

BEFORE THE NATIONAL GREEN TRIBUNAL
WEST ZONE BENCH, PUNE.

Appeal No.27/2023(WZ)

Spacebound Web Labs Pvt. Ltd.,Applicant

Versus

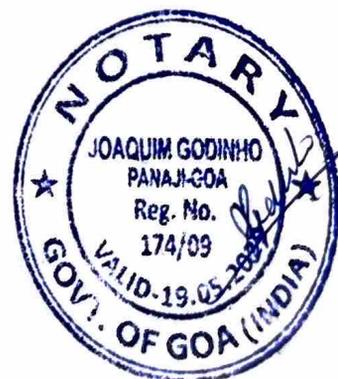
Goa State Pollution Control BoardRespondent

**AFFIDAVIT-IN-REPLY ON BEHALF OF
THE RESPONDENT.**

MAY IT PLEASE YOUR HONOUR:

The Respondent most respectfully states and submits as
under:

I, Dr. Shamila Monteiro, daughter of late Augusto Monteiro, major in age, married, Indian National, residing at H.No.5, UttamDarshan, Opposite Sai Baba Temple, Kadamba Plateau Chimbel, Tiswadi-Goa, do hereby solemn affirmation, state and submit as under:



1. I am presently working as the Member Secretary, Goa State Pollution Control Board, and the Respondent herein. I have been authorised to file the present Affidavit -In- Reply on behalf of the Respondent.
2. The Respondent denies all and singular averments made in the appeal memo and no averment therein be deemed admitted for the lack of a specific traverse, unless specifically admitted herein. The averments which have not specifically been dealt with and/or denied may not be taken as having been admitted.
3. I say that Appeal is not maintainable as the same is barred under section 16 of The National Green Tribunal Act, 2010.
4. I say that no provisio of Section 16 of NGT Act is applicable to the present Appeal and hence appeal is not maintainable.



5. I state that Respondent, Goa State Pollution Control Board was in receipt of a letter dated 05/12/2022 from Spacebound Web Labs Private Limited informing the Board that it was organizing music festival by the name of "Sunburn Festival" on 28 th , 29th and 30th December 2022 at survey no.206/1, Anjuna (Vagator), Bardez Goa. **Annexed herewith as 'Annexure A' is the Copy of Application dated 5/12/2022.**
6. I state that vide said Application dated 5/12/2022, the Appellant sought for permission of the Board to conduct the said event.
7. I state that Respondent Board was also in receipt of complaint/representation from one Rajesh Sinary dated 9/12/2022 seeking effective compliance of the orders of the Hon'ble High Court in respect of the upcoming Sunburn Music Festival.



Annexed herewith as 'Annexure B' is a complaint/representation from Rajesh Sinary dated 9/12/2022.

8. I state that, the Respondent Board through its officials has conducted a site inspection of the venue of the event on 15/12/2022 in order to prepare a Report to be forwarded to the Department of Environment in terms of Noise Action Plan 2022.
9. I state that the Respondent Board was also in receipt of another complaint dated 26/12/2022 from one Shri. Ravi Harmalkar requesting the Board to ensure that the noise level at Sunburn Festival is kept under control by the Board. **Annexed herewith as 'Annexure C' is a copy of Letter dated 26/12/2022.**
10. I state that in terms of the Inspection conducted by the officials of the Board on 15/12/2022; the



Respondent Board vide letter addressed to the Collector and District Magistrate (North) informing the Collector that adequate measures for management for solid waste, sewage and air pollution would be needed to be carried out at the venue at which Sunburn Music Festival was being organized from 28th to 30th December 2022 at Anjuna Bardez-Goa.

11. Vide the said letter the Respondent Board specifically informed the Collector that applicant should comply with all the standards as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000 and that it required to install the Noise limiters to regulate the noise levels within prescribed limits. I further states that it was also informed to the Collector that the appellant was required to install online noise monitoring system and also provide display board along the periphery of the venue so as to display the noise level recorded at the venue. The Respondent



also informed the Collector that it would be conducting Noise Monitoring during the event and the same would be brought to the notice of the Collector on exceedance and that the Collector was required to take appropriate action thereafter.

Annexed herewith as 'Annexure D' are the copy of the letter dated 28/12/2022.

12. I state that the Respondent Board was in receipt of letter dated 27/12/2022 from the Superintendent of Police (North) informing the Respondent Board that in order to have smooth conduct of the Sunburn Music Festival from 28th December 2022 to 30th December 2022 the services of the Respondent Board was essential at the venue. Vide the said letter, the Respondent Board was requested to depute its teams with required equipment to check the sound level by the organizers and for further Action.



Annexed herewith as Annexure E is the copy of letter dated 27/12/2022.

13.I state that upon the receipt of the aforesaid letter the Respondent Board issued letter dated 27/12/2022 to the Superintendent of Police North and the Police Inspector Anjuna informing them that it would be carrying out Noise Monitoring on 28th to 30th December 2022 at the 'Sunburn Music Festival' at 4 different locations and that it was requested that 2 dedicated police personnel at each of the 4 locations be deputed throughout the period of monitoring on all 3 days. The contact details of the Officials of the Board present at the site for monitoring were also conveyed to the Police Authorities. I state that, this letter was emailed by the Board to the Superintendent of Police, North Goa at 3.42pm on 27/12/2022. I say that further on very same day the Board has informed the Superintendent of Police North Goa, Police Inspector,



Anjuna Police Station and the District Collector North Goa vide e mail dated 27/12/2022 at 6.12pm that the Board has deputed its staff to carry out noise level monitoring. The Board had further requested the Superintendent of Police North Goa to provide security assistance to carry out the monitoring . However, no reply was received from the superintendent of police North Goa or from any of the Authorities. Also, no security was provided to the Board's officials at the site as requested. **Annexed herewith as Annexure F is the copies of letter and emails dated 27/12/2022 issued by Respondent Board.**

14.I state that, vide e mail dated 27/12/2022 received by the Respondent Board at 4.23p.m., the sub-divisional Magistrate Mapusa informed the undersigned that the Government had granted permission for Sunburn Festival of Goa from 27/12/2022 to 30/12/2022 at Survey No.206/1, Ozran , Vagator, Bardez-Goa and



further requested to depute technical team of the Board to monitor noise pollution. **Annexed herewith as Annexure G is the copy of e-mail dated 27/12/2022.**

15. I state that the Respondent Board was in receipt of email dated 28/12/2022 from the Deputy Collector and SDM (Mapusa), Bardez-Goa enclosing copy of permission dated 28/12/2022 issued by it under Rule 5(1) of the Noise Rules for use of loud speakers box type speakers/ public address system for "Sunburn Festival Goa" EDM music festival from 28/12/2022 to 30/12/2022 between 15.30 hrs. to 22.00 hrs.

Annexed herewith as 'Annexure H' is a copy of the email dated 28/12/2022.

16. I state that prior to commencement of the music festival the Respondent Board has placed 4 numbers of Data Logging Sound Level Meters, type 1 accuracy



(Precision Grade) at the site at which the Sunburn Music Festival was being organized i.e. Sy no.206/1, Ozran, Vagator, Anjuna Goa. These meters were installed at the site on 27/12/2022 and Ambient Noise Level Monitoring has been conducted through these meters on 27/12/2022 to 30/12/2022. The Respondent Board has also installed One Real Time Noise Monitoring Station at the aforesaid site. The data from this meter was directly accessible at the office of the Respondent Board.

Annexed herewith as 'Annexure I' is a copy of the Report of Monitoring and Inspection dated 02/01/2023.

17. I states that on 28/12/2022 and 29/12/2022 the Appellant had not installed the Online Monitoring System and display Board and Noise limiters as required under the noise Action Plan.



18. I say that in the meantime one of the Complainant Mr. Rajesh Sinay filed Public Interest Litigation Writ Petition No.15/2023 before the Hon'ble High Court of Bombay at Goa seeking issuance of a writ of Mandamus to direct the Respondents in the said petition to initiate action in terms of law for the imposition of penalties for violation of the provisions of the Environment(Protection) Act, 1986, the Air(Protection and Control of Pollution) Act,1981 and the Noise Pollution(Regulation and Control) Rules 2000 and Action Plan Notified in the Official Gazette, Government of Goa dated 05/01/2022 published on 13/01/2022. The Hon'ble High Court of Bombay at Goa considering facts placed before it passed interim Order dated 30/12/2022 issuing directions to the Board as well as to the Collector, The Deputy Superintendent and to the Anjuna Police Station. One of the direction issued by the Hon'ble High Court in the Order dated 30/12/2022 is as follows:



(c) As required by the sub-clause (f) of Clause 7 of the Action Plan, the Respondent No.10 has reportedly not installed at the concerned site/venue online noise level monitoring system nor provided display boards along the periphery of the venue, for the benefit of the public. The Pollution Control Board and the concerned PI/Deputy S.P. are hereby directed to ensure the enforcement of these provisions and see that the respondent No.10 provides a display board in terms of sub-clause 7 of the said Action Plan at the site, prior to the commencement of the event at 3.30 pm today and in the event of such noise online level monitoring system not being provided at the site, which equipment shall be directly connected to the server of the Pollution Control Board, they shall ensure that the event would not take place and the event venue would shut down.'

Annexed herewith as Annexure J is Order dated 30/12/2022.



19.I state that in terms of the directions issued by the Hon'ble High Court vide Order dated 30/12/2022, the Respondent Board has maintained vigil at the site of the events on 30/12/2022 through its officials and has carried out Noise Level Monitoring at 4 locations through Data Logging Sound Level Meters , type 1 accuracy(Precision Grade) and Real Time Noise Monitoring Station. This Monitoring was conducted from 3.30 pm to 10.00pm.

20.I state that the Officials of the Respondent Board present at the venue of the even have verified that the Appellant have installed noise level monitoring system and provided display board which is verified by the officials of the Board. However the unit has not connected said noise level monitoring system to server.



21. The Hon'ble High Court of Bombay at Goa after considering the Monitoring report and other material placed before it concluded that there were serious violations committed by the Appellant. Vide Order dated 03/1/2023, the Hon'ble High Court observed that the breaches or violations repeatedly occurred on all 3 days of EDM, as per the GSPCB reports. The Hon'ble High Court was also pleased to record the statement of the GSPCB that the GSPCB would be issuing the Show Cause Notice to the Appellant. **Annexed hereto as Annexure K is the Copy of Order dated 03/01/2022.**

22. I state that accordingly the Show cause Notice was issued to the Appellant and after considering the reply filed by the appellant and the submissions made in its behalf, the Impugned Order came to be made forfeiting the security deposit furnished by the Appellant.



23. The ground taken by the Appellant that the inspection report dated 02/01/2023 based on the Noise Monitoring Equipment Logs cannot be relied upon as the monitoring was done only for the 8 hours instead of the prescribed 16 hours is not tenable and not available as the same issue has been considered by the Hon'ble High Court and decided against the Appellant.

24. It is specifically denied that the Appellant could not connect the display board to the Online Noise Monitoring System as no procedural guidelines or setup details was provided to the appellant by GSPCB including details pertaining to connection to the servers of the GSPCB. The permission granted to the Appellant itself provides for all such eventualities therefore the question of issuing procedural guidelines does not arise.



25. The grounds taken by the appellant that there is violation of section 11 of the Environment Protection Act is also not available to the Applicant as the said issue has been already addressed and rejected by the Hon'ble High Court in its Order dated 15/12/2023 made in PIL Writ Petition No. 15/2023 which reads as follows:

"48. Mr. Sardissai referred to the provisions of Section 11(2) of the EPA 1986 to contend that the samples in this case were not taken in accordance with the provisions of this Section. The samples in this case were taken based on the sophisticated monitoring systems that were installed. The samples were taken at the venue in the presence of the representative of R-10. The reports have been produced on record. The reports inspire full confidence. The reports are based on readings recorded by sophisticated scientific instruments. Based upon some vague and hyper-technical pleas



there is no question of discrediting the reports which establish breach. All this is assuming that the provisions of Section 11 of the EPA 1986 apply to the situation at hand.

49. Mr. Sardessai submitted that the reports pertaining to 27/12/2022 (One day prior to the event) show that the noise levels were 63.8db (A). Based on this, Mr. Sardessai submitted that the noise levels, even before the event, were extremely high or even exceeded the permissible limits. Based on this, Mr. Sardessai contended that no conclusion could have been drawn about R-10 being responsible for noise levels exceeding the permissible limits during the festivals. Again, this contention cannot be accepted.

50. The Noise Pollution Rules speak about the ambient air quality in the area. Therefore, it would not be correct to interpret the reports in the manner suggested by Mr. Sardessai. Obviously, in any given



area, there is bound to be some noise. Therefore, when permissions are granted, allowance is made for this exceeding noise while framing the rules or prescribing the standards. Therefore, if the sound generating instruments for the event, together with the exceeding noise levels in the area, are to exceed the standards prescribed or the Noise Pollution Rules, there can be no defence that the exceeding noise levels must be deducted or must be discounted. In fact, all these factors are required to be considered by the Authorities before granting permission. In the present case, R-10 applied for permission only a day prior to the event. Such an application, surprisingly, was entertained by the authorities, and permission was granted without adverting to several relevant considerations. In any case, based upon the interpretation suggested, it cannot be said that R-10 did not breach the terms and conditions subject to



which they were permitted or the Noise Pollution Rules."

Annexed herewith as Annexure L is the Copy of Order dated 15/12/2023.

26.I states that the allegation of the appellant that the Impugned Order came to be made without affording any proper hearing to the appellant is a complete lie as the Appellant was given full opportunity in the matter. I specifically deny that there is any breach of Principles of Natural Justice in the matter. The statements made in the appeal memo itself is sufficient for this Hon'ble Tribunal to conclude that the grounds of violation of Principles of Natural justice is not tenable and available to the Appellant.

27.I specifically deny that the directions issued by the respondent suffers from complete non application of mind and the personal hearing granted to the appellant was only a facade since the respondent had



already made up its mind prior to the personal hearing. I state that the Respondent Board after considering the material available before it and after considering the submissions of the Appellant issued the Impugned Directions.

28. I state that the Impugned Direction is a well-reasoned one. The grounds urged in the Appeal memo i.e. ground "c" to ground "q" are not available for the Appellant as the Hon'ble High Court of Bombay at Goa have given categorical finding in respect of all said grounds in its judgment dated 15/12/2023 which to the knowledge of this respondent is not challenged by the Appellant. Therefore the appeal is devoid of merits and is liable to be dismissed with cost.

Panaji-Goa.

