

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO. 122 OF 2015

Samita Rajendra Patil & Anr.

.. Applicants

Versus

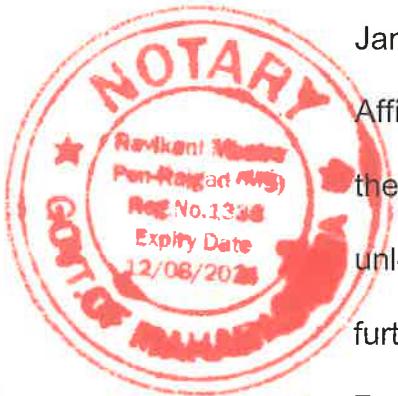
Jindal Steel Works Ltd. & Ors.

.. Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 1 AND 2

I, Mr. Narayan Budappa Bolbunda, the Authorized Signatory of Respondent Nos. 1 and 2 having its office at JSW Steel Ltd, Dolvi Works, at Post Geetapuram, Dolvi, Taluka – Pen, District - Raigad do hereby state on solemn affirmation as under:

1. I say that I have perused and made myself conversant with the contents and records pertaining to the present Application and I am otherwise well aware of the facts and circumstances of the present case from personal knowledge as also office records and I am thus, competent to depose the present Affidavit.
2. I say that I am filing the present Affidavit for the limited purpose of placing on record certain additional facts, circumstances, and documents for the consideration of this Hon'ble Tribunal. I say that the Respondent Nos.1 and 2 has already filed various Affidavits in the present proceedings including Affidavit in Reply dated 22nd December 2015, Additional Affidavit dated 21st January 2016, etc. I repeat, reiterate and confirm all that is stated in the Affidavits filed by the Respondent Nos. 1 and 2 in the present proceedings and the same be deemed to be forming part and parcel of the present Affidavit unless contrary hereto. It is clarified that the present Affidavit is filed in furtherance of and supplemental to the Affidavits already filed by the Respondent Nos. 1 and 2.
3. I say that the Respondent Nos. 1 and 2 has on 10th and 11th September 2020, filed two compilation of documents in the captioned proceedings. The



Respondent Nos. 1 and 2 crave leave to refer to and rely upon the documents placed on record vide such compilation and the same may be treated as forming part and parcel of the present Affidavit.

4. I say and submit that the Applicant has made various allegations *qua* the Respondent Nos. 1 and 2, the gravamen of which are the allegations of destruction of mangroves and other illegalities in the operations being carried out by Respondent No. 1 at its Dolvi Plant at Raigad and the expansion of the existing plant, the construction of conveyor streams and other such allied works. The allegations and contentions of the Applicant are denied in toto unless expressly admitted.

5. It is germane to bring on record, certain important facts, circumstances and events and their supporting documents which would be critical to the adjudication of the present case and which are set out hereunder:-

5.1. I say that the Respondent No.1 is carrying out its existing project being steel plant works at Dolvi and proposes to expand the same i.e. expansion of integrated steel plant from 5 MTPA to 10 MTPA and power plant from 300 MW to 600 MW. Some part of the expanded project is proposed on the adjacent plot to the existing plant, which is also owned by the Respondent No.1 and ancillary facilities, imperative for the smooth implementation of the expanded project such as connecting bridge, conveyor streams, expanded jetty are also proposed.

5.2. As regards the expansion of the existing jetty facilities, to be commensurate with the increased productivity, a proposal/application was made to the Respondent No.15 under the provisions of the CRZ Notification 2011, pursuant to which on 24th February 2015, the Respondent No.15 was pleased to grant CRZ recommendation for the same after due appraisal and in accordance with law. A copy of the

CRZ recommendation dated 24th February 2015 is already produced and placed on record at Sr.No.6 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 122 -128.

