

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

APPEAL NO. 38/2021 (WZ)

**IN THE MATTER OF:**

THE GOA RIVER SAND PROTECTORS  
NETWORK

...APPLICANT

VERSUS

THE GOA STATE ENVIRONMENT  
IMPACT ASSESSMENT  
AUTHORITY & ORS.

...RESPONDENTS

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New Delhi  
Date: 14.08.2023

  
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
APPEAL NO.38 OF 2021[WZ]



BETWEEN:

THE GOA RIVER SAND  
PROTECTORS NETWORK

...APPELLANT

VERSUS

THE GOA STATE ENVIRONMENT  
IMPACT ASSESSMENT  
AUTHORITY & ORS.

...RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF  
RESPONDENT NO.1

I, Dr. Sneha S. Gitte, IAS, major of age, Indian National,  
Member Secretary, Goa State Environment Impact Assessment  
Authority (GSEIAA), Respondent No.1, joined from 3<sup>rd</sup> April  
2023 herein above, having office at 4<sup>th</sup> Floor Dempo Tower Patto  
Panaji - Goa do hereby on solemn affirmation state on oath as  
under:

*Gitte*



1. I say that I am presently working as the Member Secretary of the Goa State Environment Impact Assessment Authority, i.e. Respondent No.1 and I am authorized to file the present Affidavit. I state that I am filing the present affidavit based on the records available with my office and I am able to depose thereto.



2. At the outset, I state that I herein reiterate the contentions/grounds averred by the Respondent No.1 in its Affidavit in Reply dated 24.04.2022.

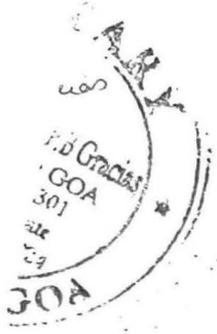
3. I say that by way of the present Affidavit, the Respondent No.1 is placing on record the rules made by the Government of Goa so as to further amend the Goa Minor Mineral Concession Rules, 1985 in exercise of the powers conferred by Section 15 of the Mines and minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), published in the Official Gazette on 02.12.2022 vide Notification 34/10/2012-Mines(Part)/2370. A copy of the Notification 34/10/2012-Mines(Part)/2370 published in the Official Gazette on 02.12.2022 is annexed hereto and marked as **Annexure R-1**.

Atte

4. I say that in the Appeal, contentions have been raised by the Appellant that in the CSIR-NIO EIA/ EMP Report based on which the four environmental clearances have been issued by Respondent No.1, all the parameters required to be included in the District Survey Report have not been specifically dealt with. I say that the CSIR-NIO EIA/EMP Report is a comprehensive document that in detail covers the aspects which are expected to be dealt with in a District Survey Report. The eleven parameters which ought to have been included in the District Survey Report as per the Appellant and whether the said parameters have been specified in the CSIR-NIO EIA/ EMP Report are being produced herein in a tabular form for perusal of this Hon'ble Court and the same is enclosed as **Annexure R-2**.

5. I say that the Ministry of Environment, Forest and Climate Change Notification dated 03.03.2016, published in the Official Gazette vide Regd. No. D.L.-33004/99 is under challenge before the Hon'ble High Court of Gujarat in the matter titled as Jayeshkumar Somabhai Patel & 11 vs Union of India bearing Special Civil Application No. 5312 of 2016, which is still pending adjudication. The Division

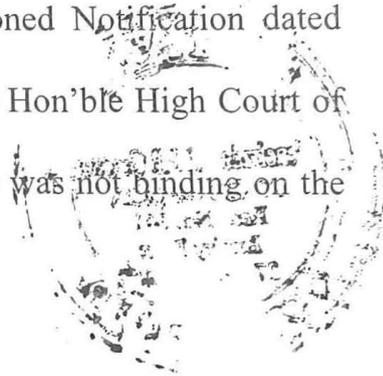
*Aiste*



Bench of the Hon'ble High Court of Gujarat vide order dated 05.04.2016 was pleased to stay the implementation of the abovementioned notification dated 03.03.2016 till further orders. A copy of the Order dated 05.04.2016 passed by the Hon'ble High Court of Gujarat in Special Civil Application No. 5312 of 2016 titled as Jayeshkumar Somabhai Patel & 11 vs Union of India is annexed hereto and marked as **Annexure R-3**.



6. I say that since the above-mentioned Notification dated 03.03.2016 has been stayed by the Hon'ble High Court of Gujarat in the year 2016, the same was not binding on the Authorities.



