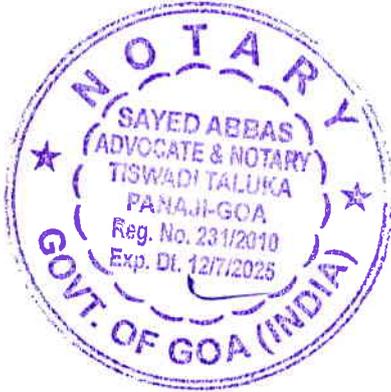


BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL,
WEST ZONE AT PUNE

Original Application 6/2023



Mrs. Patricia Pinto and others ... Applicants

VS

State of Goa and others ... Respondents

ADDITIONAL AFFIDAVIT IN REPLY ON
BEHALF OF THE RESPONDENT NO. 7

MAY IT PLEASE THIS HON'BLE TRIBUNAL

I Harish Adconkar, Managing Director of the Respondent no. 7 above named, major of age, Indian National, having office at 7th Floor, EDC Building, Dr. Atmaram Borkar Road, Panaji Goa, do hereby on solemn affirmation state and submit as under:

1. I say that I have read and understood the contents of the site inspection report prepared

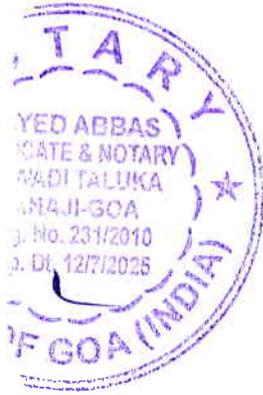
by the members of the NGT inspection committee.

2. I say that I am competent to depose and sign affidavit on behalf of the Respondent no. 7 in the present matter.
3. I say that the present Affidavit is filed for the limited purpose for filing objections raised by the Joint Committee vide its report dated 18/05/2023 herein after referred to as the site inspection report.
4. I say that with regards to the said site inspection report, I have to say as under:
5. With reference to paragraph 1 of the site inspection report, I do not offer any comments.
6. With reference to paragraph 2 of the site inspection report, I say that the contents



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thereof are true. I say that the additional cantilever portion beyond pile cap on Dayanad Bandodkar Marg is also a part of the said bridge. I say that there is no obstruction of whatsoever nature to the flow of water from the creek to the river and vice versa. There is no obstruction of whatsoever nature caused by the foundation laid for the bridge.



7. With reference to paragraph 3 of the site inspection report, I say that the same is as per the approvals granted by the Goa Coastal Zone Management Authority (GCZMA).
8. With reference to paragraph 4 of the site inspection report, I admit the contents thereof.
9. With reference to paragraph 5 of the site inspection report, I say that the river side pile cap near Dayanand Bandodkar Road is resting on 4 piles, allowing free flow of water below the pile cap and above the river bed. Also,



there is a free flow of creek water beyond the pile cap between pile cap and existing wall for approximate length of 3 to 4 meters.

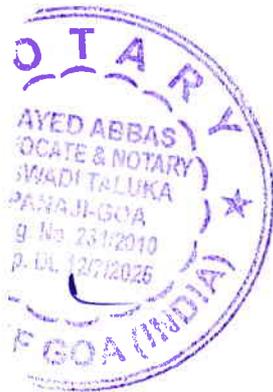
10. With reference to paragraph 6 of the site inspection report, I say that there is no sand deposition occurred beneath the steel bridge and also at the western entrance and rear side of the steel bridge. I say that staging and scaffolding was done under the bridge while erecting the steel bridge in position. I say that said staging and scaffolding were removed and cleared soon after erection of the bridge.



11. With reference to paragraph 7 of the site inspection report, I say that a layering of sea wall of basaltic boulders was laid down to protect the existing coastal line along Mandovi River Front from heavy soil erosion which was otherwise witness at site along with over turning of the existing retaining wall .

12. With reference to paragraph 8, 9, of the site inspection report, no comments are offered.

13. With reference to paragraph 10, the contents of the report are denied in the manner stated therein.



14. With reference to paragraph 11 of the site inspection report it is stated that the landward area of the high tide line is CRZ II and though bridge span is for connecting CRZ II location at either ends, such bridge is a permissible activity. The said bridge is strictly for the public purpose viz use by the pedestrians and cyclists to avoid heavy traffic congestion occurring in the city. Though the primary objective of the project is to protect the shoreline from erosion and to restore the riverbank and Government land. Another secondary objective of the project is to further open the city to the river while generating a



promenade with cycling lane along the Mandovi River that will allow people to properly enjoy the beauty and connect all the previously said city amenities.