5.3. On 25th August 2015, the Respondent No.5 was pleased to issue Environment Clearance to the proposed expansion of the integrated steel plant and power plant from 5 MTPA to 10 MTPA and 300 MW to 600 MW respectively. A copy of the Environment Clearance dated 25th August 2015 is already placed on record at Sr.No.7 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 129 - 137.

5.4. The expansion of jetty facilities was accorded Environment and CRZ Clearance by the Respondent No.5 on 26th November 2015, a copy of which is already placed on record at Sr.No.8 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 138 -144.

5.5. An amended Environment and CRZ Clearance for the expansion of the existing Dharamtar Jetty was issued by the Respondent No.5 on 26th March 2016, a copy of which is already placed on record at Sr.No.9 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 145 -146.

5.6. It bears mentioning that the Environment Clearance for the expanded project was assailed by the Applicant herein by filing Appeal No. 30 of 2016. By an order dated 23rd May 2017, this Hon'ble Tribunal was pleased to dismiss such Appeal. A copy of the order dated 23rd May 2017 passed by this Hon'ble Tribunal in Appeal No. 30 of 2016 is already placed on record at Sr.No.5 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 103 -124.



- 5.7. As regards the additional conveyor streams, on 16th February 2019, the Respondent No.15 was pleased to issue CRZ recommendation under CRZ Notification 2011 for the construction of additional conveyor belt/streams in respect of expansion of the jetty facilities. This CRZ recommendation is already placed on record at Sr.No.10 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 147 -148.
- 5.8. On 10th January 2020, the amended Environment and CRZ Clearance was issued by the Respondent No.2 for construction of additional conveyor streams in respect of expansion of the jetty facilities. A copy of the amended Environment and CRZ Clearance dated 10th January 2020 is already placed on record at Sr.No.11 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 149 -151.
- 5.9. Thus, the expanded steel plant, power plant and their allied activities have been granted necessary permissions/clearances after being found to be permissible in law and such permissions/clearances are valid and in force as on date.
- 5.10. As stated above, two of the allied/ancillary activities for the expansion of the steel plant was the construction of a connecting bridge and the construction of additional conveyor streams in relation to the expansion of the Dharamtar Jetty. In this regard, it is stated that on 7th March 2018, the Respondent Nos. 1 and 2 applied for CRZ Clearance for the construction of the connecting bridge. In the meantime, on 17th September 2018, the Hon'ble Bombay High Court passed a Judgment and Order dated 17th September 2018 in PIL No. 87 of 2006 wherein it was *inter alia*, provided that for construction in mangroves areas contemplating destruction of mangroves, prior leave of the Hon'ble High



Court would be necessary. A copy of the Judgment and Order dated 17th September 2018 is already on record at Sr.No.1 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 1-83.

5.11. In the backdrop of the Judgment dated 17th September 2018, the Respondent No.15 was pleased to observe that the Respondent Nos. 1 and 2 should approach Hon'ble High Court for grant of leave as the project was in the mangrove buffer zone. Accordingly, the Respondent Nos. 1 and 2 filed Writ Petition No. 1643 of 2019 before the Hon'ble Bombay High Court, wherein vide an order dated 11th February 2019, the Hon'ble Bombay High Court was pleased to direct the Respondent Nos. 15 and 5 to take appropriate decision on the proposal of the Respondent Nos.1 and 2 after which the Hon'ble Bombay High Court would consider grant of leave. A copy of the order dated 11th February 2019 in Writ Petition No. 1643 of 2019 is already placed on record at Sr.No.3 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 92 -94.

5.12. Pursuant to the Order dated 11th February 2019, the Respondent No.15 after duly appraising the project was pleased to accord CRZ recommendation for the construction of the connecting bridge on 15th July 2019. Pursuant thereto, the State Level Environment Impact Assessment Authority after due appraisal was pleased to grant CRZ Clearance for the construction of the connecting bridge on 16th September 2019. In light of such permissions, the Hon'ble Bombay High Court was pleased to pass an order dated 15th October 2019 thereby allowing the Respondent Nos. 1 and 2 to carry out the construction of the connecting bridge. A copy of the order dated 15th October 2019 in Writ Petition No. 1643 of 2019 is already placed on



record at Sr.No.3 of the Second Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 32 -33.