21/05/2024

Deponent

Member Secretary
Goa State Pollution Control Board



SPACEBOUND WEB LABS PRIVATE LIMITED

CIN: U74140MH2013PTC339301 | Phone No.:022-6868 9898 | Email id: legal@bookmyshow.com

05th December, 2022

To,
The Member Secretary,
Goa State Pollution Control Board
Near Pilerne Fire Station, Opp Saligao Seminary,
Saligao, Goa

Nanda
15/12

Subject: Permission to organize Sunburn Festival on "28th, 29th & 30th December, 2022" at Survey No.206/1. Anjuna (Vagator)

Respected Sir,

We, M/s. SPACEBOUND WEB LABS PVT LTD is pleased to inform you that we are organizing a Music Festival name "Sunburn Festival" on "28th, 29th & 30th December, 2022" at Sy. No. 206/1 of Village Anjuna , Anjuna Comunidade Ground, Ozran, Anjuna , Bardez - Goa.

We would like to apply for permission from your good office to conduct the said event. All Safety and Security arrangements will be made as per our past event experience and details of which will be submitted soon. All necessary measures will be taken to prevent spread of Covid - 19 as per guidelines issued by the government department from time to time.

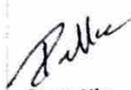
All the waste will be disposed at the allotted place ad report for the same will be submitted.

Request you to consider this proposal favourably & issue Excise permission for the said event.

Do let us know for any queries with regards to same.

Thanking you in anticipation,

Yours Sincerely,



Parag Uke
Phone - 9665002188/9370505055
Spacebound Web Labs Private Limited.

Enclosed - Layout, Application submitted to Tourism Department of Goa & Comunidade of Anjuna, Form 1 & 14

REGISTERED OFFICE:
CTS No. 125, Village Vile Parle,
Near W.E. Highway, Next to Neelkanth Complex,
Sahar Road, Vile Parle (East), Mumbai 400099

9th December, 2022

Rohan
Patil

From:

Rajesh Sinary
House No. 1014
Opp. Luiza Bar
Grand Peddem
Anjuna, Bardez,
Goa 403509

To,

The Member Secretary,
Goa State Pollution Control Board,
Opp. Saligao Seminary,
Near Pilerne Industrial Estate
Saligao - Goa.

M.S. - Need to incorporate
the Hon. High Court
observations in the
reports.

Sub: Representation for effective compliances of Hon'ble High Court orders with respect to violations of Noise Pollution readwith Public notice dated 7/12/2022 issued by your office.

Sir,

1. This is with respect to the upcoming Music Festival (Sunburn) to be held from 28th to 30th December 2022 and the accompanying noise pollution being emitted from the said event.
2. It is pertinent to note that at an event such as Sunburn which is principally a music festival and is being held at open grounds at higher altitude and which draws more than 50,000 people during the event, the loudspeakers and amplifiers being used for this event emit very high noise levels.
3. In view of these circumstances it is very important that all the Rules and Regulations and Orders and Directions of the Hon'ble High Court of Bombay at Goa are being strictly adhered to in line with the various guidelines and notices by your office from time to time. Needless to say that, the area where Sunburn

is being held is an residential area along with hotels and other establishments. If the noise levels are not controlled as per the permitted noise levels it will cause huge annoyance, disturbance and nuisance to all the public in general including the guests staying at such hotels. Besides the authorities should also take cognizance of the fact that the surrounding areas being residential areas there are senior citizens also residing in the said areas, as such it becomes an even higher priority to ensure that no rules and regulations are violated and that the ambient noise quality is maintained and that the noise levels are between the permitted decibel levels only.

4. As you are aware as per the provisions of the Noise Pollution (Regulation and Control) Rules 2000, (hereinafter referred to as the "said Rules") loudspeakers should not be used without obtaining written permission from the authorities and further these loudspeakers cannot be permitted to function between 10:00 pm to 6:00 am. It is the authorities responsibility to ensure that the ambient air quality standards in respect of noise being created are maintained. The noise levels as permitted by the abovementioned Rules for public/private places shall strictly be monitored.

5. In this regard you have recently issued a Public Notice to the General Public dated 7/12/2022 bearing no. 1/20/20-PCB/Vol.XXII/Tech./ giving a gist of salient features of the Action Plan at such functions/parties involving more than 50 participants and to take note of the same and the violators will have to pay compensations under the said Rules.

6. I am a resident of the locality and well concerned with the noise pollution that will be created on these dates which requires preparation from law enforcing agencies in letter and

spirit. Therefore, as a responsible citizen by this representation, I would like to specifically draw your **attention** to the upcoming event Sunburn to be organised by Percept Live under permission and guide lines of Goa Tourism Board as well as all authorities who are also responsible for monitoring and enforcing strict compliance in terms various Acts and rules applicable to such a mega event. Hence, it is incumbent upon your office that apart from such general notice your office has to specifically deal with the noise pollution issue and other related issue concerning this event to be handled right from the stage of granting permission till effective compliances by addressing such instructions and safeguards to the all those who are involved in conducting these events.

7. Furthermore, you are aware that the High Court of Bombay at Goa in the following matters i.e Suo Motu Writ Petition No. 4/2006, Public Interest Litigation Writ Petition 7/2021, Public Interest Litigation Writ Petition 11/2013 and Contempt Petition No. 14 of 2022 (F) have laid down various guidelines and directions with respect to controlling and monitoring the noise pollution. A strict compliance of these orders will only avoid any further contempt against the authorities who are already directed to do so in this regard.

8. The GSPCB along with other authorities shall ensure that strict patrolling is being carried out in the concerned areas and around the sunburn festival at all time. Before the event can commence i.e on or before 28th December, 2022 the authorities should ensure that all licenses and permissions that are required have been obtained. In addition, there should be sound checks that should be carried out by the authorities before the event can begin. Furthermore, while the event is progressing, there should be authorities at site commissioned to

continuously monitor the sound levels. This will ensure that there is no violation taking place.

9. A part from the above, the authorities shall also conduct independent surprise visits to check for any violation and in case of any such violation, the event should immediately be suspended and accordingly dealt with under the penal provisions of the Environment Protection Act and the said Rules.

10. There shall be flying squads commissioned at all locations around the Sunburn event in order to tackle any violators, and the authorities shall ensure that the flying squads are well equipped to tackle all such violations/violators. Vigilance at the highest level shall be implemented to ensure that the provisions of law and the directions of the Supreme Court are not violated.

11. The noise monitoring committee as set up by the Hon'ble High Court under order dated 21.03.2007 in SMWP 4/2006 should carry out surprise inspection at the event and shall file a report with the authorities of the daily status of the event.

12. As per the latest directions issued by the Hon'ble High Court and the statements made by your good office in CP 14/2022(F), there should be online noise level monitoring systems commissioned at various places at the event and the same should be connected to the GSPCB server which should be monitored continuously while the event is in progress. A status report for the three days of the event should also be filed and maintained in this regard. Though this is mentioned in your public notice, I am not aware if any specific steps/arrangements with regard to the upcoming event of Sunburn are undertaken

at your end and at loco to be connected with your server and whether the person monitoring the server will timely bring any violations to your notice so as to initiate prompt action at your end.

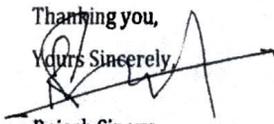
13. Further more, it is needless to state that an event of such nature like Sunburn shall not go ahead or be permitted to be conducted without the parties obtaining the relevant and required permissions from all the concerned authorities. All the authorities required to maintain and manage the ambient noise levels are required to work in unison and ensure that there are no violations of the said Rules and that the directions of the Hon'ble High Court are strictly being followed and being adhered to.

14. A copy of all the above mentioned orders of the Hon'ble High Court are being annexed herewith for your ready reference and perusal.

15. Please be informed that as a responsible citizen residing in the locality where the event will take place, I will also inform you timely about any violations found at the site and will bring to your notice for strict action and in the event if it is found that the authorities responsible for compliance/s are not carrying out their duties swiftly and in accordance with law I will be forced to approach the Hon'ble High Court for urgent reliefs as may be so legally advised .

Thanking you,

Yours Sincerely,


Rajesh Sinary

C.C

To,

1. **The Chief Secretary, State Government of Goa.**
Government of Goa Secretariat
Porvorim Bardez Goa.
403521
2. **Shri Rohan Khaunte**
The Tourism Minister,
Government of Goa Secretariat
Porvorim Bardez Goa.
403521
3. **The Director Tourism,**
1st Floor, Paryatan Bhavan,
Patto, Panaji, Goa
403001
4. **The Collector, North Goa**
Collectorate Building,
Opp. Municipal Garden,
Panaji Goa 403001
5. **The Dy. Collector, North Goa**
Collectorate Building,
Opp. Municipal Garden,
Panaji Goa 403001
6. **The SDPO, North Goa**
Goa Police Headquarters,
Near Azad Maidan,
Panaji Goa 403001
7. **The GCZMA, North Goa.**
4th Floor, Dempo Towers,
Patto, Panaji Goa 403001
8. **The DIG. Goa**
Goa Police Headquarters,
Near Azad Maidan,
Panaji Goa 403001
9. **The Police Inspector**
Anjuna Police Station,
Opp. Childrens Park,
Anjuna Goa. 437509

From:
Ravi Harmalkar,
R/o, House No.17 47,
Saranto Waddo, Anjuna,
Bardez, Goa.
Mobile No.8806111168
Date: 26/12/2022

Rohol
Charity

To,
1. The Hon'ble Minister for Environment,
Government of Goa,
Secretariat,
Porvorim Bardez Goa.

✓ 2. The Member Secretary,
Goa State Pollution Control Board,
Having office at Saligao Seminary,
Saligao, Bardez- Goa.

3. The Collector,
North Goa District,
Government of Goa,
Collectorate building,
Panaji Goa.

4. The Police Inspector,
Anjuna Police Station,
Anjuna Goa

SUB: Representation to ensure the noise level at
Surburn Music Festival at Anjuna, Goa.

Respected Sir / Madam,

The Undersigned is a resident of Anjuna Bardez Goa who has espoused several public causes and more specifically rampant illegal construction being carried out at village Anjuna / Vagator area.

That the Sunburn Music Festival (EDM) is being organized by some company at village Anjuna in the property bearing survey no. 206 of village Anjuna from 28/12/2022 to 30/12/2022. Being the EDM Festival as per the past experience, loud music

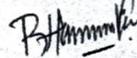
is being played by the organizers of the said festival during the day time as well as night time thereby causing severe noise pollution which causes inconvenience to the villagers of Anjuna and surrounding areas apart from the fact that lot of traffic issues including that of the drug menace.

You authorities must be aware that the issue of noise pollution at Anjuna is presently pending before the Hon'ble High Court. As per the Noise Pollution (Regulation and Control) Rules, 2000 which has been amended by the Government of Goa, the ambient air quality standard in respect of the noise has been specified and as per the same in residential area the day time limit is prescribed at 55 and during the night time same is prescribed at 45.

In view of the aforesaid, I request you authorities to strictly monitor the noise level at the Sunburn Music Festival so that no noise pollution is being caused. In view of the Order passed by the Hon'ble High Court the authorities will have to strictly monitor so that no noise pollution will be caused on account of the aforesaid festival.

If you authorities fails to monitor the noise level then I would be constrained to approach the Hon'ble High Court by filing the Contempt Petition against you all authorities personally for violation of the Order of the Hon'ble High Court which you kindly take note of.

Yours Sincerely,



Ravi Harmalkar

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001:2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703

Tel/Fax No. : 0832-2407700



Email ids:

Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary GSPCB: ms-gspcb.goa@nic.in
Office: mail.gspcb@gov.in

No: 1/20/19-PCB/Tech/18264

28/12/2022

To,
The Collector & District Magistrate (North),
Collectorate Building,
Panaji Goa

Sub: Application for Permission and NOC to conduct "Sunburn Music Festival" from 28th to 30th December 2022. at Anjuna, Bardez Goa

Ref: 1) Application received from M/s. Spacebound Web Labs Private Ltd. dated 05/12/2022
2) Fee receipt no. 1738 dated 28/12/2022.

Sir,

With reference to the subject cited above, I am to inform you that the activity mentioned above is a temporary activity of Music Festival. However, for the generation of Solid Waste and sewage etc., it has to be ensured that adequate facilities are put up and measure adopted for handling, transportation and effective disposal of the same.

The Goa State Pollution Control Board shall be conducting Noise Monitoring during the event and the same shall be brought to your Notice on exceedance. You are required to take appropriate action thereafter.

You are also required to ensure that the proponent adopts following measures for organising "Sunburn Music Festival" from 28th to 30th December 2022 at Anjuna, Bardez:

1) For Disposal of Solid Waste:

As per provisions of Environment (Protection) Act 1986 and Solid Waste Management Rules 2016 that the solid waste generated at the event has to be segregated at source as wet waste and dry waste. The dry waste has to be further segregated into 4 fractions such as paper, Plastics, Glass/Metals and Non-Recyclable. The dry waste individual fractions shall be deposited in the **Black** container duly labelled kept within the premises for the purpose. The wet waste shall be deposited in the Green container kept within the premises. This has been made MANDATORY in accordance with the above Rules.

SOLID WASTE DISPOSAL SYSTEM

Type of waste	Composition	Disposal	To be handed over to
WET WASTE (Bio-degradable waste or Compostable waste)	Kitchen waste , vegetable and fruits waste , meat and fish waste , household sweepings , leaves , soaked paper etc.	Deposit in Green bin kept in the premises. The wet waste shall be composted.	Village Panchayat Anjuna, Caisua
DRY WASTE (Also known as non-biodegradable waste or partly recyclable waste)	Plastics, glass , tetra packs newspaper/periodicals / cardboard, meta (cans ,caps , nails) rubber , Styrofoam (thermocool).	Deposit in respective Black bin for each independent fractions:- 1) Paper/cupboard 2) Plastics 3) Glass / Metals 4) Non-Recyclable. The Dry waste shall be segregated, baled.	To be handed over to Village Panchayat Anjuna, Caisua
DO'S		DON'T'S	
<ul style="list-style-type: none"> ✓ Segregate the waste at source . ✓ Store the waste in respective bins. ✓ Ensure DRY waste is free from any food contamination. ✓ Use the specific colour bins/ plastics bags for the waste fractions. 		<ul style="list-style-type: none"> X Do not dispose WET waste in plastic bags. X Do not mix WET & DRY waste. X Do not leave the wet waste bin open. X Do not litter on roads and public area. 	

Log book has to be maintained of waste generated and disposed. The records have to be submitted to the Board.

2) For disposal of sewage

The organisers shall install mobile toilets at the site. No sewage generated shall be let out in the open. The sewage generated shall be collected in collection tanks. The sewage generated shall be pumped into night soil tankers and disposed to Sewage Treatment Plants, Tonca. The records regarding sewage disposal has to be maintained by the organisers and submitted to the Board everyday.

3) For Air pollution

The unit should comply with all the standards for D.G. Sets prescribed at Sr. no. 94, 95 and 96 of Schedule I of the Environment (Protection) Rules, 1986.