7. I say that the Appellant vide the said Additional Affidavit has not made any averments or raised any contentions, therefore the Respondent is not aware as to what is the ground/stand sought to be canvassed by the Appellants vide the said Additional Affidavit dated 23.12.2022 and as such is unable to respond to the same.

8. I therefore submit that the Appellant is not entitled to any relief as prayed for in the present Appeal.

Arto

9. I say that the contents of Paragraphs 2-8 of this Additional Affidavit are true to my knowledge and based on the records maintained by my office.



Solemnly affirmed at Panaji Goa

On this 11<sup>th</sup> day of August, 2023



*Sneha*  
DEPONENT

Solemnly affirmed before me

Dr Sneha S. Gitte

Who is identified before me by

\_\_\_\_\_

\_\_\_\_\_ At Panjira - Goa

Sr. No. 153/08/2023

Date. 11/08/2023

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

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

## EXTRAORDINARY

### GOVERNMENT OF GOA

Department of Mines & Geology  
Directorate of Mines & Geology

#### Notification

34/10/2012-Mines(Part)/2370

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Minor Mineral Concession Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 2.*— In rule 2 of the Goa Minor Mineral Concession Rules, 1985 (hereinafter referred to as the “principal Rules”), after clause (k), the following clause shall be inserted, namely:—

“(ka) “traditional sand extractor” means a person who belongs to a local community in the State of Goa, whose livelihood is dependent solely on extraction of sand by manual means and who had been granted

permission under sub-rule (1) of rule 7 for extraction of ordinary sand in the State of Goa at any point of time during the period 21-02-1974 to 31-12-2010 and includes a legal heir of such person;”.

3. *Insertion of new rules 68A, 68B and 68C.*— In the principal Rules, after rule 68, the following rules shall be inserted, namely:—

“68A. *Application for grant of permission for sand extraction by manual means.*— (1) Any person who is born and whose birth is registered, in the State of Goa, and whose either of parents or grandparents’ is born in the State of Goa and who is residing in the State of Goa atleast for a period of fifteen years may make an application for grant of permission in terms of sub-rule (3) hereof for sand extraction by manual means to the Competent Officer in Form H1 hereto.

(2) Every application under sub-rule (1) shall be accompanied with the following documents, namely:—

(i) receipted challan of an amount of Rs. 500/- (rupees five hundred only) paid in the Government treasury towards the fee for processing of application (which shall be non-refundable);

(ii) 15 years Residence Certificate of the applicant issued by concerned Mamlatdar;

(iii) copy of Certificate of Registration of canoe proposed to be used for extraction of sand, issued by Captain of Ports with make and dimensions of canoe;

(iv) NOC/Permission of the land owner in whose land the extracted sand will be unloaded and stacked before it is sold and/or transported;

(v) Form I and XIV and survey plan of the land on which the extracted sand will be unloaded and/or stacked before it is sold and/or transported;

(vi) Affidavit duly sworn by the Applicant before the Executive Magistrate or a Notary on non-judicial stamp paper of appropriate denomination stating that whether the applicant is a traditional sand extractor, he belongs to the local community in the State of Goa and his livelihood is dependent solely on extraction of sand by manual means;

(vii) copy of order issued under sub-rule (1) of rule 7 granting to him or his parent permission for extraction of ordinary sand in the State of Goa at any point of time during the period 21-02-1974 to 31-12-2010.

(viii) copy of Pan Card;

(ix) copy of election photo identity card;

(x) copy of Aadhaar Card.

(3) Applications received under sub-rule (1) shall be scrutinized by the Competent Officer and permissions for sand extraction by manual means shall be granted in the ratio of 70:30 between the applicants who are traditional sand extractors and the remaining applicants who are not traditional sand extractors. If the number of such applications received are more than the number of permissions for sand extraction which can be granted, then such permissions shall be granted in the same ratio on the basis of draw of lots.

68B. *Grant for permission for sand extraction.*— On receipt of an application

under sub-rule (1) of rule 68 A, the Competent Officer may, after making scrutiny of applications in terms of sub-rule (3) of rule 68 A and such enquiries as he deems fit, grant a permission in terms of said sub-rule (3) of rule 68A for sand extraction by manual means to the applicant in an area within the limits of the zones so permitted by the State Environment Impact Assessment Authority or refuse to grant such permission.

