

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE AT PUNE)**

**I.A. NO. 83 OF 2023
IN
APPEAL NO. 12 OF 2023 (WZ)**

IN THE MATTER OF:

**CHANDAN SURYAKANT
KHORJUVEKAR**

... APPELLANT

VERSUS

**GOA COASTAL ZONE
MANAGEMENT AUTHORITY
& OTHERS**

...RESPONDENTS

**ADDITIONAL AFFIDAVIT
ON BEHALF OF RESPONDENT NO. 1
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

(KINDLY SEE INDEX INSIDE)

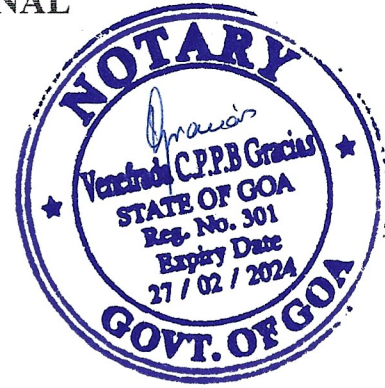
**ABHAY ANIL ANTURKAR
ADVOCATE FOR RESPONDENT NO. 1
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

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I, Dr. Sneha Gitte (IAS), adult, being the Member Secretary, Goa Coastal Zone Management Authority, having my office at: 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority (hereinafter referred to as *GCZMA*) in the above-captioned Appeal. I am well-conversant with the facts and circumstances from which the present Appeal arises and am, as such, capable of affirming the present Affidavit.

Atte

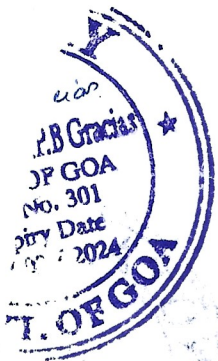
2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the above-captioned Appeal filed by the Appellant, unless the same is categorically admitted herein. I further submit that nothing in the above-captioned Appeal may be deemed to have been admitted for want of specific denials.

3. The answering Respondent has filed an Affidavit-in-Reply dated 24.04.2023 to oppose the captioned I.A. seeking condonation of delay in filing the present Appeal. The contents of the said Affidavit-in-Reply may be read to be a part of the present Affidavit. The contents of the said Affidavit-in-Reply are not reproduced herein for the sake of brevity and convenience.

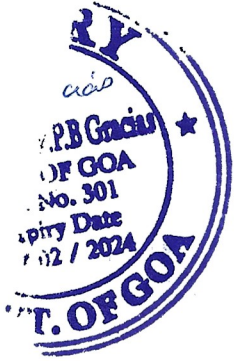
4. The Appellant has filed the captioned I.A. to pray for condonation of delay in filing the present Appeal. By filing the present Appeal, the Appellant has, *inter alia*, impugned the answering Respondent's decision to drop proceedings against Respondent No. 2 taken during its 326th Meeting dated 27.10.2022. The Appellant has also challenged the answering Respondent's Corrigendum/Addendum dated 18.11.2022 by which its decision was corrected/amended.

5. This Hon'ble Tribunal, *vide* its order dated 20.07.2023, directed the answering Respondent to file an additional affidavit to clarify the following information:

"2. Since this point touches merits of this appeal, which should have been touched by us



only after deciding on the issue of delay condonation, but this issue is of great significant for us. Therefore, we direct the learned Counsel Mr. Dhruv Tank, who has appeared of behalf of learned Counsel Mr. Abhay Anturkar for the respondent No.1/GCZMA, to submit a clarification on an affidavit saying that as to who has put the signatures on the corrigendum/addendum dated 18.11.2022, which is annexed at page no. 35 of the paper book. Whether the Member Secretary and the Chairman of the GCZMA were in existence on that date and if yes, whether they had put their signatures, their names may also be indicated." [Emphasis supplied]



6. In compliance with the aforesaid directions of this Hon'ble Tribunal, it is submitted that the impugned Corrigendum/Addendum dated 18.11.2022 has been signed by Mr. Dashrath Redkar and Mr. Arun Mishra, who were the Member Secretary and Chairman, respectively, of the answering Respondent GCZMA at the relevant point of time. The term of the answering Respondent GCZMA was under reconstitution when the impugned Corrigendum/Addendum dated 18.11.2022 was issued. The GCZMA came to be re-constituted *vide* Notification No. S.O. 6071(E) dated 27.12.2022 issued by the Ministry of Environment, Forest and Climate Change, Government of India.