The unit should carry out emission monitoring from the stacks connected to D.G Sets once during the event from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.

4) For Noise Pollution

The unit should comply with all the standards as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000. The project proponent shall install the Noise limiters to regulate the noise levels within prescribed limits. The unit shall install online noise monitoring system and also provide display board along the periphery of the venue so as to display the noise level recorded at the venue.

N. Prabhudessal
For Member Secretary
Goa State Pollution Control Board

Copy to :-

1. The Secretary, Village Panchayat Anjuna, Anjuna, Goa .
2. The Deputy Collector & SDM, Collectorate Building,(Bardez Taluka),Mapusa Goa.
3. The Principal Chief Engineer, Public Works Department, Altinho, Panjim Goa.
4. The Director, Department of Tourism, Paryatan Bhavan, Panaji Goa.
5. M/s. Spacebound Web Labs Private Ltd. Sahar Road, Ville Parle, Mumbai 400099



**OFFICE OF THE SUPERINTENDENT OF POLICE, NORTH
DISTRICT,**

PORVORIM GOA - 403521

PHONE NO. 0832-2416100, 2416250 (EPBX)

FAX:- 0832 2416243, 2416251, EMAIL :- spn-pol.goa@nic.in

Mans's
Handa
27/12

No. SP/North/ 1435/2022

Dated:- 27.12.2022

To, *M.S.*
The Director, *M.S.*
Goa Pollution Control Board,
Patto, Panaji Goa.

Sub:- Request to make necessary arrangements at the venue
place of EDM Festival "Sunburn"

Sir,

It is to inform you that, the EDM Festival "Sunburn Klassique -2019" is scheduled to be held on 28th December to 30th December 2022 at Vagator Goa. In order to have smooth conduct of this event services of your department are essential at the venue place.

Therefore you are kindly requested to depute your teams with required equipment's to check the sound level time to time and to note any violation as regards to sound level by the organizers and for further action.

Yours faithfully

Nidhin Valsan

(Nidhin Valsan, IPS)

Superintendent of Police, North,
Porvorim Goa.

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703

Tel/Fax No. : 0832-2407700



Email Ids:

Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary GSPCB: ms-gspcb.goa@nic.in
Office: mail.gspcb@gov.in

No. 2022/GSPCB/Tech/ 18178

Date: 27/12/2022

To,

The Superintendent of Police, North Goa Police Head Quarter, Panjim, Goa.	The Police Inspector Anjuna Police Station Anjuna, Bardez, Goa
--	---

Sub: - Sunburn Music Festival on the 28th, 29th & 30th of December 2022 at Vagator, Bardez-Goa.

Sir,

The Board is carrying out noise level monitoring on 28th, 29th and 30th December 2022 from 2.00 p.m. till 10.00 p.m. at the venue of Sunburn Music Festival located at Vagator, Bardez, Goa at 4 different locations.

Hence we request you to depute the 2 nos. dedicated police personnel each at 4 different locations throughout the period of monitoring on all 3 days. The police personnel shall report the monitoring team at the venue at 1.00 p.m. on every day.

The contact details of the team

1. Mr. Rohan Nagvekar (AEE) – 8390908230,
2. Mr. Manoj Kudalkar (AEE) – 8390908242
3. Mr. Chaitanya Salgaonkar (SA) – 9764017059

Yours faithfully,

(Dr. Shamila Monteiro)
Member Secretary
Goa State Pollution Control Board

Copy to:-

- 1) The Collector & District Magistrate, North Goa, Panjim, Goa
- 2) Office copy.
- 3) Guard file.

Email

Goa PCB

Deployment of Technical person from 27/12/2022 to 30/12/2022 at Sy. No. 206/1, Ozran, Vagator, Bardez Goa (Sunburn festival Goa).

From : DyCollector Mapusa Goa <sdm-mapusa.goa@nic.in> Tue, Dec 27, 2022 04:23 PM
Subject : Deployment of Technical person from 27/12/2022 to 30/12/2022 at Sy. No. 206/1, Ozran, Vagator, Bardez Goa (Sunburn festival Goa). 1 attachment
To : Goa PCB <mail.gspcb@gov.in>

Please find the attachment

Regards
sd/-
Dy Collector & SDM Mapusa



■ sunburn festival.pdf
2 MB

**OFFICE OF THE DY. COLLECTOR & S.D.O. MAPUSA GOA**

Government Complex Building, Morod, Mapusa Goa.

Phone No:- 0832-2262038 (Fax) 2250398

Email:sdm-mapusa.goa@nic.in

No. DC/SDM/Map/Sunburn/2022/11624 Dated:27/12/2022

To,
The Member Secretary,
Goa State Pollution Control Board,
Near Pileme Industrial Estate, Opp. Saligao Seminary,
Saligao, Bardez Goa.

Sub: Deployment of Technical person from 27/12/2022 to
30/12/2022 at Sy. No. 206/1, Ozran, Vagator, Bardez
Goa (Sunburn festival Goa).

Sir,

The Govt. had granted a permission for Sunburn Festival Goa from
27/12/2022 to 30/12/2022 at Survey No. 206/1, Ozran, Vagator, Bardez
Goa.

In this context you are requested to depute your Technical team to
Monitor the noise pollution at above venue from 27/12/2022 to 30/12/2022.

Yours faithfully,


(Gurudas S. T. Desai)
Dy. Collector, SDM & SDO.,
Mapusa, Bardez Goa.

Encl: as above

Copy to: Mr. Parag Ukre,
702/10 Agarwals Peace Heaven,
Kauls Heritage City Vasai road (W), Palghar, Maharashtra.



OFFICE OF THE DY. COLLECTOR & S.D.O. MAPUSA GOA
 Government Complex Building, Morod, Mapusa Goa.
 Phone No:- 0832-2262038 (Fax) 2250898
 Email:sdm-mapusa.goa@nic.in

No. DC/SDM/Map/Sunburn/2022/1162 Dated:27/12/2022

To,
 The Member Secretary,
 Goa State Pollution Control Board,
 Near Pilerne Industrial Estate, Opp. Seilgao Seminary,
 Saligad, Bardez Goa.

Sub: Application to play music at Sy. No. 206/1, Ozren,
 Vagator, Bardez Goa from 27/12/2022 to
 30/12/2022. (Sunburn festival Goa.

Ref: Notification No. 7/4/98/STE/DIR-Part-IV/1071 of
 Department of Environment and Climate Change, Action
 plan. (Official Gazette Govt. of Goa series II No. 42
 dtd. 13/01/2022.

Sir,

Find enclosed herewith a copy of application dated 27/12/2022 of
 Mr. Parag Ukre, 702/10 Agarwals Peace Heaven, Kauls Heritage City Vasal
 road (W), Palghar, Maharashtra on the subject cited above.

The same is forwarded to you for information and necessary action
 in the matter.

Yours faithfully,


 (Gurudas S. T. Desai)
 Dy. Collector, SDM & SDO.,
 Mapusa, Bardez Goa.

Encl: as above

Copy to: Mr. Parag Ukre,
 702/10, Agarwals Peace Heaven,
 Kauls Heritage City Vasal road (W), Palghar, Maharashtra.

14. Fire works intended Yes/No **yes**

15. (a) If yes specify

Standard/Pyrotechnic display/Dada Bomb/Traditional (Khozne)/any other or



[Handwritten Signature]
Signature:

Date: **29/12/22**

Note: (i) If permission is required for more than 7 days a month in any location for use of loud speaker/ Public addressed system in outdoor or open air in residential area a letter consent from the Goa state Pollution Control Board under Air (Prevention and Control of Pollution) Act, 1986 is mandatory. In such cases enclosed form is also to be filled and submitted to Goa State Pollution Control Board.

(ii) If the permission is for indoor music, the applicant has got the option of asking for permission for long period which may cover the entire season. The date and month of start and close may be mentioned.

Forwarded to Sub Divisional Police Officer, Mapusa/ Panvelim
For inquiry and submit report.

Date: **27/12/22**

Sub Divisional Magistrate
Mapusa Sub-Division
Mapusa-Goa.

OFFICE OF THE COMMISSIONER
MADHARAJAPURAM
MADHARAJAPURAM

APPLICATION FOR
AMPLIFIED LICENSE FROM SDM/ADM ETC
(Circle Mark the Relevant)

2011-02-11

Name of the Applicant: Mr. Rang Uthir

All Residential Address: Spacebond website, Pleasant limited
Plot No. 115 Village, Uthir, Puzh
near the highway, Aruppukottai, Madurai

3. Telephone number/Mobile No: 985202135

4. Full Address where permission is sought: Sy. No 206/1
Uthir, Madurai
Madurai, Tamil Nadu

5. Venue Type: Indoor Outdoor Outdoor

Public place / Pvt. House / Religious Institution / Educational
Institution / Hospital / Hotel / Resort / Marine Cruises / Mobile announcement
/ Commercial Hall / Public Road.

6. Type of function: Educational / Religious / Govt.
Public / Pvt / Sports / Entertainment show / Party / Wedding / Discotheque / Drama
Tiatr / Natak / Entertainment show / Get together.

7. (a) If public road or Public open air space attach a copy of license/NOC
obtained from the competent authorities. Copy attached

8. Type of sound system: Public address system / Hi Fi Music system / Brass
Band / other

9. Music: Recorded / Live

10. Output power of amplification in watts: 50 / 100 above

11. If Discotheque: Entrance / Exit is double / single spot system sp

12. Date & Time of the function: 2011-02-11
7:00 PM to 11:00 PM

13. No. of persons will going to attend: 150 Nos.

Cont...2/-

14. Fire works intended Yes/No

15. (a) If yes specify

Standard/Pyrotechnic display/Dada Bomb/Traditional (Khozne)/any other or

[Handwritten Signature]

Signature:

Date: 27/12/22

Note: (i) If permission is required for more than 7 days a month a any location for use of loud speaker / Public addressed system in outdoor or open air in residential area a letter consent from the Goa state Pollution Control Board under Air (Prevention and Control of Pollution) Act, 1986 is mandatory. In such a cases enclosed form is also be filled and submitted to Goa State Pollution Control Board.

(ii) If the permission is for Indoor music, the applicant has got the option of asking for permission for long period which may cover the entire season. The date and month of start and close may be mentioned.

Forwarded to Sub Divisional Police Officer Mapusa/Pervodim
For inquiry and submit report

Date: 27/12/22

Sub Divisional Magistrate
Mapusa Sub-Division
Mapusa-Goa.

28/12/2022, 16:53

Email

Email

Goa PCB

Regarding sound permission

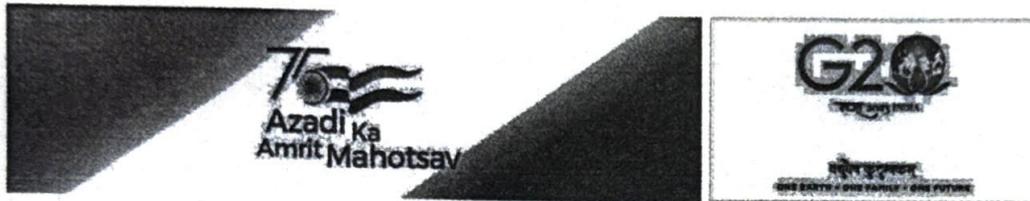
From : DyCollector Mapusa Goa <sdm-mapusa.goa@nic.in> Wed, Dec 28, 2022 04:50 PM
Subject : Regarding sound permission 1 attachment

To : Goa PCB <mail.gspcb@gov.in>, Magisterial Branch
Collectorate North Goa <magbr-coln.goa@nic.in>,
Sirajuddin Jamadar <eiu-ctax@goa.gov.in>

Please find the attachment

Regards
sd/-
Dy Collector & SDM Mapusa

Amrit
20/12
Rehan



■ sound permission...pdf
1 MB



OFFICE OF THE DEPUTY COLLECTOR & SUB DIVISIONAL
MAGISTRATE & SUB DIVISIONAL OFFICER, BARDEZ GOA

Government Complex Building, Morod, Mapusa Goa.

Phone No: 0832-2262038 (Fax) 2250398 email:sdm-mapusa.goa@nic.in

No.DC/SDM/MAP/Sound Permission/2022/1164/ Dated: 28/12/2022

Permission is hereby granted under Rule 5(1) of the Noise Pollution (Regulation & Control) Rules 2000 to the Mr. Paras Narendra Dke, 702/10, Agarwala Peace Heaven, Kaula Heritage City, Vasal road (W), Palghar, Maharashtra, to use Loud Speakers / Box type Speakers / Public address System for "Sunburn Festival Goa" EDM Music Festival subject to the following conditions:-

1. The Loud Speakers / Box Type Speakers / Public Address System shall be used at Survey No. 206/1, Vagator Anjuna, Bardez Goa on from 28/12/2022, 29/12/2022 to 30/12/2022 between 15:30 hrs to 22:00 hrs.
2. The Ambient Air Quality shall not exceed more than 55 dB(A) during the period of use of the Loud Speakers / Public Address System in the residential area.
3. The capacity of amplifier used shall not exceed the prescribed limits of noise levels.
4. The Peripheral noise level of the Loud Speakers / Box Type Speakers / Public Address System shall not exceed by more than 5dB(A) than the Ambient Air Quality Standard of as specified for the area in which it is used at the boundary of the private place.
5. Necessary permission from the competent authority to use the venue and to stage the open air programs should be obtained separately.
6. The timings and the condition given as above should be observed strictly failing which the permission stands automatically terminated and the Police are free to take action as per law in force.
7. No abusive, offensive or obscene announcements should be made.
8. The use of fireworks or firecrackers shall not be permitted between 10:00 p.m. to 06:00 a.m.
9. Discoteques shall compulsorily install Double Door System.
10. Where P. A. System (Funnel Speakers) are used, the placement of the horn speakers must be such that these face the intended area and at an angle towards the ground to reach the further point (blanking out).
11. At no time should the horn speakers face away from the venue.
12. The Horn speakers (funnel type) will solely be used for announcement, speeches etc and not to playback music or to broadcast Bajans and / or other religious services away from the intended area.
13. In case of open air weddings where live band are engaged, the output of the sound amplifiers correspondence to the stipulated levels. The onus of this will rest on the owner of the commercial hall venue.
14. Besides revocation of license, violators will face confiscation of the offending equipment as well as legal action as per Provision of Environment Protection Act, 1986 which may extend to imprisonment upto 1 year or fine upto Rs. 1,00,000 or both.
15. Whether license / permission granted or not, should there be a genuine complaint of noise pollution, the authorities reserve the right to revoke the license / permission outright and stop the use of the sound system.
16. Applicant is directed not to disturb the Public tranquility.
17. The applicant is directed to observe the rules & regulation given by the Goa State Pollution Control Board strictly.
18. The applicant is directed that there should not be any law & order problems and should take precautions to that effect to avoid any untoward incident and time rules should be strictly adhered to.
19. The applicant shall not violate any standing orders / directions issued time to time by the Hon'ble HGT / Hon'ble High Court or other Competent Authorities in this regards in monitoring the sound decibels.