15. With reference to paragraph 12 of the site inspection report, I say that the sea wall was constructed to protect the existing coastline from further erosion. The Mandovi River bank/ coastline from Miramar beach circle to area near the mouth of the St. Inez creek/ near ESG Building, the entire stretch is subjected to heavy soil erosion for last 2 -3 years. It was observed that large number of trees were getting up rooted and fallen in the said area due to coastal erosion. Also most of the concrete retaining walls constructed by Water Resource Department (WRD), Government of Goa were overturned and fallen. The main objective of the present project is to protect the shoreline and to arrest further erosion and to rebuild the protection retaining wall



A handwritten signature in blue ink, appearing to be the initials 'R' followed by a flourish.

wherein the existing one has collapsed. It is stated that, as per CRZ Notification, clause 3 (iv) (b) activities pertaining to measures for control of erosion are permitted.



16. I crave leave of this Hon'ble Tribunal to parawise deal with the recommendations given in the site inspection report:

17. With reference to paragraph 7 of the recommendations, I say that the entire project is less than 50 hectares. Under EIA Notification 2006 the said project is categorised under the "B2" Category. I say that the area of the bridge is 348 sq. meters. I say that as per the certificate dated 23.03.2023 issued by the Project Consultant, the collective area of the entire project is 31,324 sq. meters. I therefore say that EIA Notification does not prescribe preparation of an EIA report prior to the commencement of the project work. However, as acknowledged

by the Committee the EIA report emphasises
“In light of the technical, institutional
measures recommended it is expected that the
project will avoid severe, permanent and
regional impacts. There will be no net loss in
biodiversity. Tremendous social and economic
benefits will be generated in Panaji by the
development of promenade creating the
reliable, sustainable and safe public
activities”.



18. With reference to paragraph 8 of the site
inspection report, I say that the GCZMA
approved the plans of protection and
restoration of Mandovi river coastline. I say
that the bridge is also forming part of the
approvals given by the GCZMA. I say that the
Respondent no. 5 gave an administrative
approval to the Respondent no. 5 for
construction of the arc bridge connecting New
Mandovi River Promenade to Dayanand

Bandodkar Road over St. Inez Creek near
ESG Building, Panaji.

19. With reference to paragraph 9 of the site inspection report, I say that the entire stretch of area beginning from the Miramar Beach Circle to upto the mouth of the St. Inez Creek was subjected to heavy soil erosion. I say that large number of trees had up-rooted due to said soil erosion. I say that the also the concrete retaining wall constructed by the Water resource Department (WRD), Government of Goa had overturned and collapsed due to soil erosion.

Hereto annexed and marked as “ANNEXURE A” is a copy of said photograph.

20. With reference to paragraph 10 of the recommendations I say that project and bridge is constructed by the GSIDC as per the plans approved by the GCZMA and on behalf of



Imagine Panaji Smart City Development Limited (IPSCDL) under Smart City mission, Government of India, I say that the GCZMA approved the plans of protection and restoration of Mandovi river coastline. I say that the bridge is also forming part of the approvals given by the GCZMA. I say that the Respondent no. 5 accorded administrative approval to the Respondent no. 5 for construction of the arc bridge connecting New Mandovi River Promenade to Dayanand Bandodkar Road over St. Inez Creek near ESG Building, Panaji.

21. With reference to paragraph 11 of recommendations, I say that the project is undertaken as per the plans approved by the GCZMA. I say that the said walkway is developed over the existing protective wall erected to prevent soil erosion. It is stated that bridge is a permissible activity in CRZ I. I say that the GCZMA has issued its NOC to the project "Protection and Restoration of



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Mandovi River Coastline from Miramar Circle to Youth Hostel and from Kala Academy to ESG". I say that the design of the arch bridge also form part of the said NOC. I say that the GCZMA approved the said proposal for the development of coastline and after which the Respondent no. 7 commenced the construction.



22. With reference to paragraph 13 of the site inspection report, it is stated that pursuant to application dated 27/01/2022 by Respondent no.7, the GCZMA examined the proposal in the 299th GCZMA meeting held on 19/04/2022 and subsequently NOC dated 28/04/2022 was issued for undertaking the project in question. The NOC dated 28/04/2022 is much prior to the Office Memorandum dated 29/11/2022 and hence the contention of the Applicants that the project is in contravention of the Office Memorandum is misplaced.

