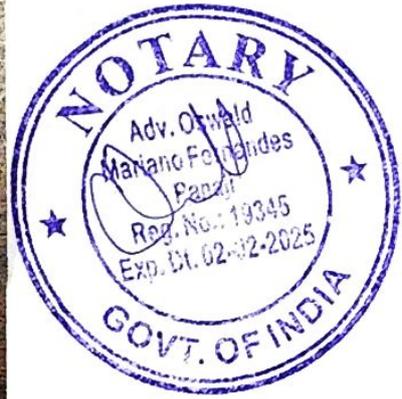


2715



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE**

APPEAL NO. 15/2023

Federation of Rainbow

Warriors & Ors

.... Appellants

vs.

Union of India & Ors.

.... Respondents

AFFIDAVIT ON BEHALF OF GOA STATE
POLLUTION CONTROL BOARD,
RESPONDENT NO.2

MAY IT PLEASE YOUR LORDSHIP:

I, Dr. Shamila Monteiro, daughter of late Shri. Augusto Monteiro aged about 52 years, Indian National, residing at House No. 5, Uttam Darshan, Opp. Sai Baba Temple, Kadamba Plateau, Chimbhel, Tiswadi –Goa, do hereby solemn affirmation, state and submit as under:

L.

1



1. I am presently working as the Member Secretary, Goa State Pollution Control Board, and the Respondent No.2 herein. I have been authorised to file the present Affidavit in reply on behalf of the Respondent No.2.

2. I state that I have perused copy of the above Appeal along with its annexure and understood the contents thereof. I am presently not dealing with each and every contention of the Petitioner, however, the averments which have not specifically been dealt with and/or denied, may not be construed as having been admitted by me. I am reserving my right to file a detailed affidavit in case this Hon'ble Court deems fit to admit or issue rule in the aforesaid matter.

3. I state that in so far as the procedure followed by the Respondent Board in respect of the Public Hearing on the basis of which the impugned Environmental Clearance has been granted; the submissions of the Respondent Board are as follows;

L



4. I state that the Ministry of Environment & Forest, Government of India (MoEF) has issued a Notification namely the Environmental Impact Assessment Notification dated 14th September, 2006 (EIA Notification 2006) that has been subsequently amended. The procedure for conduct of Public Hearings as well as for grant of Environmental Clearances is contained in the EIA Notification 2006.
5. I state that the EIA Notification 2006 mandates that the role of the Respondent Board is limited to the conduct of Public Hearings.
6. I state that in terms of the EIA Notification 2006; a Public hearing has to be arranged in a systematic, time bound and transparent manner; ensuring widest possible public participation at the project site (s) or in its close proximity district wise. I state that the EIA Notification 2006 mandates that the Project Proponent shall make a request to SPCB which shall



be accompanied with 10 hard copies and 10 soft copies of draft EIA report with the generic structure as specified in the notification. I state that the EIA Notification 2006 further mandates that a similar number of hard and soft copies of summary EIA report in English and local language prepared strictly in accordance with the TOR (decided during scoping stage) are also to be submitted. I state that the EIA Notification 2006 stipulates that the Applicant shall forward one hard and one soft copy of both draft and summary EIA reports to the MoEF, Government, of India/SEIAA, Concerned District Magistrate, Concerned Zilla Parishad or Municipal Corporation, Concerned District Industries Centre and Concerned Regional Office of MoEF, Govt, of India.

7. I state that the EIA Notification 2006 states that the Public Hearing is conducted for ascertaining the concerns of the local affected persons who can



express their views or seek information or clarifications from the project proponent.

8. I state that the EIA Notification 2006 further states that the SPCB is required to make arrangements for publicity and make available the summary EIA report for inspection in selected offices or public libraries or Panchayats or any other suitable location.

9. I state that the EIA Notification 2006 does not state that a copy of EIA report in Vernacular language is required to be made available to general public located/residing within 10km radius of study area.

10. I state that Point 3.3 of the procedure prescribed in the EIA Notification 2006 as amended states that states that

“ No postponement of the date, time, venue of the public hearing shall be undertaken, unless some

1



untoward emergence situation occurs and then only on the recommendation of the concerned District Magistrate/District Collector” I state that the EIA Notification 2006 further states that “In the above exceptional circumstances, fresh date, time and venue for the public hearing/consultation shall be decided by the Member Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per the procedure under 3.1.”

11. I state that the Ministry of Environment and Forests has issued an Office Memorandum dated 19 April 2010 directing all Pollution Control Boards to ensure that the Public Hearings for different projects are not scheduled to be held on the same date, time and venue and that the Boards have to ensure that even if the Public Hearings for different projects are being held at the same venue on the same day, there must

1
L



be a sufficient gap of time provided between two Hearings.

12.I state that the public hearing in respect of the impugned Environmental Clearance was earlier scheduled in March 2017 at Vasco Residency. I state that a Public Notice was issued in this regard in local and national newspapers in February 2017. I state that the draft EIA report was forwarded to 19 Offices including Central Library Panaji ,JanataVachanalya/Municipal Library Vasco and Village Panchayats.

13.I state that subsequently the Public hearing was re scheduled on 26/04/2017, 27/04/2017 and 28/07/2017 after providing the public a further 30 day time period as per the mandate of EIA notification.