68C. *Conditions of sand extraction.*— The permission for sand extraction granted under rule 68B shall be subject to the following conditions, namely:—

(a) The extraction of sand shall not be carried out by the licensee or any person on his behalf by using any mechanical device. If a licensee or any person on his behalf is found using mechanical device for carrying out extraction of sand, the Competent Officer/Inspecting Officer or any person authorized by him in this behalf shall seize all tools, equipment and machinery and the Competent Officer after affording a reasonable opportunity of hearing to the licensee, cancel permission for sand extraction granted and no application for grant of permission for sand extraction of such person shall be entertained in future.

(b) No licensee shall extract sand beyond 1000m<sup>3</sup> in a year from the zones demarcated by the Government. The site of such zone shall be inspected by the designated officers of the National Institute of Oceanography (NIO) through Department of Environment annually to study and verify the extent of sand extracted by the licensee. If the NIO reports that the licensee has extracted sand beyond 1000m<sup>3</sup>, then the permission granted to such licensee shall be cancelled with immediate effect and he shall be debarred for a period of three years from submitting application for grant of such permission.

(c) The Competent Officer may without giving prior notice at any time by a

written order direct the stoppage of extraction of ordinary sand and the licensee shall not have any right for compensation against such stoppage.

(d) The licensee shall undertake adequate safety measures during sand extraction by providing required safety gadgets and health-care facilities to the workers engaged by him for sand extraction.

(e) The licensee shall ensure that the activity of sand extraction is carried out only between 6.00 a.m. to 6.00 p.m.

(f) The Government reserves the right to restrict the sand extraction activities especially during the monsoon season uniformly which may be from 1st June to 30th September of every year or during such hours or the day as may be decided by the Government. The Government may reserve its right to restrict any other day or days within the

State, District or within a cluster of any river as it may deem fit and the licensee shall not raise any grievance against such restrictions.

(g) All sand extracted by the licensee shall be stacked or stored close to the bank of river on land belonging to the Government or private land for the purpose of ascertainment of the quantity extracted and for the purpose of levy of royalty.

(h) No sand extracted, stacked or stored shall be transported or traded unless royalty on the same is paid to the Government and transport permit is issued. For this purpose, hand held devices could be put to use for generation of trip sheet at site by the licensee on real time basis".

(4) *Insertion of new Form H1:*— In the Principal Rules, after Form H, the following Form shall be inserted, namely:—

## FORM H1

**Application for Grant of Permission for Sand Extraction by Manual Means**

[(See rule 68A(1))]

From:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact No.:

To,  
The Director,  
Directorate of Mines & Geology,  
Institute Menezes Braganza,  
Panaji-Goa.



Affix Photo

Sir,

1. I/We submit an application with checklist of required documents, for grant of permission for sand extraction for a term of one year in \_\_\_\_\_ zone of \_\_\_\_\_ River.
2. The Processing Fee of Rs. 500/- has been paid in the Government treasury at \_\_\_\_\_ (place) and the receipted challan is enclosed.
3. The required particulars are given below:
  - (i) Name of the applicant: \_\_\_\_\_
  - (ii) Nationality of the applicant: \_\_\_\_\_
  - (iii) Profession of the applicant: \_\_\_\_\_

(iv) Address of the applicant: \_\_\_\_\_  
\_\_\_\_\_

(v) Details of the plan of the zone applied for to be enclosed.

(a) Has the applicant any previous experiences in sand extraction, Yes/No

If yes details thereof: \_\_\_\_\_  
\_\_\_\_\_

(vi) Financial resources of the applicant: \_\_\_\_\_  
\_\_\_\_\_

(vii) Total investment in the operations anticipated: \_\_\_\_\_

(viii) Particulars of the receipted treasury challan for the fees: \_\_\_\_\_

(ix) Any other particulars which the applicant wishes to furnish: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of the Office: \_\_\_\_\_  
\_\_\_\_\_

(x) Canoe Registration Details:

(a) Canoe No. 1: \_\_\_\_\_

(b) Canoe No. 2: \_\_\_\_\_

*Yours faithfully*

Place:

*Signature of the applicant"*

Date:

By order and in the name of the Governor of Goa.

Dr. *Suresh Shanbhogue*, Director & ex officio Joint Secretary.

Panaji, 1st December, 2022.