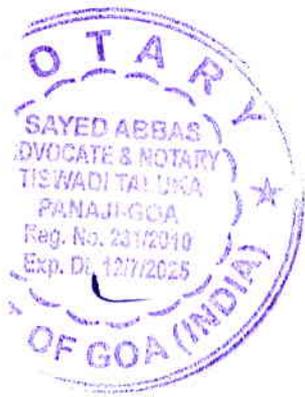


23. With reference to paragraph 16 of the site inspection report, the Respondent no. 7 applied to the Goa Coastal Zone Management Authority in the prescribed format vide letter No. GSIDC/Engg./Works/1485/6054 dated 27.01.2022 seeking approval for "Protection and Restoration of Mandovi river Coastline from Miramar Circle to Youth Hostel and from Kala Academy to ESG". I say that the said bridge also forms a part of said project. I say that thereafter the GCZMA granted permission to the Respondent no. 7 for the said project. I say that the development work is carried out thereafter by adhering to the said permission.



24. With reference to paragraph 17 of the site inspection report, I say that the Respondent no. 7 commenced the construction and developmental activities only after obtaining No Objection Certificate dated 28.04.2022 by

the GCZMA for the Project "Protection and Restoration of Mandovi river Coastline from Miramar Circle to Youth Hostel and from Kala Academy to ESG". I say that this project also includes construction of pedestrian bridge from Mandovi Promenade to Dayanand Bandodkar Marg near ESG Building. I say that the drawings attached along with the No Objection Certificate are approved by the GCZMA and the construction of the project was carried out and completed in accordance with the NOC granted.



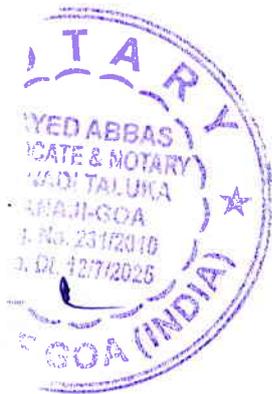
25. With reference to paragraph 18 of the site inspection report, I say that the Respondent no. 5 vide letter dated 02.03.2022 issued administrative approval for construction of the said Bridge. I say that the entire project is less than 50 hectares. Therefore, under EIA Notification 2006 the said project is categorised under B2 Category. I say that the area of the bridge is 348 sq. meters. I say that

as per the certificate dated 23.03.2023 issued by the Project Consultant, the collective area of the entire project is 31,324 sq. meters. It is therefore stated that EIA Notification does not prescribe preparation of an EIA report prior to the commencement of the project work.

26. With reference to paragraph 19 of the site inspection report, I say that the said project was approved by IPSCDL in the 22nd Board Meeting of the Respondent no. 7 held on 30.03.2022. And it is stated that, the local governing body Corporation of City of Panaji is a part of IPSCDL Board. The Mayor of Corporation of City of Panaji, the City Commissioner and MLA of Panaji constituency were also present for the meeting.



27. I say that the Corporation of City Panaji is a part of Imagine Smart City Development Limited. I say that Imagine Panaji Smart City Development Limited, the Respondent no. 5 has accorded approval to the "Construction of Arch Bridge Connecting New Mandovi River Promenade to DB Road over St. Inez Creek near ESG Building, Panaji" Project.



28. With reference to paragraph 20 of the site inspection report, I say that the conditions enumerated by GCZMA while issuing NOC for the project have been scrupulously followed during execution and completion of the project without causing any harm or damage to the ecology.

29. With reference to paragraph 22 of the site inspection report, I say that developmental activities are undertaken adhering to the plans and approvals issued by the Respondent no. 2

(GCZMA) and without causing any damage to the environment.

30. With reference to paragraph 23 of the site inspection report, I say that the GCZMA vide letter no. GCZMA/N/21/89/199 dated 28.04.2022 the Respondent no. 2 gave its No Objection Certificate for the entire work of "Protection and Restoration of Mandovi River Coastline from Miramar Circle to Youth Hostel and from Kala Academy to ESG" and the work of the pedestrian bridge from Mandovi Promenade to Dayanand Bhandodkar Road near ESG Building is a part of the said Project. I say that the GCZMA had approved the drawings of the pedestrian bridge. I say that the approved plan was also annexed to the NOC by the Respondent no. 2. I say that developmental activities are undertaken adhering the plans and approvals issued by the Respondent no. 2 (GCZMA).



