

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, AT PUNE  
ORIGINAL APPLICATION NO. 117 OF 2024**

In the matter of :

Tulshidas Sridhar Naik & Ors.

...Applicant

And

State of Goa & Ors.

...Respondents

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Place : MUMBAI

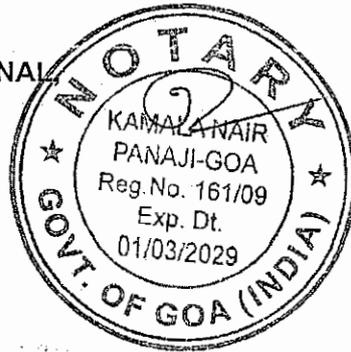
Date: 17.05.2025



*[Signature]*  
M V Kini Law Firm  
Advocate for Respondent no. 4  
Kini House, Fort, Mumbai 400001

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

Original Application No. 117 of 2024 (WZ)



In the matter of:

Tulshidas Sridhar Naik & Ors.

Versus

State of Goa & Ors.

... Applicants

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

I, Shrivallabh R. Pai, son of Rajaram Upendra Pai, aged 59, an Indian Inhabitant, working as Chief Engineer (NH, R&B) at the office of PWD having my office at Altinho Panaji Goa, do hereby state on solemn affirmation as under:

1. I state that I am fully conversant with the facts and circumstances of the present case based on the record maintained in the ordinary course of official business. I state that the Respondent No. 3 i.e. the Executive Engineer Works Division XV (NH) of PWD reports to the Respondent No.4 i.e. the Chief Engineer (NH, R & B). Therefore, this Affidavit is being filed by the Chief Engineer (NH, R & B), PWD, Government of Goa i.e the Respondent No.4.
2. The Respondent No.4 repeats, confirms and adopts the contents of the Reply dated 22.11.2024 in entirety as if the same are set out and reproduced in seriatim herein. The Respondent No.4 reserves its right to file a further detailed Affidavit, if the circumstances so demand or if so directed by this Hon'ble Tribunal.
3. It is submitted that the present Affidavit is being filed in compliance with the directions issued by this Hon'ble Tribunal vide Order dated 23.04.2025, whereby Respondent No. 3 was directed to submit, by way of an affidavit, the reasons for the unavailability of the details sought by this Hon'ble Tribunal pertaining to the

*[Signature]*

Chief Engineer  
(NH), Roads & Bridges  
Public Works Department  
Altinho, Panaji-Goa

area and specifications of the proposed New Borim Bridge Project, along with a reasonable estimate of the time required to provide the same.

4. The Respondent No.4 submits that the project in question involves the construction of a High-Level New Borim Bridge on National Highway-566 (formerly NH-17B) in the State of Goa. The same forms an integral component of the sanctioned development of the remaining 8 km stretch of NH-566, out of the total 37.5 km of which 29.5 km has already been developed and four-laned.
5. The Respondent No.4 submits that the existing Borim Bridge is in a highly distressed condition and repeated repair works have had limited success in mitigating the growing structural concerns. It is submitted that the bridge also suffers from inadequate carriageway width, resulting in traffic congestion and posing serious safety hazards, especially given the increase in vehicular volume. It is further submitted that it is the only portion of the Highway by way of a bridge link connecting the major Talukas of Ponda, Salcete, and Mormugao, and its continued use without replacement carries a significant risk of disruption to socio-economic activity and emergency services in the region.
6. The Respondent No.4 submits that the subject project squarely falls under Entry 7(f) of Schedule-I to the EIA Notification, 2006, as amended, which deals with "Highways." This categorization is based on objective parameters, namely:
  - o The proposed bridge and approach road have a total length of approximately **5.277 km**, which is substantially below the threshold of 100 km as specified in the Notification dated 22.08.2013;
  - o The proposed Right of Way (ROW) does not exceed **40 meters** on existing alignments and **60 meters** on re-alignments or by-passes.
7. The Respondent No.4 submits that the Applicant has sought to rely on the judgement passed by the Hon'ble National Green Tribunal, Principal Bench in the case of Vikrant Kumar Tongad v.s Delhi Tourism and Transportation Corporation & Ors. (OA No. 137 of 2014), to mean that every project that exceeds 1,50,000 sq. mts. falls under the category of Entry 8(b) of Schedule to EIA Notification,