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Parameters required to be included in a District Survey Report which have not been specified in NIO EIA/EMP Report				
Sr. No	Parameter Description	Relevant Law	Relevant Section	Specified by EIA/EMP Report?
i.	Details of Sand Production in past 3 years	EIA Notif SSMG 2016	Appendix X	No
ii.	District wise details of availability of gravel or aggregate resources	EIA Notif SSMG 2016	Appendix X	No
iii.	District wise details of existing mining leases of sand and aggregates	EIA Notif SSMG 2016	Appendix X	No
iv.	Mineable mineral Potential	EIA Notif SSMG 2016	Appendix X	Only about sand
v.	Annual deposition of Sand	EIA Notif SSMG 2016	Appendix X	<p><b><i>Geo-morphology studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report) -</i></b></p> <p><b><i>Replenishment of 30-40 cm of sand, for more details refer chapter 6. (Pg No: 71-79)</i></b>  <b><i>Also in Chapter 7: Conclusion: Under Heading Pre- and Post-Monsoon Comparative executive Summary (Pg No: 83.</i></b></p>

vi.	Carrying capacity of cluster	ETA Notif. SSMG 2016	Appendix	Sand availability as per Table 10 (Report <i>Geomorphology studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report)</i> )
vii.	Replenishment and recharge related issues	EIA Notif. SSMG 2016	Appendix	<i>Geomorphology studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report) - Chapter 6(Pg No: 71-79 and 7(Pg No:80-83) explains the pre and post monsoon studies of sediment replenishment.</i>  <i>Recharge related issues not in the report</i>
viii.	Identification of sources of sand, M-Sand	SSMG 2020	4.1.1. (d), (e)	No
ix.	Demarcation of no mining zone	SSMG 2020	4.1.1. (e)	Stretches of river other than cluster mentioned in Table 10 are no mining zone (Report <i>Geomorphology</i> )

				<i>studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report)</i>
x.	Demarcation of mining zones into mining leases	SSMG 2020	4.1.1. (p)	<i>The mining zones are demarcated based on the Geophysical, Numerical simulation and EIA studies. Table 10 (Report Geomorphology studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report))</i>
xi.	Replenishment study regarding sand in the river bed	SSMG 2020	5.0; 5.1; 5.2	<i>Geo-morphology studies and EIA/EMP for the sand mining clusters of River in Goa (Chapora River, Pre- and Post-Monsoon Report) - Chapter 6(Pg No: 71-79 and 7(Pg No:80-83) explains the pre and post monsoon studies of sediment replenishment</i>

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION NO. 5312 of 2016**

=====

JAYESHKUMAR SOMABHAI PATEL & 11....Petitioner(s)

Versus

UNION OF INDIA....Respondent(s)

=====

Appearance:

MR ANSHUL N SHAH, ADVOCATE for the Petitioner(s) No. 1 - 12

MR NILESH P SHAH, ADVOCATE for the Petitioner(s) No. 1 - 12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY  
and  
HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI

**Date : 05/04/2016**

**ORAL ORDER**

**(PER : HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY)**

**Notice** returnable on 13.06.2016. Implementation of the impugned Notification dated 03.03.2016 shall stand deferred till further orders.

**(R. SUBHASH REDDY, CJ)**

**(VIPUL M. PANCHOLI, J.)**

*satish*

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Kundan Patel <kundanpatel59545@gmail.com>

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**Additional Affidavit on behalf of Respondent No.1 in THE GOA RIVER SAND PROTECTORS NETWORK vs THE GOA STATE ENVIRONMENT IMPACT ASSESMENT AUTHORITY & ORS. APPEAL NO. 38/2021 (WZ)**

1 message

**Kundan Patel** <kundanpatel59545@gmail.com>

Mon, Aug 14, 2023 at 7:22 PM

To: Claude Alvares &lt;goafoundation@gmail.com&gt;, Om Dcosta &lt;dcoastaom@gmail.com&gt;, Norma Alvares &lt;cnalvares@gmail.com&gt;, Anamika Gode &lt;anamikagode@gmail.com&gt;

Cc: Harsha Peechara &lt;shpeechara@gmail.com&gt;, Harshita Gupta &lt;harshitagupta49@gmail.com&gt;

Dear Ma'am,

This email is being written to you from the Office of Mr. Sri Harsha Peechara. Please find attached a copy of the Additional Affidavit to be filed on behalf of the Respondents before the Hon'ble NGT in the matter titled as THE GOA RIVER SAND PROTECTORS NETWORK vs THE GOA STATE ENVIRONMENT IMPACT ASSESMENT AUTHORITY & ORS. APPEAL NO. 38/2021 (WZ)

I request you to kindly acknowledge the Service of the same.

Details of Counsel  
Mr. Sri Harsha Peechara  
9717466788  
[shpeechara@gmail.com](mailto:shpeechara@gmail.com)

--  
Regards,  
Kundan Patel

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 **Affidavit in Goa River Sand vs Goa State.pdf**  
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