7. It is submitted that the Ministry of Environment, Forest and Climate Change has issued an Office Memorandum dated 26.04.2022, Clause 5 of which reads as under:

“5. In case the Coastal Zone Management Authorities (CZMA) are not in existence due to delay in their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the State Government or Union territory Administration, for providing comments and recommendation to the proposals in terms of the provisions of the said notification, to the concerned authority, as the case may be.”



A bare perusal of the aforesaid Office Memorandum makes it abundantly clear that the Department of Environment, Government of Goa has been tasked with the responsibility to carry out functions of the answering Respondent GCZMA while it is under reconstitution.

A true copy of the Office Memorandum dated 26.04.2022 is annexed and is marked as **ANNEXURE R-1. 7-13**

8. After the impugned Minutes were issued, the Advocate for the Respondent No. 2 wrote a letter dated 11.11.2022 to inform the answering Respondent that it has incorrectly recorded his submissions. Thus, the answering Respondent was duty-bound to immediately issue a Corrigendum/Addendum in this regard. Since the answering Respondent

GCZMA was under reconstitution, the Chairman and Member Secretary of the GCZMA issued the impugned Corrigendum/Addendum dated 18.11.2022.

9. The Chairman and the Member Secretary of the GCZMA are the Secretary and Director, respectively, of the Department of Environment and Climate Change, Government of Goa. Therefore, the impugned Corrigendum/Addendum dated 18.11.2022 was issued in compliance with the aforesaid Office Memorandum. In other words, the authority of the authority of the Chairman and the Member Secretary of the GCZMA to issue impugned Corrigendum/Addendum can be traced to the aforesaid Office Memorandum.
10. In light of the aforesaid, it is submitted that the above-captioned I.A. and Appeal filed by the Appellant may kindly be dismissed with costs.



DEPONENT

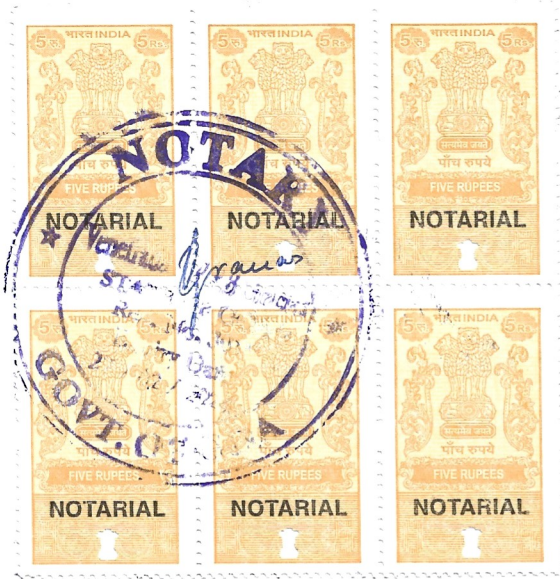
VERIFICATION

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.



Verified at Panaji on this 01st day of September, 2023.

Autte
DEPONENT



Solemnly affirmed before me
Dr Sneha Gille

Who is identified before me by

_____ At Panjim - Goa

Sr. No. 158/09/2023

Date. 01/09/2023

Gracias
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State

Government of India
Ministry of Environment, Forest and Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi - 110003
Dated: 26th April, 2022

OFFICE MEMORANDUM

Subject: Procedure for Clearance of Permissible Activities as per the CRZ Notification, 2011 and IPZ Notification, 2011- regarding.

The Ministry issued the Coastal Regulation Zone (CRZ) Notification, 2011 dated 6th January 2011 and Island Protection Zone (IPZ) Notification, 2011 in supersession of the CRZ Notification, 1991. The Ministry specified the procedure for CRZ clearance *vide* Office Memorandum dated 19th January, 2015. The Ministry has also rolled out a fully computerised PARIVESH portal for application, appraisal and approval of projects requiring various clearances at the State and Central level. Therefore, in order to remove redundancy and bring in greater clarity in delegation of powers as per the provisions of CRZ Notification, 2011/ IPZ Notification, 2011, the following procedure shall be followed henceforth in supersession of the Ministry's OM dated 19th January, 2015 and other OMs regarding procedure to be adopted for appraisal and approval of projects requiring CRZ or combined Environmental Clearance (EC) and CRZ clearances under the above-said notifications.

