011. This matter was presented before the Committee.

In this regard, the Committee indicated to consider the said case as a case of violation and to submit report to Karnataka State Coastal Zone Management Authority for taking further appropriate action.

DEPUTY DIRECTOR OF FISHERIES
(UDUPI)

Shri
18/11/2021
Shuraj K. B.Com LLB
ADVOCATE Roll No. KARI/3947/99
Door No. 145, Hotel Naivedya Building
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UDUPI - 576101, Mobile : 98440 1362

Since there were no any other matters, at the end, the meeting was concluded on the Member Secretary giving Vote of Thanks to the President and all the Members present at the meeting.

Sd./-
President,
Udupi District
Coastal Zone Management Committee

Translated from Kannada to English by:

Anuraj K.
15/11/2021

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[Signature]
DEPUTY DIRECTOR OF FISHERIES
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By RPAD

Annex-C

16

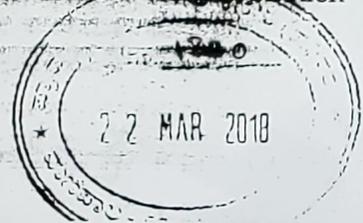
No. FEE 188 CRZ-2017

Date: 15.03.2018

Direction under Section 5 of the Environment (Protection) Act, 1986

1. Whereas, the Ministry of Environment and Forests, Government of India have issued CRZ Notification No. S.O. 19(E) dated 6th January 2011 with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, and to conserve and protect coastal stretches, its unique environment and its marine area, under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all projects attracting this notification require prior CRZ Clearance from the concerned regulatory authority, i.e., Karnataka State Coastal Zone Management Authority.
3. Whereas, certain activities are prohibited within the Coastal Regulation Zone (CRZ) as per para 3 of the CRZ Notification 2011.
4. Whereas, the Regional Director (Env) Udupi, reported that you have taken up expansion of Fish Processing Unit and established Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village up to 20mts from the High Tide Line of Udyavara River in CRZ area, which is CRZ-I area, where in the above activity is prohibited there by violating the provisions of CRZ notification 2011 as per para 3 (i), 3(iii).
5. Whereas, the District Coastal Zone Management Committee in its meeting held on 07.04.2017 has considered it as a violation of the provisions of CRZ Notification 2011. Further, DCZMC had recommended the proposal to KSCZMA for necessary action.
6. Whereas, the Karnataka State Coastal Zone Management Authority has considered this matter during its meeting held on 25.07.2017 and the Authority has decided that it is a clear violation of the provisions of CRZ notification 2011, as per para 3(i), 3(iii) and 8 I CRZ I(i). Hence decided to issue Notice of Proposed Directions (NPD) for the violation under section 5 of Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rule, 1986.
7. Whereas, as per the decision of the Authority, the NPD under section 5 of the Environment (Protection) Act, 1986 was issued to you on 18.09.2017 with a direction to submit reply within 15 days.
8. Whereas, you have submitted the reply on 25.10.2017 stating that you have established Fish Processing Unit in Sy. No. 193 which is about 130 mts from the river. Further, you also claim that the area where you have established Effluent Treatment Plant, is in CRZ-II areas which is permitted as per the CRZ notification 2011. Further, you also claim that you have obtained permission from Pollution Control Board.


 DEPUTY DIRECTOR OF FISHERIES
 UDUPI
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As the Authority during the meeting held on 15.02.2018 has perused the replies given by you and concluded that you have undertaken the expansion of Fish Processing Unit and established Effluent Treatment Plant in CRZ area where in such activity is a prohibited activity as para 3 (i) & 3(iii) of CRZ notification 2011. Hence the Authority decided to confirm the proposed directions issued under section 5 of Environment (Protection) Act, 1986 in exercise of the powers delegated to the Authority vide order no. S.O.679(E) dated 1st March 2017 of MoEF & CC Government of India.

Direction

Wherefore, you, Sri M.K. Balraj Proprietor, M/s Hindustan Marine Industries., D. No. 12-42 A, Fishing Industrial area, Udyavara 574 118 is hereby directed under the provisions of Section 5 of the Environment (Protection) Act, 1986, to demolish the portion of the said Fish processing unit and the entire ETP which are constructed within CRZ area i.e., within 100 mts from the HTL of Udyavara river in Sy. No. 193 of Udyavara village, immediately.

Compliance report on the above direction shall be filed before the Authority on or before 30 days from the date of receipt of this direction, failing which the Authority will be constrained to initiate necessary action in accordance with the law. Non compliance to the direction is an offence punishable under section 15 of the Environment (Protection) Act, 1986.


(Vijay Kumar)

Member Secretary, KSCZMA,

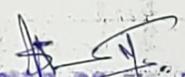
Forest, Ecology & Environment Department.