A handwritten signature in blue ink, followed by a vertical line drawn below it.



14. I state that the copies of EIA reports were made available to the general public almost for a period of 2 months.

15. I state that a Public Notice in this regard was published in the daily newspapers on 24/3/2017 stating that the GSPCB would be conducting an Environmental Public Hearing with regard to following projects on the specified dates and venue;

1	<i>Proposed Terminal Capacity enhancement at Berth No. 5A, 6A of MPT by M/s. SWPL.</i>	<i>26/4/2017</i>	<i>Tilak Maidan, Vasco-da-Gama</i>
2	<i>Deepening of Approach Channel and inner basin for capesize vessels at MPT by MPR Headland Sada- Goa</i>	<i>27/4/2014</i>	<i>Tilak Maidan, Vasco</i>

L.

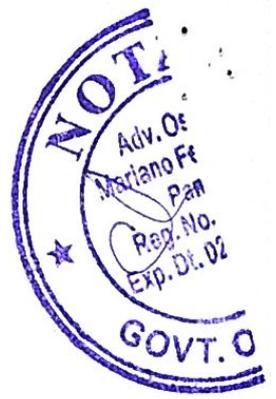


3	<i>Work of Re-development of Berth Nos.8,9 and Barge Berths at the port of MPT by M/s. MPT.</i>	28/4/2017	<i>Tilak Maidan, Vasco</i>
---	---	-----------	----------------------------

16. I state that with respect to the 'Proposed Terminal Capacity enhancement at Berth No. 5A, 6A of MPT by M/s. SWPL' the Public Hearing scheduled and conducted on 26/4/2017 and adjourned and continued on 27/4/2017 and 29/4/2017. A Public notice was issued on 28/4/2017 (published on 29/4/2017) stating that public hearing shall be held on 29/4/2017 from 10:30 am onwards. It was also informed to the public that those who have given their names and could not be heard due to lack of time will be given the opportunity of hearing. Further it was also informed to the public that any spill over and adjournment of hearing shall be held on 2/5/2017 from 10:30 am

L.

1



onwards. It was also informed that written objections/suggestions could be submitted till 2/5/2017.

17. I state that with respect to the 'Deepening of Approach Channel and inner basin for capesize vessels at MPT by MPR Headland Sada- Goa' the Public Hearing was scheduled and conducted on 27/4/2017 and due to paucity of time and on account of several speakers who wanted to present their views; it was adjourned and continued on 2/5/2017 , 3/5/2017 and 4/5/2017. The Public Hearing continued for over 4 days and got concluded after reading out the minutes in English and Konkani.

18. I state that with respect to the 'Work of Re-development of Berth Nos.8,9 and Barge Berths at the port of MPT by M/s. MPT'; the Public Hearing was scheduled and conducted on 28/4/2017 and due to paucity of time and on account of several speakers who wanted to present their views; it was adjourned

L



and continued on 4 /5/2017 and 5/5/2017. The Public Hearing continued for over 2 days and got concluded after reading out the minutes in English and Konkani.

19/ I state that the Public Hearing was conducted in total compliance of EIA Notification dated 14//09/2006 as Amended and the Respondent has recorded the minutes of the Public Hearing. The Respondent Board vide letter dated 12/7/2017 has forwarded all the minutes/ objections/ suggestions/ views/ representations as received from the public to MoEF and CC.

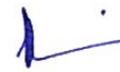
I say that whatever has been stated herein above are based on the records available in the office of this Respondent to which I have access and the legal submission are based on legal advice received which I believe the same to be true.

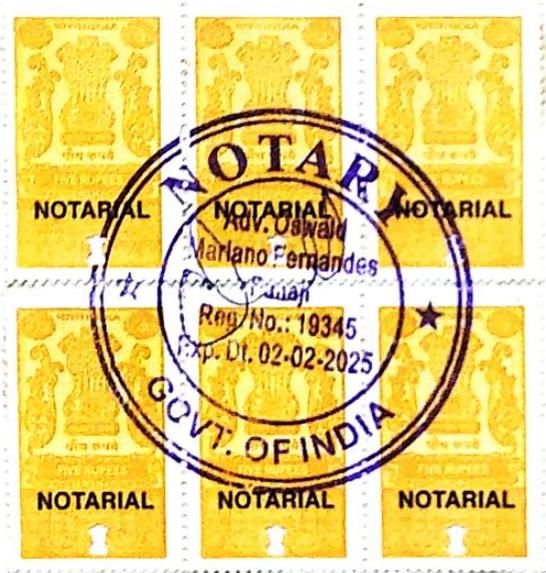


Solemnly affirm at Panaji-Goa.

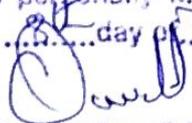
On this 8th day of December, 2023.


Adv. P. Khalkar


Deponent



Solemnly affirmed before me by
Shri/Smt. Dr. Shamila Monteiro
Who is identified before me by
Shri / Smt. Adv. P. Khalkar
Who is personally known to me
on this 8th day of Dec 2023.


OSWALD MARIANO FERNANDES
ADVOCATE & NOTARY
(Govt of India)
Panaji, Tiswadi, Goa

Reg. No. 2334/23 dt. 08/12/2023.