*[Signature]*  
 Chief Engineer  
 (NH), Roads & Bridges  
 Public Works Department  
 A. W. N. S. Penal - Goa

2006. Whereas, the Hon'ble Principal Bench, in the aforesaid case has examined the ambit and scope of Entry 8(b) as under:

*"Thus, the Tribunal has to examine the ambit and scope of Entry 8(b) while keeping in mind the scheme and object of the Act of 1986, the Rules of 1986, the Regulations of 2006 along with its Schedule and most importantly Right to Clean Environment as an integral concept of our Constitutional Scheme. The Project in question is construction of a 'Signature Bridge' over River Yamuna, connecting Eastern and Western ends of the city of Delhi and to ensure fast and smooth flow of traffic in that part of the city. This certainly is an Area Development project falling within Entry 8 (b) of Schedule of Regulations of 2006. There is no dispute that the total constructed area of the 'Signature Bridge' is 1,55,260 sq. mts., which is higher than the threshold marker of 1,50,000 sq. mts. This project cannot fall within Entry 7(f) of the Schedule to the Regulations of 2006, as it is neither a national nor a City highway and not even any part thereof."*

8. Therefore, the Respondent No.4 submits that the assertion by the Applicants that the project falls under Entry 8(b) (Township and Area Development) of the said Notification is incorrect, as the project is neither a township nor a residential area development project but a linear public infrastructure project forming part of a notified National Highway.
9. Notwithstanding the aforesaid, the Respondent No.4 submits that in compliance with the directions of this Hon'ble Tribunal dated 07.01.2025, Respondent Nos. 3 to 5 were required to submit details of the area and design of the New Borim Bridge Project, to assist this Tribunal in determining whether the area involved exceeds 1,50,000 sq. m., which is the threshold for applicability of Entry 8(b).
10. The Respondent No.4 submits that pursuant to the said direction, a meeting was held between Respondent No. 3, the DPR (Detailed Project Report) Consultant, and Respondent No. 5 i.e., the Ministry of Road Transport and Highways (MoRT&H), during which Respondent No. 5 recommended several changes to the feasibility and design proposals initially prepared. The said recommendations are crucial to align the design with updated technical, safety, and environmental



*[Signature]*  
**Chief Engineer**  
 (NH), Roads & Bridges  
 Public Works Department  
 Aljunho, Panaji-Goa

guidelines. The Minutes of the Meeting dated 29.01.2025 is annexed herewith and marked as Exhibit-A.

11. The Respondent No.4 submits that the DPR Consultant is in the process of incorporating these modifications into the final DPR, which is a complex and technical task given that the project involves:

- o A main bridge span of approximately 300 meters,
- o Approaches designed to integrate seamlessly with existing developed highway stretches,
- o Geotechnical challenges arising from the road alignment passing through a cutting section, including slope stabilization, soil and rock classification, and the design of an effective drainage system, all of which necessitate detailed analysis to ensure structural safety and long-term durability.
- o Section 3(D) of the National Highway Act, 1956 has been notified towards an area of 34.023 Hectare.



12. The Respondent No.4 submits that as per the latest communication dated 06.05.2025 as received from the DPR Consultant, the updated and finalized DPR is expected to be finalized by **15.06.2025**. The preparation of the DPR is time-consuming due to the following factors:

- Engineering design complexity arising from geological, hydrological, and topographical considerations;
- Integration with existing infrastructure on either end of the proposed bridge;
- Alignment with environmental safeguards and coastal regulation zone norms.

The copy of the said letter dated 06.05.2025 issued by the DPR Consultant is annexed herewith and marked as Exhibit-B.