20. The permission is subject to the conditions that adequate safety measures shall be taken /arranged by the organizers in view of the precautions to be taken for checking the spread of COVID-19.

21. The applicant shall follow Protocol of Social distancing, sanitizing and face cover shall be strictly adhered to along with all other guidelines of the Ministry of Health, Government of India.

22. The applicant is directed to strictly followed the Order No. 1/5/29/2020-RD/3263 dated 07/03/2022 of Secretary (Revenue), Member Secretary (SEC/SDMA), Govt. of Goa, Secretariat, Porvorim Goa.

23. Place of public amusement, including Spa, Massage parlour, restaurant, pub, Bar, Hall, Auditorium, Gyms and Yoga centres, Marriage Venue, river cruises, water parks entertainment parks, are permitted to function with 100% of its capacity strictly adhering to COVID appropriate behaviour stipulated as below:

- a. The prescribed seating capacity shall not be exceeded.
- b. Only Covid vaccination eligible persons with two doses of COVID 19 vaccination/fully vaccinated persons or with Covid negative report will be allowed entry.
- c. Persons shall be asymptomatic.
- d. All persons shall be checked at the entrance for fever using thermal scanner and hand sanitizer to be applied.
- e. All persons should compulsorily wear face masks at all times during the show.
- f. Physical distance of two meters shall be maintained between the persons.
- g. The hall and the rest rooms shall be sanitized frequently.
- h. The AC shall be maintained as per the CPWD guidelines. (<https://nabh.com/images/COVID19/cpwd%20A%20guidelines.pdf>).

24. The SDPO Mapusa is hereby directed to strictly follow the directions issued by the Hon'ble High Court vide order dated 15/12/2021 in Writ Petition No. 7 of 2021 of Hon'ble High Court of Bombay at Goa.

25. Incharge Police Station Anjuna is hereby directed to strictly follow the directions given by this authority vide Order No. DC/SDM/MAP/PIL WP No. 7 of 2021/10762 dtd. 23/12/2021.

26. The applicant is directed to obtain the NOC of the (CRZ) Goa Coastal Zone Management Authority, Patto, Panaji Goa before the commencement of Sunburn Festival Goa.

27. The applicant is also directed to obtain the NOC of venue before the commencement of Sunburn Festival Goa.

Venue at Survey No. 206/1, Vagator, Anjuna, Bardez Goa on from 28/12/2022, 29/12/2022 & 30/12/2022 between 16.30 hrs to 22.00 hrs.



(Gurudas S. J. Desai)
Deputy Collector, SDMA & SDO,
Mapusa, Bardez Goa.

To,
Mr. Parag Narendra D.K. 702/10, Agarwals Peace Heaven, Kauls Heritage City,
Vasai road (W), Palghar, Maharashtra.

- Copy to:
1. The Collector, Panaji Goa
 2. The Member Secretary, Goa State Pollution Control Board, Fleras Industrial Estate, Opp. Saligas Seminary
 3. The S.P., North Porvorim Goa
 4. The SDPO, Mapusa
 5. The P. I., Anjuna Police Station
 6. The Executive Magistrate Bardez
 7. The Commissioner of Commercial & Taxes, Panaji Goa
 8. The Commissioner of Excise, All India Panaji Goa
 9. The Member of House Pollution Committee, North Goa.

*They are directed to ensure that the above findings and ambient noise levels are strictly adhered to by the applicant.

*They are also directed to conduct necessary checks to prevent the violation of any of the above conditions.

INSPECTION REPORT**A. INTRODUCTION:**

Goa State Pollution Control Board (GSPCB) office was in receipt of the letter dated 05.12.22 received on 13/12/2022 from Mr. Parag Uke (M/s. SpaceBound Web Labs Pvt. Ltd.), requesting for permission to organize "Sunburn music festival" to be held at Survey No. 206/1, Anjuna Comunidade Ground, Ozran, Anjuna Bardez - Goa from 28.12.2022 to 30.12.2022.

Vide office order No. 1/20/22-PCB/Tech/18122 dated 26.12.2022, the Board officials were directed to carry out Noise Monitoring of "Sunburn Music festival" to be held at the said venue from 28.12.2022 to 30.12.2022. Writ Petition bearing no. 872/2012 was filed before the Hon'ble high court of Bombay at Goa not to allow organisers of sunburn music festival. The Hon'ble High court had then transferred the said matter to Hon'ble National Green Tribunal (Application no. 122/2014 & Application no. 13/2015). Monitoring is carried out at same three locations as identified Pursuant to the Hon'ble NGT order and at one additional location near main entrance. The inspection report of previous inspection is enclosed as annexure 'A1'

B. SITE INSPECTION & OBSERVATIONS:

As directed by the Board, the following Board officials conducted noise level monitoring of "Sunburn Music festival" at Survey No. 206/1, Village Anjuna, Anjuna Comunidade Ground, Ozran, Anjuna Bardez - Goa from 28.12.2022 to 30.12.2022.

On 28/12/2022

1. Mr. Rohan Nagvekar, AEE
2. Mr. Manoj Kudalkar, AEE
3. Mr. Chaitanya A. Salgaonkar, SA
4. Mr. Ashley Pereira, EA
5. Mr. Nilesh Surlekar, SLA
6. Mr. Sydney Gracias, FA
7. Mr. Xawollino Rodrigues, FA
8. Mr. Chandrashekhar Parab, FA

On 29/12/2022

1. Mr. Rohan Nagvekar, AEE
2. Mr. Manoj Kudalkar, AEE
3. Mr. Chaitanya A. Salgaonkar, SA
4. Mr. Ashley Pereira, EA
5. Mr. Nilesh Surlekar, SLA
6. Mr. Sydney Gracias, FA
7. Mr. Xawollino Rodrigues, FA

On 30/12/2022

1. Mr. Rohan Nagvekar, AEE
2. Mr. Manoj Kudalkar, AEE

47
311C

3. Mr. Chaitanya A. Salgaonkar, SA
4. Mr. Vijay Kansekar, JEE
5. Mr. Nilesh Surlekar, SLA
6. Mr. Sydney Gracias, FA
7. Mr. Xawollino Rodrigues, FA
8. Mr. Chandrashekhar Parab, FA

A site inspection was carried out on 27.12.2022 to monitor background noise. The Board officials identified four different locations for noise monitoring ie a) Near the periphery of the boundary on the northern side of the Venue, b) Near main entrance gate, c) Near Sainath Korgaonkar House (near Police station) and within the venue near the main stage.

During the course of the "Sunburn music festival", the Police Inspector of Anjuna Police Station, Mr. Prashal Dessai, was present along with the officials of the Board. Noise Level was carried out a) Near the periphery of the boundary on the northern side of the Venue, b) Near main entrance gate, c) Near Sainath Korgaonkar House (Near Police station) and within the venue near the main stage.

1. Within Venue:

- a. Organiser had installed six temporary stages for performing musical event namely;
- b. Organiser had covered entire boundary of the venue with metal sheets/ metal nets of height approx. 2.5 meters. Sea is on the western side of the venue, hill is on the southern side and commercial activities on the northern side and main entrance of the venue on the eastern side of the venue where the vehicle parking arrangements were made by the organiser.

2. Outside Venue:

The area is surrounded by Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, Football Ground etc. in the vicinity of the "Sunburn music festival".

3. Monitoring Stations:

Location I: Near the periphery of the boundary on the northern side of the Venue where the area is surrounded by football ground, Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, etc. The said location is next to the internal road. These stations have been identified

Location II: Near residential house of Mr. Sainath Korgaonkar located at Deul Waddo, Near Anjuna Police Station, Anjuna, Bardez - Goa on the eastern side of the venue approx. 400 meters away from the boundary of Venue.

Location III: Near Main Entrance gate adjacent to internal road

Location IV: Inside the venue near the main stage

C. MONITORING DATA AND PERMISSIBLE LIMITS:

1. Monitoring Data at different locations is tabulated below:

i. Near the periphery of the boundary on the northern side of the Venue (Commercial area)

A. Data logging sound level meter (Manual)

Date of Monitoring	Time in Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.22	14.15-15:15	1 Hour	63.8	65 dB (A)	Vehicle movement and construction work was in progress.
28.12.22	18.05-19:05	1 Hour	72.10	65 dB (A)	
28.12.22	19.10-20:10	1 Hour	71.80		
28.12.22	20.13-21:13	1 Hour	74.30		
28.12.22	21:30-22:00	30 mins	72.10		
29.12.22	17:02-18:02	1 Hour	68.40	65 dB (A)	All the 6 stages music was in operation and lot of Vehicle movement was also observed
29.12.22	18:06-19:06	1 Hour	66.10		
29.12.22	19:20-20:20	1 Hour	67.70		
29.12.22	20:20-21:20	1 Hour	71.80		
29.12.22	21:30-22:00	30 mins	59.70		
30.12.22	17:02-18:02	1 Hour	63.30	65 dB (A)	5 stages music were in operation and Lot of Vehicle movement was also observed
30.12.22	18:06-19:06	1 Hour	64.30		
30.12.22	19:13-20:13	1 Hour	65.60		
30.12.22	20:20-21:20	1 Hour	67.30		
30.12.22	21:30-22:00	30 mins	66.90		

B. Real time noise monitoring station

Date of Monitoring	Time in Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
28.12.2022	14.00-22:00	8 Hours	70.8	65 dB (A)	Lot of Vehicle movements observed during monitoring.
29.12.2022	14.00-22:00	8 Hours	68.1	65 dB (A)	Lot of Vehicle movements observed during monitoring.
30.12.2022	14.00-22:00	8 Hours	66.8	65 dB (A)	Lot of Vehicle movements observed during monitoring.

II. Near Main stage (Inside the Venue)

Date of Monitoring	Time in Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.22	12.55-15:15	1 Hour	63.5	65 dB (A)	Internal vehicle Movement, music testing and Fabrication work of main stage was in progress.
28.12.22	18.22-19:22	1 Hour	94.00	65 dB (A)	
29.12.22	20.40-21:40	1 Hour	90.60		65 dB (A)
30.12.22	20.13-21:13	1 Hour	91.50	65 dB (A)	

III. Near residential House of Mr. Sainath Korgaonkar - Residential Area

Date of Monitoring	Time in Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
28.12.22	16.42-17:42	1 Hour	58.10	55 dB (A)	All the 6 stages music were in operation and lot of traffic movement was observed.
28.12.22	17.44-18:44	1 Hour	59.80		
28.12.22	18.47-19:47	1 Hour	61.90		
28.12.22	19:51-20:51	1 Hour	64.00		
28.12.22	20:57-21:57	1 Hour	66.50		
29.12.22	16:59-17:59	1 Hour	57.30	55 dB (A)	All the 6 stages music were in operation and lot of traffic movement was observed.
29.12.22	18:02-19:02	1 Hour	58.00		
29.12.22	19:06-20:06	1 Hour	59.70		
29.12.22	20:08-21:08	1 Hour	65.60		
30.12.22	16:28-17:28	1 Hour	53.40	55 dB (A)	5 stages music were in operation and lot of traffic movement was observed.
30.12.22	17:33-18:33	1 Hour	58.00		
30.12.22	18:36-19:36	1 Hour	60.70		
30.12.22	19:39-20:39	1 Hour	63.40		
30.12.22	20:44-21:44	1 Hour	64.70		

IV. Near main entrance along the Periphery

Date of Monitoring	Time in Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.22	13.00-15:00	2 Hour	59.90	65 dB (A)	Vehicle movement was also observed.
28.12.22	16.30-17:30	1 Hour	76.50		
28.12.22	17.30-18:30	1 Hour	79.80	65 dB (A)	All the 6 stages music

28.12.22	18:30-19:30	1 Hour	80.40		were in operation and lot of traffic movement was observed.
28.12.22	19:30-20:30	1 Hour	80.80		
28.12.22	20:30-21:30	1 Hour	79.00		
28.12.22	21:30-22:00	30 mins	79.20	65 dB (A)	All the 6 stages music were in operation and lot of traffic movement was observed.
29.12.22	16:45-17:45	1 Hour	79.90		
29.12.22	17:45-18:45	1 Hour	72.80		
29.12.22	18:50-19:50	1 Hour	79.90		
29.12.22	19:55-20:55	1 Hour	75.10		
29.12.22	21:00-22:00	1 Hour	75.00		
30.12.22	16:45-17:45	1 Hour	69.10	65 dB (A)	5 stages music were in operation and lot of traffic movement was observed.
30.12.22	17:45-18:45	1 Hour	78.10		
30.12.22	18:50-19:50	1 Hour	76.50		
30.12.22	19:55-20:55	1 Hour	80.80		
30.12.22	21:00-22:00	1 Hour	79.80		

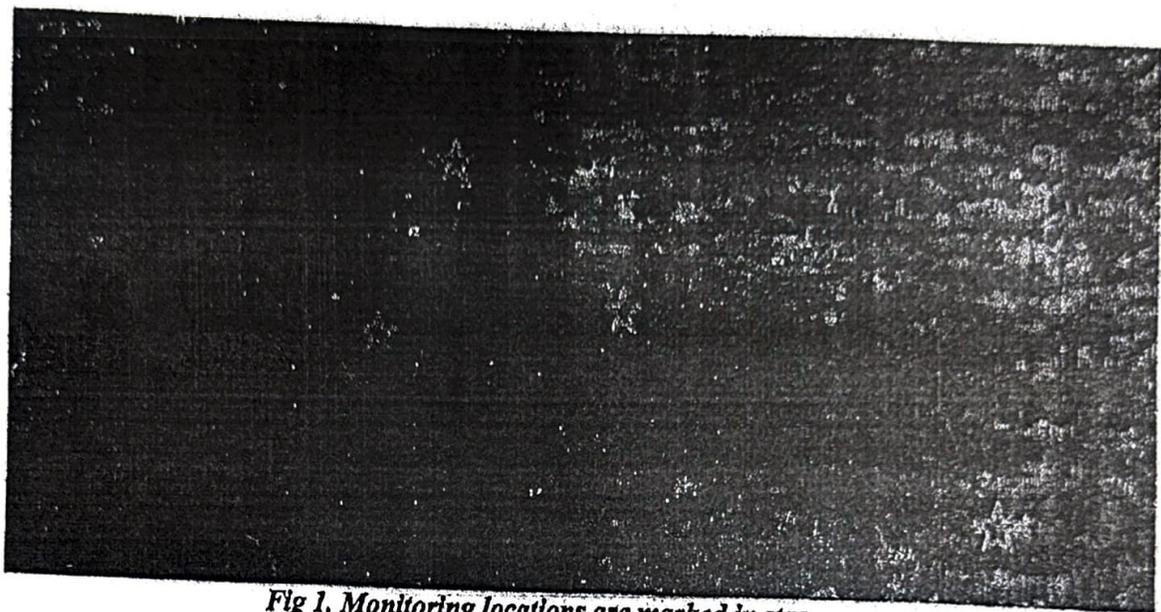


Fig 1. Monitoring locations are marked in star

CONCLUSIONS:

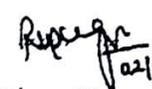
1. The Noise level recorded near the residential house of Mr. Sainath Korgaonkar located at Deul Waddo, Near Anjuna Police Station, Anjuna, Bardez Goa is exceeding the permissible limits, 55 dB (A) prescribed under the Noise (Regulation and Control of Pollution) Rule, 2000 for residential area during the day time upto 10.00 pm.

