



BEFORE THE NATIONAL GREEN TRIBUNAL (WZ)
AT PUNE

APPLICATION NO. 107 OF 2019

IN THE MATTER OF:

THE GOA FOUNDATION

.... APPLICANT

VS.

DEPARTMENT OF MINES
AND OTHERS

.... RESPONDENTS

ADDITIONAL AFFIDAVIT IN REPLY
ON BEHALF OF RESPONDENT NO. 4

I, Mr. Joseph Coelho, son of late Mr. Santan Coelho, major in age, Indian National, resident of Sesa Apartments, Joefil Nagar, Ponda Goa, Authorised Signatory of Vedanta Limited i.e., Respondent No. 4 in the captioned matter, do hereby state on solemn affirmation as under:

1. That I am the Chief Operating Officer (Iron Ore, Goa business) of the Respondent No. 4 ("**Answering Respondent**") and hence conversant with the facts of the captioned Original Application ("**OA**"), and am duly authorised to file the present Affidavit on behalf of the Answering Respondent.
2. The Answering Respondent is filing the instant response to the Additional Affidavit dated 06.01.2021 filed by the Respondent No. 5 (MoEFCC) in compliance of the order dated 03.11.2020 of this Hon'ble Tribunal. Pertinently, this Hon'ble Tribunal had, by the said order, sought the opinion/response of the MoEFCC on the specific query as to whether the Answering Respondent would require an EC to operate the "*project in question*" i.e., Plants 2A and 4A. While doing so, this Hon'ble Tribunal had noted that the MoEFCC had filed a response with respect to Plant No. 3, but it has not given any specific opinion with respect to the requirement of an EC

for the "project in question" i.e., Plants 2A and 4A. This Hon'ble Tribunal directed as follows:

"10. even though the MoEF&CC has in its reply quoted above mentioned that expansion of plant no. 3 will require EC and that after the Hon'ble Supreme Court judgment EC granted to 88 mine lessees, including predecessor of the present project proponents were cancelled, has not given a specific opinion whether requirement of prior EC is attracted to the functioning of the project in question. Though prima facie, such requirement appears to be patent of the MoEF in this regard." [Emphasis supplied]

3. The MoEFCC has, however, once again stated its opinion only with respect to the necessity to obtain prior EC with respect to Plant No. 3, and not with respect to Plant Nos. 2A and 4A. It is common ground that the instant OA does not pertain to Plant No. 3. The MoEFCC's stand, which is restricted to Plant No. 3 is based on the invalidation of the EC for Plant No. 3 in view of the judgment of the Hon'ble Supreme Court in *Goa Foundation v. Sesa Sterlite* (2018) 4 SCC 218. The relevant portion of the additional affidavit is reproduced hereinbelow:

" 7. That it is humbly submitted that cancellation of EC dated 29th December 2008 will inter-alia also cancel the EC granted for Expansion of Ore Beneficiation Plant No. 3 from 1.20 to 5.0 MTPA capacity, at village Codli, in Sanguem Taluk, in South Goa District as part of the said EC." [Emphasis supplied]

4. At the cost of repetition, there is no reference to nor any stand with respect to Plants 2A and 4A in the Affidavit dated 06.01.2021 filed by the MoEFCC.
5. The Answering Respondent submits and reiterates that the said Plant No. 3 is not in operation, and has not been in operation since prior to 07.02.2018. The factum of non-operation of Plant 3 has in fact been confirmed by the joint committee constituted by this Hon'ble Tribunal vide its report dated 14.02.2020 at pg 145 of the OA.
6. The Answering Respondent submits that it is only Plants 2A and 4A, which are in operation today. The said Plants have been in operation since prior to the EIA Notification 2006, and have not been expanded since, and resultantly, would not be required to obtain a fresh EC.



7. I say that what is stated by me in forgoing paragraphs of this Affidavit-in-reply are true to the best of my knowledge, based on the records available with the office of the Answering Respondent, and as per legal advice, which I believe to be true.

PLACE: Panaji Goa

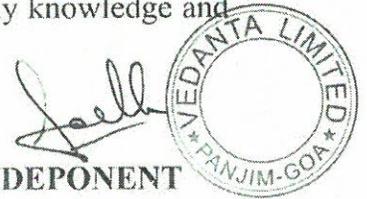
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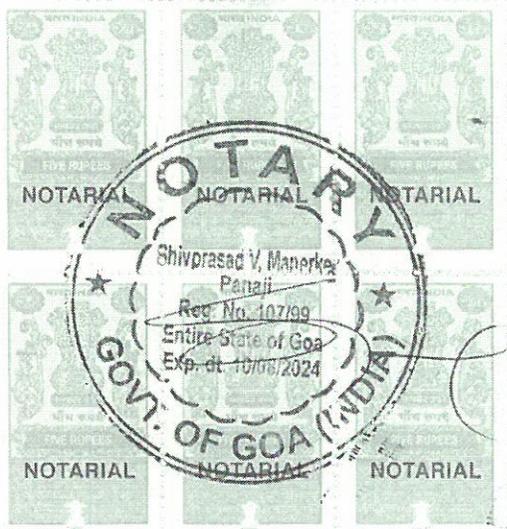
DEPONENT

VERIFICATION

Verified at Panaji on this 24th day of February, 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.



DEPONENT



SOLEMNLy AFFIRMED AND VERIFIED BEFORE ME BY Shri. Joseph Coelho Authorized Signatory of Vedanta REG. No...1562...DATED 24/02/2021 Ltd.

SHIVPRASAD V. MANERKER NOTARY AT PANAJI ENTIRE STATE OF K