13. The Respondent No.4 submits that once the DPR is prepared, it will be submitted to MoRT&H for final approval and sanction, which is a process governed by standard operating protocols and inter-departmental reviews. It is respectfully submitted that the said approval is expected to consume minimum of six (6) months from the date of submission of the DPR, based on prior experience in similarly scaled infrastructure projects.

Chief Engineer  
(NH). Roads & Bridges  
Public Works Department  
Attinhe, Panaji-Goa

14. The Respondent No.4 submits that only upon receipt of DPR approval from the Ministry, will the Respondent No.4 be in a position to provide precise and final data regarding the project area, including built-up land coverage and construction footprint, as directed by this Hon'ble Tribunal.

15. The Respondent No.4 reiterates that no prior Environmental Clearance (EC) is applicable to the present project, in view of the specific exemption provided to National Highway projects under 100 km and within specified ROW limits, as per Gazette Notification dated 22.08.2013 and IRC SP 93:2017. In view of the above, the Respondent has not approached the MOEF&CC for EC, and this fact has also been noted in the prior Orders of this Hon'ble Tribunal. A copy of the aforementioned Guidelines IRC SP 93:2017 is annexed herewith and marked as Exhibit-C.

16. The Respondent No.4 submits that the CRZ delineation and approvals have been sought and obtained, and the project does not involve diversion of any forest land. It is further submitted that felling of trees, if any, will be undertaken strictly in accordance with applicable regulations and after obtaining all necessary permissions from the competent authorities.

17. In view of the above, it is most humbly submitted that Respondent No. 4 shall be in a position to submit complete project details as required by this Hon'ble Tribunal only after:

- Finalization of DPR by 15.06.2025;
- Approval and sanction by the MoRT&H, which will require approximately 6 months thereafter;
- Completion of balance land acquisition process.

18. It is most humbly submitted that the delay, if any, is neither deliberate nor intentional, but owing to the technical, procedural, and regulatory nature of the tasks involved, including design finalization, statutory approvals, and land acquisition procedures.



Chief Engineer  
(MH), Roads & Bridges  
Public Works Department  
Alhno, Panaji-Goa

**PRAYER:**

Wherefore, in view of the foregoing facts and circumstances, the relevant correspondences, documents on record and the applicable law, the Respondent No. 4 most respectfully prays that this Hon'ble Tribunal may be pleased to reject the application as the Project does not fall within Entry 8(b) of EIA Notification, 2006.

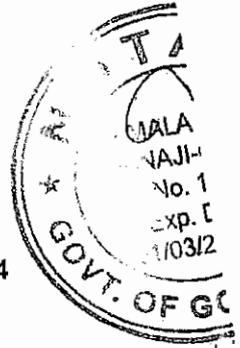
Date: 16/05/2025  
Place: Panaji Goa

  
For M.V.KINI Law Firm  
Advocates for Respondent No.4



FOR RESPONDENT NO.4

  
Chief Engineer  
(Hd). Roads & Bridges  
Public Works Department  
Altinho, Panaji-Goa



VERIFICATION

I, Shrivallabh R Pai, son of Rajaram Upendra Pai, aged 59, an Indian Inhabitant, working as Chief Engineer (NH, R&B) at the office of PWD having my office at Altinho Panaji, Goa, state on solemn affirmation that the contents of this Additional Affidavit on behalf of the Respondent No.4 are true and correct and the same are based on the records maintained at our office and are correct to the best of my knowledge and belief.

In witness whereof, I have signed this day.

Date: 16/05/2025  
Place: Panaji Goa

FOR RESPONDENT NO.4  
Chief Engineer  
(NH), Roads & Bridges  
Public Works Department

Before Me

  
For M.V.KINI Law Firm  
Advocates for Respondent No.4



SOLEMNLY AFFIRMED AND VERIFIED  
BEFORE ME BY Shrivallabh R. Pai  
WHO IS IDENTIFIED BEFORE ME as Chief Engineer  
BY Notary No. 1311/09  
WHOM I KNOW  
SERIAL No. 1111 DATED 16/05/2025



KAMALA NAIR  
NOTARY AT PANAJI  
STATE OF GOA

Serial No. 1111/2025  
Dated 16/05/2025