To,

Sri M.K. Balraj Proprietor,
M/s Hindustan Marine Industries.,
D. No. 12-42 A, Fishing Industrial area,
Udyavara 574 118

Copy to:-

1. The Deputy Commissioner, Udipi District & Chairman, DCZMC, Udipi for information and necessary action.
2. The Regional Director (Env), Udipi with a direction to demarcate the CRZ area indicating the structures which are constructed in violation of CRZ Notification to enable the occupier to remove the structure within 15 days time and to file a case in jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986 in case of non compliance by the occupier and report the compliance.
3. The Member Secretary, Karnataka State Pollution Control Board to take immediate action to withdraw the CFE/CFO issued to M/s Hindustan Marine Industries., D. No. 12-42 A, Fishing Industrial area, Udyavara 574 118.


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15/11

No. FEE 187 CRZ 2017

Date: 15.03.2018

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Direction under Section 5 of the Environment (Protection) Act, 1986

1. Whereas, the Ministry of Environment and Forests, Government of India have issued CRZ Notification No. S.O. 19(E) dated 6th January 2011 with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area, under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all projects attracting this notification require prior CRZ Clearance from the concerned regulatory authority i.e., Karnataka State Coastal Zone Management Authority.
3. Whereas, certain activities are prohibited within the Coastal Regulation Zone (CRZ) as per para 3 of the CRZ Notification 2011.
4. Whereas, the Regional Director (Env) Udupi, in his letter dated 12.05.2017 has stated that you have undertaken expansion of the fish processing plant in Sy. No. 110 adjacent to the High Tide Line (HTL) of the Udyavara river in CRZ - I area where in the above activity is prohibited there by violating the provisions of CRZ notification 2011 as per para 3 (i), 3(iii).
5. Whereas, the District Coastal Zone Management Committee in its meeting held on 07.04.2017 has considered it as a violation of the provisions of CRZ Notification 2011. Further, DCZMC had recommended the proposal to KSCZMA for necessary action.
6. Whereas, the Karnataka State Coastal Zone Management Authority have considered this matter during the meeting held on 25.07.2017 and the Authority has observed that it is a violation of CRZ Notification 2011 as per para 3(i), 3(iii) and 8 I CRZ I (i). Hence, decided to issue Notice of Proposed Directions (NPD) for violation under section 5 of Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rule, 1986.
7. Whereas, as per the decision of the Authority, the NPD under section 5 of the Environment (Protection) Act, 1986 was issued to you on 14.09.2017 with a direction to submit reply within 15 days.
8. Whereas, you have submitted the reply on 09.10.2017, stating that you have established Fish Processing Unit after obtaining necessary permissions from the competent Authority and denied that the Sy. No. 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/9c2b, 110/5b, 110/2c2bp2 of Udyavara Village, Udupi Taluk fall within Coastal Regulation Zone, even if the said areas fall within the CRZ, it cannot be classified as CRZ I.

4/15/11

DEPUTY DIRECTOR OF FISHERIES
UDUPI

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22 MAR 2018

9. Whereas, the Authority during the meeting held on 15.02.2018 has perused the replies given by you and concluded that you have undertaken the expansion of the Fish Processing Unit in CRZ area which is a prohibited activity as per para 3(i) and 3(iii) CRZ notification 2011. Hence the Authority decided to confirm the proposed directions issued under section 5 of the Environment (Protection) Act, 1986 in exercise of the powers delegated to the Authority vide order no. S.O.679(E) dated 1st March 2017 of MoEF & CC Government of India.

Direction

Wherefore, you, the proprietor M/s Yashaswi Fish Meal & Oil Company., No. 9-184B, Post Pithrody, Udyavara, Udupi - 574118 is hereby directed under the provisions of Section 5 of the Environment (Protection) Act, 1986, to demolish the portion of the said Fish processing unit which is constructed within 100 mts from the HTL of Udyavara river in Sy. no. 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/9c2b, 110/5b, 110/2c2bp2 of Udyavara Village immediately.

Compliance report on the above direction shall be filed before the Authority on or before 30 days from the date of receipt of this direction, failing which the Authority will be constrained to initiate legal action as in accordance with law. Non-compliance to the direction is an offence punishable under section 15 of the Environment (Protection) Act, 1986.

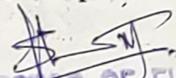

(Vijay Kumar)

Member Secretary, KSCZMA,
Forest, Ecology & Environment Department.

To,
The proprietor,
M/s Yashaswi Fish Meal & Oil Company.,
9-184B, Post Pithrody, Udyavara,
Udupi - 574118.

Copy to:-

1. Deputy Commissioner, Udupi District & Chairman, DCZMC, Udupi for information and necessary action.
2. The Regional Director (Env), Udupi with a direction to demarcate the CRZ area indicating the structures which are constructed in violation of CRZ Notification to enable the occupier to remove the structure within 15 days time and to file a case in jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986 in case of non compliance by the occupier and report the compliance.
3. The Member Secretary, Karnataka State Pollution Control Board to take immediate action to with draw the CFE/CFO issued to M/s Yashaswi Fish Meal & Oil Company., 9-184B, Post Pithrody, Udyavara, Udupi - 574118.