It is observed that though the Noise Level recorded exceeds the permissible limits they are not exceeding the standards by more than 10 dB (A) as Per Rule 7. When the noise levels were found to be increasing the organisers stopped playing at one stage (near entrance).

2. The Noise level recorded near periphery of the boundary on the northern side of the Venue is exceeding the permissible limits, 65 dB (A) prescribed under the Noise (Regulation and Control of Pollution) Rule, 2000 for residential area during the day time upto 10.00 pm.

It is observed that though the Noise Level recorded exceeds the permissible limits they are not exceeding the standards by more than 10 dB (A) as Per Rule 7. When the noise levels were found to be increasing, the organisers stopped playing at one stage (near entrance). Such exceedence of noise was also brought to the notice of the Police Personnel and the organisers were reducing the volume of the speakers.

4. The Noise level recorded near main entrance of the event is exceeding the permissible limits, 65 dB (A) prescribed under the Noise (Regulation and Control of Pollution) Rule, 2000 for commercial area during the day time upto 10.00 pm.
5. The organiser stopped music before 10:00 pm on 28.12.2022, 29.12.2022 & 30.12.2022.
6. The unit has not installed Sound limiter.
7. As per the Environment (Protection) Amendment 2000 Noise Limits for Two wheelers with displacement more than 175 cc is 80 dB (A), Noise Limits for Three wheelers with displacement more than 175 cc is 80 dB (A) and Noise Limits for vehicles used for carriage of passengers and capable of having not more than nine seats including drivers seat is 74 dB (A).
8. As per the hon'ble high court order dated 30/12/2022, organisers were instructed to install noise level monitoring system and to provide display board along the periphery of the venue. Accordingly as per the directions of Hon'ble high court, the organisers installed noise level monitoring system and provided display board which was verified by the officials of the Board. However the said noise level monitoring system was not connected to server. Event was commenced at 4:30 pm on 30/12/2022.


Rohan Nagvekar
AEE


Manoj Kudalkar
AEE


Chaitanya Salgaonkar
SA

INSPECTION REPORT**A. INTRODUCTION:**

Goa State Pollution Control Board (GSPCB) office is in receipt of the letter No. DC/SDM/MAP/Sound Per/2015/10357 dated 21.12.15 from the Office of the Dy. Collector & SDM, Mapusa, Bardez - Goa, requested to depute GSPCB staff/ team to carry out Noise level monitoring of Sunburn EDM festival and Supersonic festival to be held at Vagator and Candolim respectively from 27.12.15 to 30.12.15.

Vide letter No. 1/25/15-PCB/7949 dated 23.12.15, GSPCB office has directed the Dy. Collector, Office of the Dy. Collector & SDM, Mapusa, Bardez - Goa in terms of the NGT at Pune as contained in order dated 29.04.15 passed in Application No. 100/2014 and to ensure that the directions contained in the order of the Hon. High Court of Orissa passed in the case of Prasant Kumar V/s State of Orissa and the order bearing No. 7/2010 issued by the Police Commissioner, Bhubaneswar, Orissa in respect of excessive dB related to club parties and other activities in the State of Goa is complied with immediate effect and also to ensure that the said directions are complied with during the conduct of both the said music events scheduled to be held from 27.12.15 to 30.12.15 particularly with regards to the installation of Sound Limiters fixed to the amplifier of the musical equipments by the said organisers.

The organiser of **M/s Sunset Getaways (Sunburn)** had applied for the NOC from the Board on 23.11.15. Subsequently, this office has granted consent to operate and authorisation to Sunburn EDM festival in Survey No. 206/1, Vagator, Bardez - Goa vide No. 5/8007/15-PCB/7978 dated 24.12.15, valid from 27.12.15 to 30.12.15.

Vide letter No. DC/SDM/MAP/Sound Permission/SUNBURN/2015/10465 dated 27.12.15, the Deputy Collector & SDM of Bardez - Goa has informed office that Deputy Collector & Sub Divisional Office has granted permission to Shri Lyndon Alvares, r/o Alisha Nagali Hills, Donapaula Goa to use Loud speakers/ Box type speakers/ Public address/ System for the entertainment/ Public function/ Religious function/ Private function at Survey No. 206-1, Vagator, Anjuna Bardez - Goa (Sunburn 2015) from 27.12.15 to 30.12.15 from 12:00 Hrs to 22:00 Hrs.

This office is also in receipt of the letter vide No. P/ANJ/9366/2015 dated 21.12.15 from Anjuna Police Station, requesting to depute GSPCB team to monitor sound level at Sunburn event from 27.12.15 to 30.12.15. Subsequently, vide letter No. 1/25/15-PCB/7972 dated 24.12.15 this office has requested the Superintendent of Police (North), Porvorim, Bardez - Goa to provide necessary adequate assistance to the deputed GSPCB team and to comply with the directions issued by the Board with regard to the installation of Sound Limiter at the amplifier before the commencement of the said event.

In view of the above, the Board officials were directed Vide Order No. 10/1/15-PCB/7970 dated 24.12.15 to carry out Noise Monitoring of Sunburn EDM Festival from 27.12.15 to 30.12.15.

53 162/c
305/c

B. SITE INSPECTION & OBSERVATIONS:

As directed by the Board, the following Board officials conducted noise level monitoring of Sunburn EDM Festival at Survey No. 208/1, Vagator, Bardez - Goa from 27.12.15 to 30.12.15.

1. Mr. Nilesh S. Parsekar, Scientist 'B'
2. Mr. Chaitanya A. Salgaonkar, Scientific Assistant
3. Mr. Shashank Dessai, Junior Environmental Engineer
4. Mr. Santosh Haldankar, Senior Laboratory Assistant
5. Mr. Sanmesh Borkar, Senior Laboratory Assistant
6. Mr. Nilesh Surlekar, Senior Laboratory Assistant

A site inspection was conducted on 23.12.15 and identified three locations for noise monitoring; one each in the residential area, commercial area and within the venue near the main stage. Also Event organizer was instructed to install sound limiters to the amplifier of the musical equipments.

During the course of the Sunburn EDM festival, the Police Inspector of Anjuna Police Station, Shri. Paresh Naik, Mamaladar of Bardez, Shri. Madhu Narvekar and Executive magistrate, Shri. Mandar Naik were present along with the officials of the Board inside the venue from 27.12.14 to 30.12.14. Noise Level was being carried out inside the venue as well as near the resident of Shri. Desmond Jude D'Souza and also the noise level being carried out at the periphery of the boundary on the northern side of the venue.

On 27.12.15 Board officials verified with respect to installation of sound limiters to the amplifier of the musical equipments in the presence of Mr. Karan Kapoor (Project Manager, Sunburn). Event representative failed to show sound limiter installed to the amplifier of the musical equipments. When no installation of sound limiters was observed by the Board officials, the same was communicated vide letter dated 27.12.15 to the Event organizer. Further, the same was telephonically communicated by the Environment Engineer, GSPCB to Deputy Collector Mapusa. At around 7:00 pm, the Police officials inform the Board officials that the organizer has received all the required permissions and they are allowed to play the music, immediately thereafter the Board officials started monitoring. Also during same time locals Shri. Desmond Desousa, Shri. Jaiprakash Sirsaikar and others arrived inside the venue of Sunburn EDM festival.

Also on 28.12.15, the Event representative again failed to show sound limiter installed to the amplifier of the musical equipments. The same was also communicated vide letter dated 28.12.15 to the Event organizer and Police Inspector- Anjuna. At around 7:00pm the Board officials received letter vide No. DC/SDM/MAP/Sunburn-Noise/2015/10474 dated 28/12/2015 from the office of the Deputy Collector Mapusa directing the Event organizer to install the noise limiters.

On 29.12.15 the Board was in receipt of letter No. DC/SDM/MAP/Sunburn-Noise/2015/10524 dated 29/12/2015 regarding installation of noise limiter, stating that the music system installed at the venue is equipped with an inbuilt sound limiter and the organiser is producing a certificate for the same. The letter also further stated that the organiser has also setup an external sound limiter. On verification of the same by the Board officials, the representative of the event organiser informed that the musical equipments are installed with an inbuilt sound limiter, however no external sound limiter was observed by the Board officials.

1. Within Venue:

a. Organiser had installed five temporary stages marked in the plan as Annexure.....I for performing musical event namely;

Stage I: Psy Stage

Latitude: 15°35'34.8288"N

Longitude: 73° 44'26.016"E

Height of the speakers: Approx 5-6 mtrs

Stage II: Ray Ban Stage

Latitude: 15°35'34.9692"N

Longitude: 73° 44'21.084"E

Height of the speakers: Approx 5-6 mtrs

Stage III: Empire of the Sun (Mega Stage)

Latitude: 15°35'32.748"N

Longitude: 73° 44'18.2112"E

Height of the speakers: Approx 8 mtrs

Stage IV: Star Wars Stage

Latitude: 15°35'34.9152"N

Longitude: 73° 44'13.3044"E

Height of the speakers: Approx 2.5-3 mtrs

Stage V: Gionee Stage

Latitude: 15°35'29.8068"N

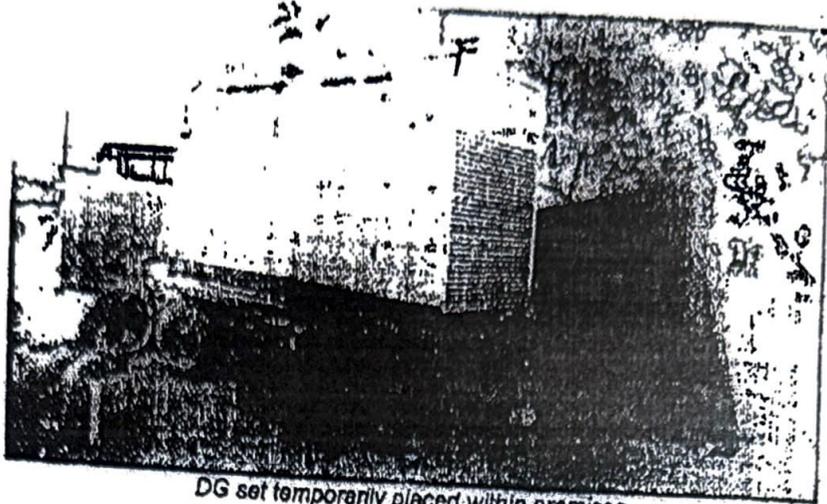
Longitude: 73° 44'12.5016"E

Height of the speakers: Approx 7-8 mtrs

b. Organiser had covered entire boundary of the venue with metal sheets/ metal nets of height approx. 2.5 meters. Sea is on the western side of the venue, hill is on the southern side and commercial activities on the northern side and main entrance of the venue on the eastern side of the venue where the vehicle parking arrangements were made by the organiser. 3 stages were facing towards either southern side or south-east side that is towards the hilly area where there are no residences; however 1 stage was facing towards eastern side and 1 stage towards western side that is towards sea.

55/60/c
303/c

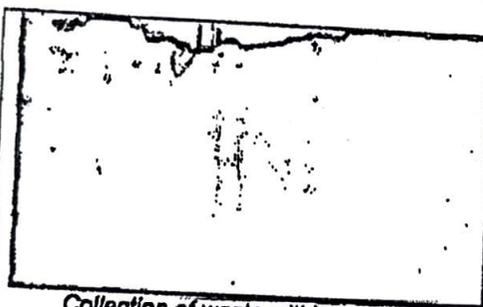
c. The organiser had installed 5 nos. of 62 KVA, 15 Nos. of 125 KVA, 07 Nos. of 250 KVA, and 01 No. of 375 KVA and 02 Nos. of 500 KVA D.G. Sets.



DG set temporarily placed within premises

d. Waste Water and Solid Waste generated during the Event from 27.12.15 to 30.12.15 is as follows;

Sr. No.	Waste generated	Quantity (approx)
1	Residual non recyclable waste	16.658 Tons
2	Recyclable waste (glass, pet, cans & plastics)	1.0 Ton
3	Food/ Wet waste	3.0 Tons
4	Sewage	40 KL



Collection of waste within premises



Solid waste stored within premises



Portable toilets placed within premises



Night soil tanker for transportation of sewage generated

2. Outside Venue:

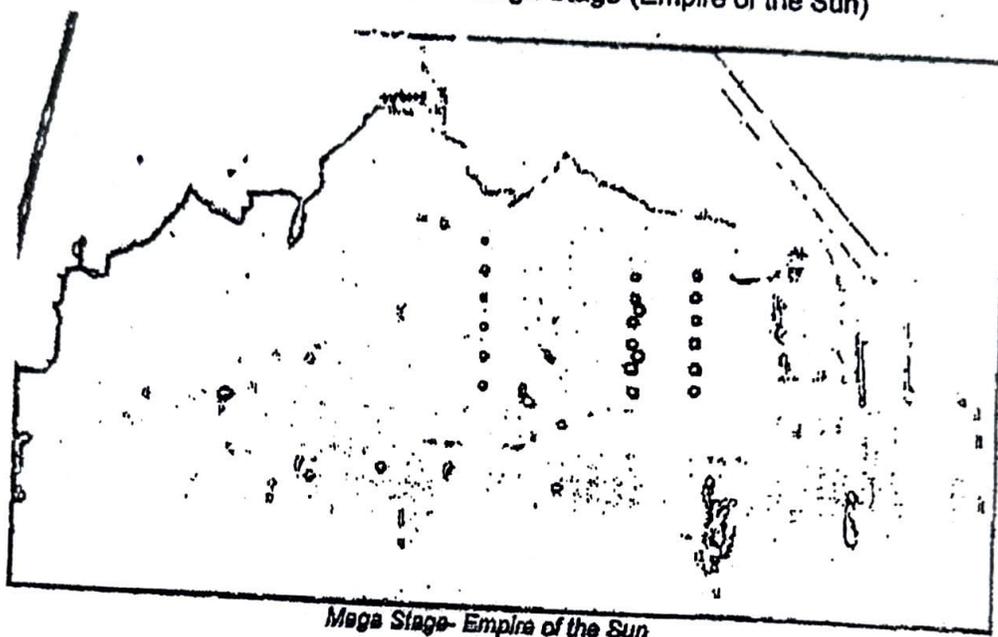
The area is surrounded by Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, Football Ground, etc in the vicinity of the Sunburn EDM festival,

3. Monitoring Stations: Marked in the plan as Annexure.....II

Location I: Near residential house of Shri. Desmond Jude D'Souza located at Vagator, Behind Anjuna Police Station, Anjuna, Bardez – Goa on the eastern side of the venue approx 500 meters away from the boundary of Venue.