2. The procedure for clearance of permissible activities as per the CRZ Notification, 2011 and IPZ Notification, 2011 shall be as under:-

(i). The project proponents shall apply on PARIVESH portal (<https://parivesh.nic.in/>) along with the following set of documents for seeking prior clearance under the CRZ Notification, 2011 / IPZ Notification, 2011 to the concerned State or the Union territory Coastal Zone Management Authority:-

- a. Form-1 (Annexure-IV of the notification);
- b. Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d) of the Notification;
- c. Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding zone by the Ministry based on scientific studies and in consultation with the State Governments and Union territory Administration;
- d. Disaster Management Report, Risk Assessment Report and Management Plan;
- e. CRZ map indicating HTL and LTL demarcated by one of the authorized agency in 1:4000 scale;
- f. Project layout superimposed on the above map indicated at (e) above;
- g. The CRZ map normally covering 7 km radius around the project site;
- h. The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
- i. No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.

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(ii). The concerned State/Union Territory Coastal Zone Management Authority (CZMA) shall examine the above documents in accordance with the approved Coastal Zone Management Plan (CZMP) / Island Coastal Regulation Zone (ICRZ) Plans or Integrated Islands Management Plan (IIMP) in accordance with the procedure laid down and make recommendations as per the provisions of CRZ Notification, 2011/ IPZ Notification 2011, clearly specifying the permissibility, section / clause of the notification permitting the project / activity, to the concerned authority as under :-

S. No	Scenario as per the CRZ Notification, 2011	Clearance	Approving Authority	Procedure
1	<p>(a). Projects requiring only CRZ Clearance (Projects attracting para 4 (ii) of the Notification).</p> <p>(b). Construction of road by way of reclamation in CRZ area (specified under paragraph 4(i) (g) of the CRZ Notification)</p> <p>(c). Construction of sewage treatment plants in CRZ-I for the purpose of treating the sewage from the municipal area of Greater Mumbai</p> <p>(d). Development of beach resorts or hotels with Built up area < 20, 000 sq.mts in the designated areas of CRZ-III and CRZ-II</p>	Standalone CRZ	Ministry	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application in the Ministry;</p> <p>↓</p> <p>Recommendation of EAC (CRZ);</p> <p>↓</p> <p>Clearance by the Ministry</p>
2	Construction projects with Built up area < 20, 000 sq.mts located in CRZ-II & CRZ-III	Standalone CRZ	CZMA	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Approval by Concerned State's or UT's Planning Authorities</p>
3	Any project located in CRZ area that requires EC under Category 'A'	Combined EC & CRZ	Ministry	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application for EC+CRZ at concerned Sector of</p>

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				<p>the IA Division of Ministry;</p> <p>↓</p> <p>Comments of CRZ Sector in the Ministry;</p> <p>↓</p> <p>Recommendation of Sectoral EAC for EC + CRZ;</p> <p>↓</p> <p>Clearance (Combined) by Ministry (EC+CRZ)</p>
4	(a). Any project located in CRZ area that requires EC under Category 'B'	Combined EC & CRZ	SEIAA	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application in the concerned SEIAA;</p> <p>↓</p> <p>Recommendation of SEAC for EC&CRZ;</p> <p>↓</p> <p>Clearance by SEIAA (EC&CRZ)</p>
	(b). Development of beach resorts or hotels with Built up area >20,000 sq.mts in the designated areas of CRZ-III and CRZ-II	Combined EC & CRZ	SEIAA	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application in the Ministry;</p> <p>↓</p> <p>Comments of CRZ sector in the Ministry;</p> <p>↓</p> <p>Recommendation of the Ministry on permissibility of the project (Divisional Head);</p> <p>↓</p> <p>Application in the concerned SEIAA;</p> <p>↓</p> <p>Recommendation of SEAC for EC+CRZ;</p> <p>↓</p>

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				Clearance by SEIAA (EC&CRZ)
5	Any project located in CRZ area that are specified under paragraph 4(i) of the CRZ Notification [except for item 4(i)(d)] and not attracting the EIA Notification, 2006	Standalone CRZ	SEIAA	Application at CZMA by the PP; ↓ Recommendation of CZMA; ↓ Application in the concerned SEIAA; ↓ Recommendation of SEAC for CRZ; ↓ Clearance by SEIAA (CRZ)
6	Construction of public utilities and amenities required for traditional/local inhabitants, as specified in Para 8 of the Notification	Standalone CRZ	CZMA	Application at CZMA by the PP; ↓ Clearance by CZMA
<ul style="list-style-type: none"> • <i>Special dispensation given to the State of Kerala, Goa, Municipal limits of Greater Mumbai and Critical Vulnerable Coastal Areas, not falling in the above categories shall be as specified in the Notification.</i> • Reference Para 4.(i) & (ii), 4.2, 8 and Annexure-III of the CRZ Notification, 2011. 				
S. No	Scenario as per the IPZ Notification, 2011	Clearance	Approving Authority	Procedure
1	(a) Projects requiring only CRZ Clearance. (b) Construction projects/ Development of beach resorts or hotels, with Built up area < 20, 000 sq.mts in the designated areas of ICRZ-III and ICRZ-II/IIMPs	Standalone CRZ	Ministry	Application at CZMA by the PP; ↓ Recommendation of CZMA; ↓ Application in the Ministry; ↓ Recommendation of EAC (CRZ); ↓ Clearance by the Ministry
2	Any project located in CRZ area that requires EC under Category 'A'	Combined EC & CRZ	Ministry	Application at CZMA by the PP; ↓ Recommendation of CZMA; ↓ Application for EC+CRZ at concerned Sector of

