

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 19/2019

IN

Original Application No. 597/2018

IN MATTER OF:

Goa Foundation

..... Applicant(s)

Versus

Union of India & Ors.

..... Respondent

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI**

I, W. Bharat Singh s/o Late Shri W. K. Singh, aged about 53 years, presently working as Scientist 'F'/ Director, in the Ministry of Environment, Forest & Climate Change (*hereinafter referred to as MoEFCC*), at New Delhi, do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. That I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the MoEFCC on the basis of the official records maintained therein.
2. It is humbly submitted that the above mentioned matter came up for hearing before this Hon'ble Tribunal on 28.09.2020 and the Hon'ble Tribunal had inter alia directed as under:


(W. BHARAT SINGH)
वैज्ञानिक 'एफ' / डायरेक्टर
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
आर्या समाज, नई दिल्ली
New Delhi

"During the hearing, Notification dated 22.09.2020 issued by the MoEFCC has been produced for excluding the time for publication from 25.03.2020 to 31.05.2020 on account of lockdown. Even if lockdown period is to be excluded, there is no justification for continued delay merely because the States have sought exclusion of area from eco sensitive zone. Let the needful be done now before 31.12.2020. for any default thereafter, direction to stop salary of the Advisor, ESZ Division, MoEFCC will be operative.

Let the compliance report be filed to this tribunal before the next date of hearing i.e. 11.02.2021."

3. That it is submitted that the COVID-19 situation has persisted and indicates rising trends in majority of the States. The States have been representing this respondent Ministry that due to the COVID-19 pandemic, despite best efforts the working in the respective States, including holding of public consultations and meetings, has been adversely affected. That, in view of the COVID-19 pandemic, this respondent Ministry has also extended the validity of Environmental Clearances issued under the provisions of EIA Notification, 2006 that were expiring in Financial Year 2020-2021.
4. That it is submitted that keeping in view the above unprecedented pandemic situation, the Competent Authority in this respondent Ministry has considered appropriate to propose extension of validity of draft notifications or rules or orders expiring in Financial Year 2020-2021 upto 30th June, 2021.
5. That it is most humbly submitted that due to COVID-19 pandemic, some State Governments have also not yet provided information required for finalisation of


(डॉ. भारत सिंह)
(O.P. BHARAT SINGH)
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the Notification of the Western Ghats ESA. That information is also pending from the States in context of other ESZ draft notifications.

6. That it is humbly submitted that concerned States have proposed inclusion of about 11000 sq.kms. of additional area to be included in the Western Ghats Eco-Sensitive Area. The present draft notification does not include such areas. Further, the draft Notification in respect of this inclusion has not been issued and therefore, public comments have not been obtained in respect of such additional areas as yet.
7. That it is further humbly submitted that a High Level Working Group headed by Dr. Kasturirangan had recommended ESA of 59,940 sq. kms. However, the draft notifications, issued from time to time, have considered area of 56,824.7 sq.kms. thereby excluding an area of 3114.3 sq.kms falling in the State of Kerala. The exclusion of such area was made in the year 2013 itself on the request of State of Kerala. The said area primarily pertains to Idukki region where landslides and natural disasters have been witnessed in the recent years. Therefore, such areas shall also have to be considered for purposes of Western Ghats Eco-Sensitive Area. However, to bring such area under ESA, a fresh draft notification is required to be issued so as to seek public comments.
8. That it is humbly submitted that keeping in view of the above stated paras, the feasibility of either issuing a draft notification for an area of 14,123.69 sq.kms (11009.39 sq.kms of additional area proposed by the States and 3114.3 sq.kms in respect of State of Kerala) or issuing a fresh combined and a comprehensive notification is being examined.


(डॉ. व. भारत सिंह)
(W. BHARAT SINGH)
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9. That it is further humbly submitted that section 5 of Environment (Protection) Act,1986 envisages that in November, 2013, directions were issued by the Central Government under Section 5 of the Environment Protection Act, 1986, directing prohibition of following five activities in the total area of 56,825.7 sq.km.(as reflected in the draft notification).

- (i) Mining, quarrying & sand mining
- (ii) Thermal Power Plants
- (iii) Building & construction projects > 20000 sq.m.
- (iv) Township & area development projects> 50 ha &/ or with built up area > 150000 sq.m.
- (v) Red category of industries (60 in no.)

The above said directions are still operative in the said area.

10. That it is humbly submitted before this Hon'ble Tribunal for consideration for permitting finalization of ESZ notification beyond 31.12.2020 in view of the observations made in the preceding paras.

11. It is humbly submitted that the statements made in the paragraphs are true to my knowledge as per information derived from the records of the case and rest are by way of submission before this Hon'ble Tribunal.


DEPONENT
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Min.of Environment,Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

Verification at New Delhi on this.....day of December, 2020 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed there from.



DEPONENT
(डब्ल्यू. भारत सिंह)
(W. BHARAT SINGH)
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