Location II: Near the periphery of the boundary on the northern side of the venue where the area is surrounded by football ground, Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, etc.

Location III: Inside venue in front of Mega Stage (Empire of the Sun)



Mega Stage- Empire of the Sun

4. Provision of necessary Adequate Assistance to the monitoring team of the Board during monitoring:

A Police Constable was provided by the Anjuna Police Station during monitoring from 27.12.14 to 30.12.14 at the monitoring location near residential house of Shri. Desmond Jude D'Souza.

C. MONITORING EQUIPMENTS:

Equipment I: Sound Level Meter 2001
Make: Cygnet
Sr. No. A0813-1387
Instrument No.: GSPCB/INST/AIR/35
External Calibration: 04.09.15 valid till 03.09.16

Equipment II: Acoustic Calibrator 3022
Sr. No. A0813-1388
Instrument No.: GSPCB/INST/AIR/36
External Calibration: 04.09.15 valid till 03.09.16

Equipment III: Sound Level Meter 2001
Make: Cygnet
Sr. No. A0813-1389
Instrument No.: GSPCB/INST/AIR/37
External Calibration: 04.09.15 valid till 03.09.16

Equipment IV: Acoustic Calibrator 3022
Sr. No. A1003-145
Instrument No.: GSPCB/INST/AIR/30
External Calibration: 04.09.15 valid till 03.09.16

Equipment V: Datalogging Sound Level Meter 2511
Make: Cygnet
Sr. No. A0114-1408
Instrument No.: Q-113
External Calibration: 04.02.15 valid till 03.02.16

Equipment VI: Noise Meter
Make: Cygnet
Sr. No. A0913-1393
Instrument No.: Q-112
External Calibration: 10.09.15 valid till 09.10.16

D. MONITORING DATA AND PERMISSIBLE LIMITS:**1. Monitoring Data at three locations:****I. Near residential House of Shri. Desmond Jude D'Souza – Residential Area**

Date of Monitoring	Time In Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.15	19:16-19:46	30 min	64.3	55 dB (A)	All the 5 stages music was in operation
27.12.15	19:48-20:48	1 Hr	51.1		
27.12.15	20:51-21:21	30 min	51.8		
27.12.15	21:25-22:00	35 min	48.7		
28.12.15	17:45-18:45	1 Hr	61.9		
28.12.15	19:02-20:02	1 Hr	57.7		
28.12.15	20:11-21:11	1 Hr	58.3		
29.12.15	16:55-17:55	1 Hr	56.9		
29.12.15	18:14-19:14	1 Hr	63.5		
29.12.15	19:22-20:22	1 Hr	60.6		
29.12.15	20:29-21:29	1 Hr	54.9		
29.12.15	21:34-21:54	30 min	47.6		
30.12.15	17:46-18:46	1 Hr	57.9		
30.12.15	19:14-20:14	1 Hr	57.2		
30.12.15	20:27-21:27	1 Hr	57.6		
30.12.15	21:33-22:00	27 min	58.1		

Background Noise Level recorded as Leq 48.8 dB (A) on 27.12.15 at 13.13-13.28 Hrs



Noise Level monitoring been carried out near residence of Shri. Desmond Jude D'Souza

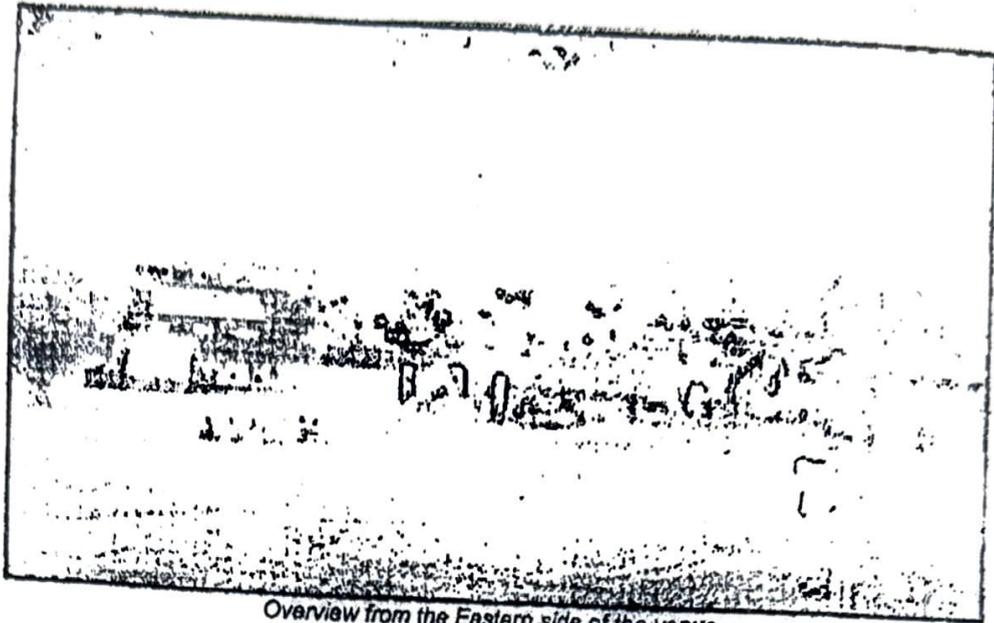
II. Near the periphery of the boundary on the northern side of the Venue
- Commercial Area

Date of Monitoring	Time In Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.15	19:03-20:03	1 Hr	74.5	85 dB (A)	Continuous vehicular Movement in the near vicinity. All the 5 stages music was in operation
27.12.15	20:38-21:38	1 Hr	72.8		
28.12.15	17:10-18:10	1 Hr	68.5		
28.12.15	18:56-19:56	1 Hr	70.5		
28.12.15	19:59-20:59	1 Hr	73.8		
28.12.15	21:18-22:00	42 min	65.9		
29.12.15	18:57-17:57	1 Hr	87.9		
29.12.15	18:07-18:37	30 min	69.1		
29.12.15	19:03-20:03	1 Hr	69.4		
29.12.15	20:39-21:39	1 Hr	71.7		
30.12.15	17:22-18:22	1 Hr	64.5		
30.12.15	18:28-19:28	1 Hr	68.8		
30.12.15	19:38-20:38	1 Hr	70.3		
30.12.15	21:00-22:00	1 Hr	71.8		

Background Noise Level recorded as Leq 59.1 dB (A) on 27.12.15 at 12:49-13:10

III. Inside venue in front of Mega Stage (Empire of the Sun)

Date of Monitoring	Time In Hrs	Duration of Monitoring	Noise Level Leq dB (A)	Permissible Limits Leq dB (A)	Site Observation during monitoring
27.12.15	19:00-20:00	1 Hrs	94.8		All the 5 stage music was in operation
27.12.15	21:00-22:00	1 Hrs	94.1		
28.12.15	17:00-18:45	1 Hr 45 min	87.8		
28.12.15	18:50-19:50	1 Hr	90.5		
28.12.15	21:00-22:00	1 Hr	88.6		
29.12.15	16:45-17:45	1 Hr	87.1		
29.12.15	18:20-20:10	1Hr 50 min	93.4		
29.12.15	20:10-21:00	50 min	92.1		
29.12.15	21:20-22:00	40 min	91.8		
30.12.15	17:05-17:20	15 min	86.5		
30.12.15	18:20-20:30	2 Hrs 10 min	89.2		
30.12.15	20:53-22:00	1 Hr 7 min	89.2		



Overview from the Eastern side of the venue

CONCLUSIONS:

1. As per the consent condition No. 4.vi, issued by the Board and terms of the NGT at Pune as contained in order dated 29.04.15 passed in Application No. 100/2014 to ensure that the installation of Sound Limiters fixed to the amplifier of the musical equipments by the said organisers, however during verification of the same, the representative of the event organiser informed that the musical equipments are installed with an inbuilt sound limiter, but no external sound limiter was observed by the Board officials.
 2. The Noise level recorded near the residential house of Shri. Desmond Jude D'Souza, located at Vagator, behind Anjuna Police Station, Anjuna, Bardez - Goa on the eastern side of the venue approx 500 meters away from the boundary of Venue is exceeding the permissible limits, 55 dB (A) prescribed under the Noise (Regulation and Control of Pollution) Rule, 2000 for residential area during the day time upto 10.00 pm for most of the time, however less than 65 dB (A) for any complaints to be made to the Authority as per Rule 7.
 The Noise level recorded near the periphery of the boundary on the northern side of the venue where the area is surrounded by football ground, Hotels, Guest Houses, Cottages, Bars, Restaurants, Clubs, etc. is exceeding the permissible limits, 65 dB (A) prescribed under the Noise (Regulation and Control of Pollution) Rule, 2000 for commercial area during the day time upto 10.00 pm however less than 75 dB (A) for any complaints to be made to the Authority as per Rule 7.
- As per Rule 7, Complaints to be made to the Authority.- (1) A person may, if the noise level exceeds the ambient noise standards by 10 dB (A) or more given in the corresponding columns against any area/ zone ²[or, if there is a violation of any provision of these rules regarding restrictions imposed during night time], make a complaint to the authority.

It is observed that though the Noise Level recorded exceeds the permissible limits they are not exceeding the standards by more than 10 dB (A).

3. The organiser stopped playing the music before 10:00 pm from 27.12.15 to 30.12.15.


Mr. Nilesh S. Parsekar
Scientist 'B'


Mr. Chaitanya A. Salgaonkar
Scientific Assistant


Mr. Shashank Dessai
Jr. Environmental Engineer


Mr. Santosh Haldankar
Sr. Lab. Asst.


Mr. Sanmesh Borkar
Sr. Lab. Asst.


Mr. Nilesh Surlekar,
Sr. Lab. Asst.

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.2824 OF 2022(F)

RAJESH SINARY

... PETITIONER

*Versus*STATE OF GOA, THR. CHIEF
SECRETARY & 9 ORS.

.... RESPONDENTS

*Ms. Swati Kamat Wagh, Advocate for the Petitioner.**Mr. Prashil Arolkar, Additional Government Advocate for
Respondents - State.**Mr. Pavithran A.V., Advocate for Respondent No.6.*

CORAM: VALMIKI SA MENEZES, J.

DATE : 30th DECEMBER 2022

P.C. :

1. Leave granted to the petitioner to amend the cause title and to correct the descriptions of respondent nos.5 & 8. Amendment to be carried out forthwith.
2. This is a PIL invoking this Court's power under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to initiate action in terms of law for the imposition of penalties for violation of the provisions of the Environment (Protection) Act, 1986, The Air (Prevention

and Control of Pollution) Act, 1981 (for short, 'Air Act') and the Noise Pollution (Regulation and Control) Rules 2000 (for short, 'Noise Pollution Rules'), regulations made thereunder and Action Plan notified in the Official Gazette, Government of Goa dated 05.01.2022 published on 13.01.2022.

The petitioner prays for an interim order to stop the activities of respondent no.10, which he claims are in violation of the above body of law. It is the petitioner's case that the respondent no.10, in blatant violation of the various provisions of the said Acts has been running an event since 28.12.2022, which is ongoing, and due to conclude today, that is, 30.12.2022 at 10.00 pm. It is further the petitioner's case that the event, which is known as "Sunburn Festival of Goa" whereat Electronic Dance Music (EDM) is played continuously in open air, within a residential area at a decibel level higher than 55dB(A)Leq, which is in violation of the provisions of the Environment (Protection) Act and the Air Act, making the organisers liable for prosecution under the penal provisions of these Acts.

3. According to the petitioner, private notice of this petition was served on respondent no.10 through E-mail on 29.12.2022 but no appearance is put in for respondent no.10 today.

4. According to the petitioner, the respondent no.10 is a Company registered under the Companies Act under CIN No.U74140MH2013PTC339301 having registered Office at CTS No.125, Village Vile Parle, Near W.E. Highway, Next to Neelkanth Complex, Sahar Road, Vile Parle (East), Mumbai 400099, has been represented by Parag Narendra Unke of Agarwals Peace Heaven Kauls Heritage City, Vasav Road (W), who is reported to be Company's employee, for seeking of the necessary permissions/NOCs under the different provisions of the Environment (Protection) Act, Air Act and Noise Pollution Rules. It appears that none of the departments have ascertained the details of the Directors, who are directly in charge of and responsible to the Company for the conduct of its business and for the conduct of the event in question, for which the permissions/NOCs were sought.

5. Section 15 of the Environment (Protection) Act provides for penalty for contravention of the provisions of the Act, rules, orders and directions made thereunder. The contravention thereof or failure under the said Act to comply with its provisions attracts punishment with imprisonment for a term which may extend to five years or with fine which may extend to ₹1.00 lakh or with both and in the case of the failure or contravention continuing, with additional fine which may extend to ₹5,000/-

for every day during which such failure or contravention continues after the conviction for the first contravention. Section 16 of the Act provides for prosecution when the offence is committed by a Company and specifies that every person, who at the time of an offence was committed, was directly in charge of and was responsible to the Company for the conduct of the business of the Company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

6. Section 39 of the Air Act provides for penalty for contravention of the provisions of that Act or any order or direction issued thereunder for which no penalty has been elsewhere provided in the Act, punishable with imprisonment for a term which may extend to three months or with fine which may extend to ₹10,000/- or both. Section 40 of the Air Act provides with prosecution of a Company where the offence is committed by a body corporate and it further provides that every person, who at the time the offence was committed was directly in charge of and responsible to the Company for the conduct of his business shall be deemed to be guilty of the offence and shall be liable to be proceeded against under that provision.

7. The Noise Pollution Rules and more particularly Rule 7 thereunder provides for an authority to be appointed, which in the State of Goa has been designated under Order dated 09.11.2022 No.7/4/98/ENV7&CC/DI/Part III/997 for receiving and acting upon complaints where the noise level in any area exceeds the ambient noise standard by 10dB(A) Leq or more or for violations of the provisions of those rules regarding restrictions imposed during the night time.