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				<p>the IA Division of Ministry;</p> <p>↓</p> <p>Comments of CRZ Sector in the Ministry;</p> <p>↓</p> <p>Recommendation of Sectoral EAC for EC + CRZ;</p> <p>↓</p> <p>Clearance (Combined) by Ministry (EC+CRZ)</p>
3	(a). Any project located in CRZ area that requires EC under Category 'B'	Combined EC & CRZ	SEIAA	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application in the concerned SEIAA;</p> <p>↓</p> <p>Recommendation of SEAC for EC&CRZ;</p> <p>↓</p> <p>Clearance by SEIAA (EC&CRZ)</p>
	(b). Development of beach resorts or hotels with Built up area >20,000 sq.mts in the designated areas of CRZ-III and CRZ-II	Combined EC & CRZ	SEIAA	<p>Application at CZMA by the PP;</p> <p>↓</p> <p>Recommendation of CZMA;</p> <p>↓</p> <p>Application in the Ministry;</p> <p>↓</p> <p>Comments of CRZ sector in the Ministry;</p> <p>↓</p> <p>Recommendation of the Ministry on permissibility of the project (Divisional Head);</p> <p>↓</p> <p>Application in the concerned SEIAA;</p> <p>↓</p> <p>Recommendation of SEAC for EC+CRZ;</p> <p>↓</p>

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				Clearance by SEIAA (EC&CRZ)
4	Construction of public utilities and amenities required for traditional/local inhabitants, as specified in Para III (D) of the Notification	Standalone CRZ	CZMA	Application at CZMA by the PP; ↓ Clearance by CZMA
<i>Reference Para III (D), Para III (5), Para III (7), Para III (8) and Annexure-III of the IPZ Notification, 2011.</i>				

3. The State/UT CZMA shall forward its recommendation on the permissible activities as per the CRZ Notification, 2011/ IPZ Notification, 2011 to the concerned authorities, clearly mentioning the CRZ area in which the project is located/passing through, section/clause under which the activity is permissible, conditions if any, and along with all the statutory documents as mentioned in para 2(i) above.

4. In case, the CZMA desires to consider an activity which is not explicitly mentioned in the notification or not permissible, such recommendations shall be forwarded with detailed justification to the Ministry for consideration.

5. In case the Coastal Zone Management Authorities (CZMA) are not in existence due to delay in their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the State Government or Union territory Administration, for providing comments and recommendation to the proposals in terms of the provisions of the said notification, to the concerned authority, as the case may be.

6. The Category A projects requiring comments of the CRZ sector shall be forwarded along with all the statutory documents as mentioned in para 2(i) before consideration of the project by the sectoral EACs. The sectoral EAC shall appraise the project for composite EC and CRZ clearance based on the comments of the CRZ sector and CZMA recommendations. In case, the sectoral EAC is same for appraisal of the projects for both EC and CRZ clearance, the comments of the CRZ sector need not be required.

7. This issues with the approval of the Competent Authority.



(Dr. H. Kharkwal)
Scientist 'E'(CRZ)

To

1. The Principal Secretary, Environment Department of Coastal/UT States
2. The Chairman, SEIAA of Coastal States/UT's
3. The Chairman, SEAC of Coastal States/UT's
4. The Chairman, SCZMA / UTCZMA
5. The Member Secretary, SCZMA / UTCZMA
6. The Chairman, EAC's (MoEFCC)

7. The Director (IA-Policy) / The Director (PARIVESH / CPC), MoEFCC
8. The Member Secretary, All EAC (IA-Division), MoEFCC

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5. PS to JS(SKB) / JS(JT) / JS(MP) / JS(NKS)
6. All Officers of IA Division
7. Technical Director (NIC)
8. NIC / IT for uploading on Website



(Dr. H. Kharkwal)
Scientist 'E'(CRZ)