31. With reference to paragraph 24 of the site inspection report, I say that developmental activities are undertaken adhering the plans and approvals issued by the Respondent no. 2 (GCZMA). Though there was no specific observation on impact assessment of the construction of river coastline protection measures, it is categorically stated in the report that the project emphasises *“In light of the technical, institutional measures recommended it is expected that the project will avoid severe, permanent and regional impacts. There will be no net loss in biodiversity. Tremendous social and economic benefits will be generated in Panaji by the development of promenade creating the reliable, sustainable and safe public activities”*.



32. With reference to paragraph 28 of the site inspection report, I say that the temporary steel frames were used to support the bridge. I say

that said support was removed after the bridge work was completed. I say that there is no mud or steel in the river. I say that there is free flow of water throughout the day. I say that no mud is being dumped in the river in regards to construction of pedestrian bridge work, instead temporary steel frame work/ supports/ staging was carried out for erecting the steel members of the bridge and soon after it was completed the said supports/ staging is cleared from the same area and now free flow of water is seen in that area below the bridge during high & low tide throughout the day. I say that the length of the bridge constructed is more than 32.78 mtrs wherein, the additional cantilever portion beyond pile cap on DB road side is also part of the bridge, open to clear flow of creek water. Further, the DB Road side pile cap is resting of 4 miles above the river bed level, thus allowing free flow of water below the pile cap. Entire coastal line along Mandovi River front was subjected to



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heavy soil erosion thus causing soil erosion and uprooting of trees. Hence, this erosion along the coastline was protected by laying a sea wall of basaltic boulders in order to decapitate the wave energy along the high tide level.

33. With reference to paragraph 29 of the site inspection report I say that I say that developmental activities are undertaken by the GSIDC by adhering to the plans and approvals issued by the Respondent no. 2 (GCZMA).



34. With reference to paragraph 30 of the site inspection report, I say that the entire project is less than 50 hectares. Therefore, under EIA Notification 2006 the said project is categorised under B2 Category. I say that the area of the bridge is 348 sq. meters. I say that as per the certificate dated 23.03.2023 issued by the Project Consultant, the collective area

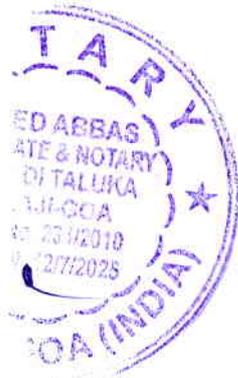
of the entire project is 31,324 sq. meters. I therefore say that EIA Notification does not prescribe preparation of an EIA report prior to the commencement of the project work. I say that the Bridge work is undertaken by adhering the plans approved by the GCZMA.

35. With reference to paragraph 32 of the site inspection report, I say that the entire project is less than 50 hectares. Therefore, under EIA Notification 2006 the said project is categorised under B2 Category. I say that the area of the bridge is 348 sq. meters. I say that as per the certificate dated 23.03.2023 issued by the Project Consultant, the collective area of the entire project is 31,324 sq. meters. I therefore say that EIA Notification does not prescribe preparation of an EIA report prior to the commencement of the project work. As acknowledged by the Committee the EIA report emphasises "*In light of the technical,*



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institutional measures recommended it is expected that the project will avoid severe, permanent and regional impacts. There will be no net loss in biodiversity. Tremendous social and economic benefits will be generated in Panaji by the development of promenade creating the reliable, sustainable and safe public activities”.



36. With reference to paragraph 33 of the site inspection report, no comments are offered.

37. With reference to paragraph 34 of the site inspection report I say that the steel bridge is of 8.8 meters width. I say that the length of the bridge is 32.78 meters. I say that the said length covers the pile cap without cantilever portion facing Dayanand Bandodkar Marg. I say that the bridge is supported by a pile cap on the sides and each is of 8.8X4.5X1.5 meters. I say that the bridge is resting on 4 pillars each approximately of 30 meters.



38. With reference to paragraph 35 and 36 of the site inspection report, I say that the execution of steel bridge is simple and faster as compared to the RCC structure. I say that the bridge as constructed using the steel in order to avoid any disturbance to free and flow of creek water.

39. With reference to paragraphs 37, 38, 39 and 40 no comments are offered.

40. I say that the contents of this affidavit in reply are true to my knowledge.

Solemnly affirm on this 20th day of November of the year 2023 at Panaji Goa.

[Handwritten Signature]
20/11

Solemnly affirmed before me by Deponent
 Shri Shri Hareesh Ademkar
 who has been identified by pan
 Card
 whom I personally known
 Reg. No. 7074/2023 Dated: 20/11/2023



[Handwritten Signature]
SAYED ABBAS
 Advocate & Notary
 Tiswadi Taluka
 Panaji, Goa 403001
 Reg. No. 231/2010



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