8. It is clear from the above quoted provisions that there are penal provisions in these laws under which the police authorities are duty bound to conduct necessary investigation for ascertaining whether there has been any offence under those provisions and to prosecute such offences by filing an appropriate chargesheet before a Magistrate or such other Court before which such chargesheet would lie. In fact, Section 15 of the Environment (Protection) Act makes such offence cognizable, subject to the provisions of Section 19 of the Environment (Protection) Act which restricts the Court's jurisdiction to take cognizance of any offence only on a complaint made by an Officer specified therein. Similarly, in terms of Section 43 of the Air Act, no Court should take cognizance of any offence under that Act except on the complaint made by the Pollution Control

Board or a person giving notice in terms of clause (b) of Section 43.

9. The averments made in the petition, more specifically those at para 1(vi) state that the petitioner engaged a Government recognised private sound monitoring agency (Sadekar Enviro Engineers Pvt. Ltd.) who has used a decibel metre and collected noise samples from surrounding areas of the Sunburn event at Survey No.206/1, Vagator, Anjuna Village, Bardez Goa, and has prepared a report which is at Annexure P5 of the petition. The same private agency Sadekar Enviro Engineers Pvt. Ltd. has prepared a second report dated 30.12.2022, containing data collected at the concerned site on 29.12.2022 between 6.56 pm and 10.12 pm which is today placed on record.

10. The respondent no.6 – Goa State Pollution Control Board, whose Officer is present in Court today, has made a statement, that in accordance with the Action Plan under the Noise Pollution Rules, 2000, it has placed at the relevant site 3 decibel meters of which real time data of the ambient noise is collected. On one such meter the data is directly transmitted/uploaded through a SIM contained therein, to the server of the Board situated at its head office at Saligao. The Board is in the process of printing this data, which will be filed under cover of an

affidavit by 03.01.2023 before this Court. The Board further submits that data collected of the ambient noise at site via the other two handheld decibel meters is stored on a data card and will be transferred to the main server of the Board, printed out and furnished to this Court under the same affidavit.

11. On going through the record in possession of the respondent no.5, it appears that there is no collection of any data by any of the authorities before the permissions were granted to the concerned event, to ascertain the names and the details of the Directors and persons who would be in charge of the conduct of the event on behalf of the respondent no.10 for the purpose of prosecuting such persons in terms of the provisions of Section 15 of the Environment (Protection) Act and Section 39 and 40 of the Air Act. It also transpires that the permissions were sought by one Parag Narendra Unke, who is an employee of respondent no.10 vide application dated 27.12.2022 purporting to be under Rule 5(i) of the Noise Pollution Rules 2000 read with clause 7(b) of the Action Plan. The permission granted by the respondent no.5 is dated 28.12.2022 granted in the morning, for the event which was to commence at 3.30 in the afternoon.

12. In terms of clause 7(b) of the Action Plan an application for permission for use of loudspeakers for such festivals was required

to be made in form Annexure 'C' to the respondent no.5; in terms of sub-clause (d) of clause 7, the Pollution Control Board – respondent no.6 is required to prepare a report in a format under Annexure 'D' of the Action Plan and forward the same to the Department of Environment, which is required to assess this report and make its recommendations to the respondent no.5 before such permissions are granted.

13. In the present case, the application presented by respondent no.10 to the Board – respondent no.6 under Sub-clause (d) of clause 7 of the Action Plan, was made on 05.12.2022 and there appears to be no report submitted by the Board to the respondent no.5 on the basis of which the respondent no.5 has granted its permission on 28.12.2022 morning. There is also no reference to such report whilst granting the permission. The record also does not demonstrate the material considered by the Department of Environment or whether it has at all made any recommendations after assessment of the report of the Board, which is non-existent. The only document produced by the Board is a letter of 28.12.2022 addressed by it directly to the Collector of North Goa, and not to the respondent no.4, recommending the event, with a copy to the respondent no.5.

Going through this record one is left with a grave doubt as to the process that was followed by the Authorities to grant permission to the event, much less what were the considerations, inputs and assessment followed by them.

14. Be that as it may, the challenge, if any, to the whole process of the grant of the permission would be a matter to be considered on merits whilst hearing the petition. Considering that the petitioner is before this Court for the limited purpose of interim directions and interim action, since the event is ongoing, after considering the contentions of the various Authorities, I proceed to pass the following interim directions:

(a) The Goa State Pollution Control Board, i.e. respondent no.6, the respondent nos.4 & 5 (Collector and the concerned Deputy Collector), the concerned Deputy Superintendent, Mapusa, who is the Sub-Divisional Officer in charge of the Taluka along with the PI Anjuna Police Station (respondent no.9) shall maintain strict vigil at the concerned site to ensure that under no circumstances would music be played on 30.12.2022 from 3.30 pm to 10.00 pm at levels above 55 dB(A) Leq. There shall be no music played after 10.00 pm.

(b) The Goa State Pollution Control Board shall ensure that its decibel meter devices to record the ambient noise level at the site shall collect data on real time basis from 3.30 pm to beyond 10.00 pm. Such data shall be downloaded and be printed and placed before this Court along with its affidavit on 03.01.2023.

(c) As required by the sub-clause (f) of clause 7 of the Action Plan, the respondent no.10 has reportedly not installed at the concerned site/venue online noise level monitoring system nor provided display boards along the periphery of the venue to display the noise level recorded at the venue, for the benefit of the public. The Pollution Control Board and the concerned PI/Deputy S.P. are hereby directed to ensure the enforcement of these provisions and see that the respondent no.10 provides a display board in terms of sub-clause (f) of clause 7 of the said Action Plan at the site, prior to the commencement of the event at 3.30 pm today and in the event of such noise online level monitoring system not being provided at the site, which equipment shall be directly connected to the server of the Pollution

Control Board, they shall ensure that the event would not take place and the venue would be shut down.

(d) The Goa State Pollution Control Board - respondent no.6 has been collecting data of the noise levels at the relevant site since 28.12.2022. It has today made a statement that from its data the noise levels have crossed the threshold of 55dB(A)Leq as provided under the Act at various points of time. It was submitted that the Pollution Control Board has stopped the event when such incident took place. This being the case, there is clearly a violation of the provisions of Section 15 of the Environment (Protection) Act and Sections 39 and 40 of the Air Act. Accordingly, there would be a case made out for an investigation based upon this data, for collection of all the necessary material which would form the basis for prosecution of the respondent no.10 and its Directors/Officers who are responsible for the event. Under these circumstances, I direct the Member Secretary of the Board, on the basis of material collected till date, and in the event of any further infraction of the above provisions is noted on the

basis of the material collected from the event site between 3.30 and 10.00 pm or thereafter today, to institute/commence the process of prosecution of the concerned persons in charge of respondent no.10 in terms of provisions of Section 15 of the Environment (Protection) Act and Section 39 of the Air Act. The concerned PI of the Anjuna Police Station and the SDPO, Mapusa shall render all assistance as may be required for the effective prosecution of the respondent no.10 and persons directly in charge of and responsible for the event and the commission of the offences. Necessary chargesheet in terms of the provisions of these Acts shall be filed before the concerned Magistrate in terms of law.

(d) The Pollution Control Board and the concerned PI/SDPO shall immediately ascertain and investigate and collect the names and addresses of the persons who are directly in charge of and responsible for the event at the site.

- 15.** Issue notice to respondent no.10 by E-mail and by regular modes of service in addition to which the petitioner shall serve respondent no.10 through registered speed post A/D and by

WhatsApp, returnable on 03.01.2023. Respondent no.10 shall file an affidavit before this Court disclosing the names of all its Directors as they stand in the record of the Company as on 05.12.2022 till date and the names of the Directors and persons in charge of the event.

16. All concerned to act on the basis of authenticated copy of this order.

17. Stand over to 03.01.2023.

VALMIKI SA MENEZES, J.

NITI K
 HALDANKAR

Digitally signed by NITI
 K HALDANKAR
 Date: 2022.12.31
 16:16:59 +05'30'

COURT M. S. SONAR &
 BHARAT B. DESHPANDE, JA
 DATED: 30 JANUARY 2023

Maria S

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WRIT PETITION NO.2824
OF 2022(FILING)

Rajesh Sinary

... Petitioner

Versus

State of Goa, thr. Chief Secretary
And 9 Ors.

... Respondents

Ms Swati Kamat Wagh, Advocate for the Petitioner.

Mr Devidas J. Pangam, Advocate General, with Mr Prashil Arolkar,
Additional Government Advocate *for the State.*

Mr Pavithran A.V. *with* Mr Prasad Kholkar, Advocates for the
Respondent No.6.

Mr Nitin N. Sardesai, Senior Advocate, with Mr Nikhil Pai,
Advocate for Respondent No.10.

CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.

DATED : 3rd JANUARY 2023

P. C.

1. The public interest litigant complains about the arbitrary manner in which permission was issued to respondent no.10 under Rule 5(1) of the Noise Pollution (Regulation and Control) Rules,

2000, for holding EDM from 28.12.2022 to 30.12.2022 between 15:30 hrs to 22:00 hrs at Vagator, Anjuna, Bardez-Goa. The public interest litigant also complains that respondent no.10 is holding the EDM in breach of the permission dated 28.12.2022, the Noise Pollution Rules and directions issued by this Court from time to time by brazenly exceeding the 55dB(A) limit imposed by the permission and the Rules. The public interest litigant also complains that the Authorities who are duty-bound to monitor the noise pollution levels are most reluctant to take any effective action against the violations brazenly perpetrated by respondent no.10. Based on all this, the public interest litigant moved the learned Vacation Judge of this Court on 30.12.2022 and applied for certain interim reliefs/directions pending disposal of the Petition.

2. The learned Vacation Judge (**Valmiki Menezes, J**) made an order on 30.12.2022 after hearing Mr Prashil Arolkar, learned Additional Government Advocate and Mr Pavithran A.V., learned counsel for the Goa State Pollution Control Board (GSPCB).
3. The interim directions issued by the learned Vacation Judge in paragraph 14 of the order dated 30.12.2022 reads as follows:

'14. Be that as it may, the challenge, if any, to the whole process of the grant of the permission would be a matter to be considered on merits whilst hearing the Petition. Considering that the Petitioner is before this Court for the limited purpose of interim directions and interim action, since the event is ongoing, after considering the contentions

of the various Authorities, I proceed to pass the following interim directions:

(a) The Goa State Pollution Control Board, i.e. respondent no.6, the respondent nos.4 & 5 (Collector and the concerned Deputy Collector), the concerned Deputy Superintendent, Mapusa, who is the Sub-Divisional Officer in charge of the Taluka along with the P.I. Anjuna Police Station (respondent no.9) shall maintain strict vigil at the concerned site to ensure that under no circumstances would music be played on 30.12.2022 from 3.30 pm to 10.00 pm at levels above 55 dB(A) Leq. There shall be no music played after 10.00 pm.

(b) The Goa State Pollution Control Board shall ensure that its decibel meter devices to record the ambient noise level at the site shall collect data on real time basis from 3.30 pm to beyond 10.00 pm.

Such data shall be downloaded and be printed and placed before this Court along with its affidavit on 03.01.2023.

(c) As required by the sub-clause (f) of clause 7 of the Action Plan, the respondent no.10 has reportedly not installed at the concerned site/venue online noise level monitoring system nor provided display boards along the periphery of the venue to display the noise level recorded at the venue, for the benefit of the public. The Pollution Control Board and the concerned P.I./Deputy S.P. are hereby directed to ensure the enforcement of these provisions and see that the respondent no.10 provides a display board in terms of sub-clause (f) of clause 7 of the said Action Plan at the site, prior to the commencement of the event at 3.30 pm today and in the event of such noise online level monitoring system not being provided at the site, which equipment shall be directly connected to the

server of the Pollution Control Board, they shall ensure that the event would not take place and the venue would be shut down.

(d) The Goa State Pollution Control Board - respondent no.6 has been collecting data of the noise levels at the relevant site since 28.12.2022. It has today made a statement that from its data the noise levels have crossed the threshold of 55dB(A)Leq as provided under the Act at various points of time. It was submitted that the Pollution Control Board has stopped the event when such incident took place.

This being the case, there is clearly a violation of the provisions of Section 15 of the Environment (Protection) Act and Sections 39 and 40 of the Air Act. Accordingly, there would be a case made out for an investigation based upon this data, for collection of all the necessary material which would form the basis for prosecution of the respondent no.10 and its Directors/Officers who are responsible for the event.

Under these circumstances, I direct the Member Secretary of the Board, on the basis of material collected till date, and in the event of any further infraction of the above provisions is noted on the basis of the material collected from the event site between 3.30 and 10.00 pm or thereafter today, to institute/commence the process of prosecution of the concerned persons in charge of respondent no.10 in terms of provisions of Section 15 of the Environment (Protection) Act and Section 39 of the Air Act. The concerned P.I. of the Anjuna Police Station and the SDPO, Mapusa shall render all assistance as may be required for the effective prosecution of the respondent no.10 and persons directly in charge of and responsible for the event and the commission of the offences. Necessary

chargesheet in terms of the provisions of these Acts shall be filed before the concerned Magistrate in terms of law.

(d) The Pollution Control Board and the concerned PI/SDPO shall immediately ascertain and investigate and collect the names and addresses of the persons who are directly in charge of and responsible for the event at the site.'

4. The Member Secretary GSPCB has filed an affidavit enclosing a monitoring report dated 2.1.2023 at annexure G. This report compiles the monitoring data of the noise generated at the EDM/ venue from 27.12.2022 and 30.12.2022. Similarly, Shri Parag Uke, the authorized representative of respondent no.10, has also filed an affidavit disclosing the names and details of the Directors of respondent no.10, as directed.

5. The inspection report annexed to the GSPCB affidavit furnishes the monitoring data for 28.12.2022, 29.12.2022 and 30.12.2022 (EDM event dates) gathered practically on one or two hourly bases. This data indicates the noise levels generated by the EDM held by respondent no. 10 near the main stage (inside the venue), near the main entrance along the periphery, and in the residential areas at some distance. Furthermore, the report indicates that on all three days, the noise levels generated by the EDM were above the 55db(A) limit set out in the permission dated 28.12.2022. In fact, the noise levels exceeded 65db(A), and on most occasions, the

noise levels were in the range of 70 to 90db(A). Moreover, other breaches of the permission and noise pollution Rules were also noticed besides exceeding the prescribed decibel levels.

6. Clause 2 of the permission dated 28.12.2022 issued by the Deputy Collector under the Noise Pollution Rules required respondent no.10 to ensure that the ambient air quality does not exceed 55db(A). Clauses 24 and 25 of this permission had directed the SDPO Mapusa and Incharge of Police Station Anjuna to strictly follow the directions issued by this Hon'ble Court on 15.12.2021 in Writ Petition No.7 of 2021. Additionally, the Incharge Police Station Anjuna was directed to follow the directions given in the order dated 23.12.2021 strictly.