5.13. As regards the construction of the additional conveyor streams, the Respondent No.15 in its recommendation dated 16th February 2019 as modified on 31st December 2019, at condition no. ii, had imposed the condition of obtaining leave from the Hon'ble Bombay High Court as the site of construction of the additional conveyor streams was partly affected by the mangrove buffer zone. Accordingly, Writ Petition (St.) No.4894 of 2020 came to be filed wherein the Respondent Nos. 1 and 2 were the Petitioner No.2. By an order dated 9th July 2020, the Hon'ble Bombay High Court was pleased to allow the construction of the additional conveyor streams in relation to the expansion of the jetty facilities. A copy of the order dated 9th July 2020 in Writ Petition (St) No. 4894 of 2020 is already placed on record at Sr.No.4 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at page 95-102.

5.14. As regards the allegation of mangrove destruction and environmental damage, such allegations have been considered in Criminal proceedings filed against the officers of the Respondent Nos. 1 and 2. By way of order dated 19th August 2014, in RCC No. 95 of 2012 and 2nd February 2019, in RCC No. 102 of 2016, both before the Hon'ble Judicial Magistrate, First Class, Pen, no such wrong doing has been found and both cases have been dismissed. Copies of the above mentioned orders are already placed on record at Sr.Nos.1 and 2 of the Second Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at pages 1 to 20 and 21 to 31.

5.15. The allegations of mangrove destruction etc., as are in issue in the present proceedings, were also in issue in PIL No. 102 of 2014, filed in the Hon'ble Bombay High Court, by one Surendra Vaman Dhawale, making similar allegations as those made in the present proceedings. The non-maintainability of the present Application in view of such then pending proceedings in the Hon'ble Bombay High Court had been raised by the Respondent Nos. 1 and 2 in M.A. No. 221 of 2015 taken out in the present Application. On 13th November 2017, PIL No. 102 of 2014 has been disposed of by the Hon'ble Bombay High Court without granting any reliefs as prayed for. A copy of the order dated 13th November 2017 is already placed on record at Sr.No.2 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at pages 84 -91.

5.16. In the premises aforesaid, it is submitted that the various activities being carried out by the Respondent Nos. 1 and 2 at their Dolvi Plant are in accordance with law and upon grant of necessary clearances and permissions. Various Courts of law have upheld the legality of such actions and the Hon'ble Bombay High Court has in fact deemed the various constituent activities as being of socio economic and public importance, in its orders in Writ Petition No. 1643 of 2019 and Writ Petition (St.) No.4894 of 2020. In such view of the matter and for the reasons stated in the Affidavits and Applications filed by the Respondent Nos. 1 and 2 in the present proceedings, it is submitted that no case for reliefs as prayed for, is made out by the Applicant.

6. It is also apposite to note that the Respondent Nos. 1 and 2 have taken active steps towards mangrove restoration under the aegis of the Nature Environment and Wildlife Society. The report on mangrove restoration carried out by the Respondent Nos. 1 and 2 prepared by Nature Environment and Wildlife



Society is already on record at Sr.No.14 of the Compilation of Documents on behalf of the Respondent Nos. 1 and 2 at pages 158 -183.

7. In view of all that is stated hereinabove, it is submitted that and prayed that the Original Application may be dismissed with the imposition of costs.

Solemnly affirmed at PEN.]
dated this 26 day of Sept 2020]

Witness


(SALUNKE VISHWAS NARAYAN)

Deponent


Mr. Narayan Budappa Bolbunda

Advocates for the Respondent Nos.1 and 2

This Notary is not
Responsible for the Con-
tents of this Document

Serial No. 181
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Date: 26/9/2020



BEFORE ME


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