DEPUTY DIRECTOR OF FISHERIES
UDUPI

No. FEE/02 CRZ 2018

Date: 12.06.2018

Direction under Section 5 of the Environment (Protection) Act, 1986

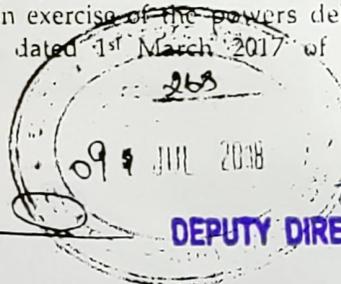
1. Whereas, the Ministry of Environment and Forests, Government of India have issued CRZ Notification No. S.O. 19(E) dated 6th January 2011 with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, and to conserve and protect coastal stretches, its unique environment and its marine area, under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all projects attracting this notification require prior CRZ Clearance from the concerned regulatory authority, i.e., Karnataka State Coastal Zone Management Authority.
3. Whereas, certain activities are prohibited within the Coastal Regulation Zone (CRZ) as per para 3(i), 3(iii) and 8 I CRZ I (i) of the CRZ Notification 2011.
4. Whereas, the Regional Director (Env) Udupi, in his letter dated 02.12.2017 has stated that you have established Fish Processing Unit in Sy. No. 240/1A1, Pithrody, Udyavara, Udupi which is 180m beyond the HTL of river and you have established the Effluent Treatment Plant (ETP) which is 60m from the High Tide Line (HTL) of the Udyavara river in CRZ - I area, there by violated the provisions of the CRZ Notification 2011.
5. Whereas, the District Coastal Zone Management Committee has considered this activity as the violation of CRZ Notification 2011 in its meeting held on 25.01.2018 and had recommended to KSCZMA for taking necessary action.
6. Whereas, the Karnataka State Coastal Zone Management Authority has examined this matter during its meeting held on 15.02.2018 and has observed that you have established ETP in CRZ - I area by violating the provisions of the CRZ Notification as it is a prohibited activity as per para 3 (i), 3 (iii) and 8I CRZ I(i). Hence, the Authority has decided to give Notice of Proposed Directions (NPD) for demolition of the ETP under section 5 of the Environment (Protection) Act, 1986 Read with Rule 4 of the Environment (Protection) Rule 1986
7. Whereas, as per the decision of the Authority, the NPD under section 5 of the Environment (Protection) Act, 1986 was issued to you on 15.03.2018 with a direction to submit reply within 15 days. But you have not submitted the replies within the stipulated time given.
8. Whereas, the Authority during the meeting held on 27.04.2018 has examined this matter and concluded that this activity is a clear violation of the Notification as per para 3(iii), hence decided to confirm the proposed directions issued under section 5 of Environment (Protection) Act, 1986 in exercise of the powers delegated to the Authority under order no. S.O. 679(E) dated 1st March 2017 of MoEF & CC Government of India.

DEPUTY DIRECTOR OF FISHERIES
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Direction

Wherefore, you, Managing partner M/s Unity Fish Meal & Oil Company, Pithrody, Udyavara, Udupi - 574118 is hereby directed under the provisions of Section 5 of the Environment (Protection) Act, 1986, to demolish the Effluent Treatment Plant (ETP), which was constructed in CRZ area i.e., 60 mts from the HTL of Udyavara river in Sy. No. 240/1A1 of Pithrody Udyavar in violation of para 3 (iii) of CRZ Notification 2011.

Compliance report on the above direction shall be filed before the Authority on or before 30 days from the date of receipt of this direction, failing which the Authority will be constrained to initiate necessary action in accordance with the law. Non compliance to the direction is an offence punishable under section 15 of the Environment (Protection) Act, 1986.


(Vijay Kumar)

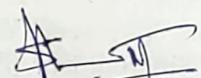
Member Secretary, KSCZMA,

Forest, Ecology & Environment Department.

To,
Managing Partner,
M/s Unity Fish Meal & Oil Company.,
Pithrody, Udyavara,
Udupi - 574118.

Copy to:-

1. The Deputy Commissioner, Udupi District & Chairman, DCZMC, Udupi for information and necessary action.
2. The Regional Director (Env) Udupi with a direction to serve this direction to the occupier and also demarcate the CRZ area indicating the structures which are constructed in violation of CRZ Notification to enable the occupier to remove the structure within 15 days time and to file a case in jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986.
3. The Member Secretary, Karnataka State Pollution Control Board to take immediate action to with draw the CFO issued to Managing Partner, M/s Unity Fish Meal & Oil Company., Pithrody, Udyavara, Udupi - 574118.


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