7. Despite all this, there were violations and breaches noticed and confirmed by the GSPCB. Therefore, the learned Vacation Judge, on being satisfied that there were prima facie breaches coupled with the absence of any serious monitoring by the State Authorities like Police, Deputy Collector, etc. and the GSPCB officials, directed the GSPCB, Collector, Deputy Collector, the concerned Deputy Superintendent of Police, Mapusa (SDPO) and the PI of Anjuna Police Station to maintain strict vigil at the concerned site to ensure that under no circumstances music would be played on 30.12.2022 from 3.30 pm to 10.00 pm at levels above 55dB(A) Leq.

8. Despite those above clear and categorical directions, the GSPCB's report now admits that the music levels, even on

30.12.2022, exceeded 55dB(A). The report shows that even near the main entrance along the periphery, the noise levels between 16:45hrs and 22:00hrs were as follows:

<i>30.12.22</i>	<i>16:45-17:45</i>	<i>1 Hour</i>	<i>69.10</i>
<i>30.12.22</i>	<i>17:45-18:45</i>	<i>1 Hour</i>	<i>78.10</i>
<i>30.12.22</i>	<i>18:50-19:50</i>	<i>1 Hour</i>	<i>76.50</i>
<i>30.12.22</i>	<i>19:55-20:55</i>	<i>1 Hour</i>	<i>80.80</i>
<i>30.12.22</i>	<i>21:00-22:00</i>	<i>1 Hour</i>	<i>79.90</i>

9. Thus, at least prima facie, all the Authorities, referred to in paragraph 14(a) of the order dated 30.12.2022, failed to maintain strict vigil at the site and ensure that under no circumstances the noise levels would exceed 55dB(A). Moreover, the record now reveals that the Collector, Deputy Collector and SDPO, who were the Authorities specifically referred to in paragraph 14(a) of the order dated 30.12.2022, did not even bother to present themselves at the site or otherwise ensure compliance with the directions.

10. The GSPCB posted 4 of its officials at the venue. In addition, the PI of Anjuna Police Station was also present at the venue. However, we are sorry to note that even these GSPCB officials and the PI of Anjuna Police Station failed to ensure that the noise levels did not exceed the permission's 55dB(A) limit and the Noise Pollution Rules.

11. Mr Pavithran, learned counsel for GSPCB, initially stated that the GSPCB officials did stop the EDM when the noise levels exceeded

55dB(A). However, after the hearing resumed post lunch session, Mr Pavithran, no doubt on instructions, submitted that the GSPCB officials informed the PI, who was present at the venue, about the noise levels exceeding the permissible limit and requested him to act. On the other hand, based on instructions from the PI, who was present in the Court, the learned Advocate General submitted that the GSPCB officials gave no such information to the PI. In short, neither the four GSPCB officials nor the PI of Anjuna Police Station and the Police force with him did anything to ensure that the noise level did not exceed the 55dB(A) limit.

12. Mr Pavithran admitted that the GSPCB officials had monitoring equipment at the site and continuously monitored the noise levels. Accordingly, at least, prima facie, it is difficult to accept the PI's oral submission that the four GSPCB officials never informed him about the noise levels exceeding the permissible limits. In any case, our order dated 30.12.2022 required not only the PI but the Collector, Deputy Collector and, most importantly, the SDPO to ensure that the noise levels did not exceed the prescribed limits. None of these Authorities, prima facie, appear to have done anything to comply with this Court's order dated 30.12.2022. Instead, the entire approach was to blame one another while facilitating respondent no.10 to continue to prima facie breach the noise pollution limits set out in the permission dated 28.12.2022 and the Noise Pollution Rules.

13. To our query as to why the equipment was not seized, and respondent no.10 was not prevented from continuing to breach the limits and the Rules, Mr Pavithran, in the morning session, almost admitted the lapse. However, in the post-lunch session, relying on the 2007 Rules, Mr Pavithran submitted that the appropriate authorities in this regard were the Authorities referred to in the Government order dated 09.11.2022, which did not include the GSPCB. This order, inter alia, includes Collectors, Deputy Collectors and the SDPO. Therefore, specific directions were issued to these Authorities. Yet, for reasons best known to them, these authorities failed to act and, at least, prima facie failed to comply with our directions.

14. The GSPCB officials and the Police Authorities, who were present at the site, attended the EDM and experienced first-hand the breaches of the permission of noise pollution limits and the Pollution Control Rules. Their reports confirm the breaches and violations. But now, they are only engaged in blaming each other. The equipment carried by them electronically records the noise pollution levels and the consequent breaches. Otherwise, in most cases, we are informed that the complaints made by the citizens of noise pollution were investigated and found not to be correct or that the music was played within the permissible limits by the time the authorities reached the venue. Unfortunately, this has become the latest ploy to avoid compliance with the law and Court directives on this subject. Such excuses are almost routinely given in matters concerning the rampant illegal extraction of sand from river beds, illegal quarrying, illegal hill

cutting or the mushrooming of illegal constructions in eco-sensitive zones like beaches.

15. This Court is sorry to record that the Authorities seem to take great pride in tolerating the breaching of the Noise Pollution Rules and, more particularly, themselves breaching the repeated directions issued by this Court from time to time to enforce the Rules and Regulations concerning the control of noise pollution. At least, prima facie, this appears to be a case of deliberate inaction or the lack of will to enforce the law.

16. In the present case, we get the impression that the anxiety of the Authorities tasked with the duty to ensure compliance with the Noise Pollution Rules, not to mention the orders made by this Court from time to time, was to ensure that this particular EDM festival proceeds unhindered, even though, the GSPCB report prima facie shows that the noise level limits were being breached with impunity. The Authorities were perhaps confident that once the event was over, there would be no further inquiries into the citizens' complaints and their own inaction. However, if such an approach continues, the rule of law will be rendered a casualty.

17. The blame game between the GSPCB officials and the PI of Anjuna Police Station that unfolded before us in the open Court was, to say the least, most shameful. This was a case of two sets of public officials blaming each other for not taking any action and preventing the breaches of the Noise Pollution Rules and the orders made by this

Court from time to time. There was no remorse from either set of officials about the apparent violations of the Noise Pollution Rules or disobedience of the orders made by this Court from time to time. Even the learned Advocate General for the State of Goa, as is his right, took up for the PI of the Anjuna Police Station and submitted that unless the GSPCB officials were to inform him, the PI was not expected to take any action in the matter.

18. Thus, it is pretty clear that breaches or violations repeatedly occurred on all three days of EDM, as per the GSPCB reports. Still, neither the GSPCB officials nor the Police officials accept blame for preventing such breaches in the first place or failing to take stern action of confiscating or seizing the equipment to at least stop further noise pollution. Suppose violations of the Rules and our repeated directions are evident, and none of the Authorities accepts blame and responsibility. In that case, we will be left with no alternative but to ask the Chief Secretary whether the Administration is serious about its commitment to the Rule of Law. Moreover, the Hon'ble Supreme Court has held that violations of the noise pollution Rules would amount to a breach of Article 21 of the Constitution. Therefore, it is high time such violations are dealt with firmly.

19. If all the Authorities of the Executive fail to prevent the breaches of the Noise Pollution Rules and the repeated orders issued by this Court merely directing the implementation of such Rules, then the Authorities would be making a mockery of the rule of law, which

is the basic structure of our Constitution. As noted earlier, at least prima facie, we find it difficult to believe that the GSPCB officials would not inform the PI of the Anjuna Police Station, who was with them at the site, about the repeated violations and request him to take some action in the matter. Therefore, at least prima facie, the stance of the PI is rather strange. His failure to immediately inform the SDPO or Collector is even stranger, to say the least.

20. Ms Wagh learned counsel for the Petitioner produced written complaints on record to the police station. However, the defence was that the PI was at the venue and, therefore, could take no cognizance of the complaints given at the police station. Therefore, prima facie, we wonder whether the PI's presence at the venue was to prevent breaches of the Noise Pollution Rules or to facilitate the EDM and the consequential violations of the Noise Pollution Rules. The record placed before us thus far shows that prima facie, the noise level limits were breached, and the Authorities, despite having powers coupled with a duty to exercise such powers, acted as mute spectators. And now, the entire anxiety is to shift the blame on one another.

21. Apart from the Noise Pollution Rules, there are judgments of the Hon'ble Supreme Court and this Court directing the implementation of such Rules. Accordingly, detailed directions have been issued to implement the said Rules effectively. The implementation, no doubt, is in the hands of the Executive, i.e. Police officials, GSPCB officials, etc. If, for any reason, they are averse to

implementing judicial orders; then they must at least enforce the laws, rules and regulations enacted by the Legislature. Just because we show utmost restraint in exercising our Contempt Jurisdiction, the Authorities must show no laxity or dodge compliance with judicial orders.

22. At this stage, we are only reminding the Authorities who have a duty to implement the enacted laws that enacting a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of the law, over a period of time, is made possible by the adoption of such means, which are best known to the violators of the law. *Continued tolerance of such violations of law not only renders legal provisions nugatory, but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the Legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost*

*importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations. [See paragraph 26 in **Indian Council For Enviro-Legal Action v/s. Union of India And Others. (1996) 5 SCC 281.**]*

23. As a Constitutional Court, we would be failing in our duty if we tolerate the violation of the Pollution Laws or tolerate any further prima facie breaches of our repeated orders on the subject of rampant noise pollution. But, unfortunately, the police authorities, GSPCB officials, The Collectors or Deputy Collectors do not appear to be taking up the issue of enforcement with the desired and expected level of seriousness (as was evident from the unfortunate blame game staged out in the open Court between the officials of the GSPCB and the Police). This means that the breach is apparent to the Authorities, but no one was prepared to accept the responsibility. In such a piquant situation, we request the Chief Secretary of the State of Goa to enquire into what we consider prima facie lapses on the part of the Authorities in preventing, in their presence, the breaches of the Noise Pollution

Rules and the various orders issued by this Court from time to time, including the latest order dated 30.12.2022.

24. The Chief Secretary of the State of Goa is directed to file his preliminary report supported by his affidavit by 19.01.2023. The affidavit must not be restricted only to the EDM festival, but the affidavit should, among other things, state whether the Authorities have the necessary competence, human resources, equipment and, most importantly, the will to enforce the Noise Pollution Rules (not to mention, the orders issued by this Court from time to time directing the enforcement of such Rules). Further, the Chief Secretary must fix the responsibility of the subject events upon those prima facie responsible for the dereliction of duties. Finally, the affidavit must indicate whether any action would be taken against such officials and the timelines for them.

25. Mr Pavithran has stated that the GSPCB will also file an affidavit or affidavits of the officials present at the site about the information imparted by them to the PI Anjuna Police Station and the requests made to him to take action since the noise pollution limits were being breached. Such affidavit/affidavits are to be filed by 12.01.2023, and advance copies are to be furnished not only to the learned counsel for the Petitioner but also to the office of the learned Advocate General.

26. The P.I. Anjuna Police Station and the SDPO Mapusa are also to file affidavits in this matter explaining their role, including, in

particular, the prima facie breach of the directions issued by this Court on 30.12.2022. Such affidavits are to be filed latest by 19.01.2023.

27. Mr Pavithran, based on instructions from GSPCB, has stated that the GSPCB will launch prosecution against the violators by the end of January 2023. He submitted that the material collected by the GSPCB establishes violations and there is sufficient material for launching such prosecution. Therefore, he proposes that all necessary procedural formalities will be complied with and the prosecution will be launched.

28. Mr Pavithran also stated that the GSPCB would be issuing a show cause notice to respondent no.10, requiring it to show cause as to why the bank guarantee of ₹10 lakhs furnished by them as security for compliance with all rules and regulations should not be encashed. He submitted that such show cause notice would be issued at the earliest and action as permissible under the law would be initiated after considering the cause shown.

29. The statements made by Mr Pavithran on behalf of GSPCB are accepted.

30. This matter is now posted for further consideration on 24.01.2023.

BHARAT P. DESHPANDE, J

M. S. SONAK, J.

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.15 OF 2023

1) Rajesh Sinary,
Son of late Purshottam Sinary,
Aged 59,
Pan card no. DPQPS2088J
Email address:
rajeshsinary@hotmail.com
Annual income - NIL
Resident: House No. 1014
Opp. Luiza Bar, Grand Peddem,
Anjuna, Bardez, Goa 403509.

... Petitioner

Versus

1) State of Goa
Through Chief Secretary
Having office at Secretariat,
Porvorim, Goa.

2) The Director Tourism,
1st Floor, Paryatan Bhavan,
Patto, Panaji, Goa 403001.

4) The Collector and District
Magistrate, (North) Collectorate
Building, Opp. Municipal Garden,
Panaji Goa 403001.

5) The Dy. Collector,
~~North Goa Collectorate Building,~~
~~Opp. Municipal Garden, Panaji Goa~~
403001. Mapusa, Bardez-Goa.

Deleted

6) The Member Secretary,

Goa State Pollution Control Board,
Opp. Saliegao Seminary,
Near Pilerne Industrial Estate,
Saliegao — Goa.

7) The Member Secretary,
GCZMA, North Goa,
4th Floor, Dempo Towers, Patto,
Panaji Goa 403001.

8) The SDPO, North Goa
~~Goa Police Headquarters,~~
~~Near Azad Maidan,~~
~~Panaji Goa 403001,~~
Mapusa, Bardez-Goa.

Deleted

9) The Police
Anjuna Police Station,
Opp. Childrens Park,

10) M/s. Spacebound Web Labs Pvt.
Ltd.
Shar Road, Ville Parle,
Mumbai-400099. Having temporary
address at Survey No.206/1, Vagator
Varsez Village, Anjuna-Goa.

... Respondents

Ms Swati Kamat Wagh, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr P. Arolkar, Additional
Government Advocate for Respondent Nos.1 to 5 and 7 to 9.

Mr Pavithran A.V. with Mr P. Kholkar, Advocates for Respondent
No.6.

Mr Nitin Sardessai, Senior Advocate with Mr Nikhil Pai and Mr S.
Sardessai, Advocates for Respondent No.10.

CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.

Reserved on: 25th JULY 2023

Pronounced on: 15th DECEMBER 2023

JUDGMENT: (Per M.S. Sonak, J.)

1. Heard Ms Swati Kamat Wagh for the petitioner, Mr D. Pangam, learned Advocate General with Mr P. Arolkar, learned Additional Government Advocate for the State, Mr Pavithran with Mr P. Kholkar for Goa State Pollution Control Board (R-6), Mr Nitin Sardesai, learned Senior Advocate with Mr Nikhil Pai and Mr S. Sardesai for respondent no.10 (R-10).
2. Rule. The rule is made returnable immediately at the request of and with the consent of the learned Counsel appearing for the parties. Learned Counsel for the respondents waived service.
3. This Public Interest Litigation challenges the permission dated 28.12.2022 issued to M/s. Spacebound Web Labs Pvt. Ltd. (R-10) to hold the Sunburn Music Festival from 28th December 2022 to 30th December 2022. The petition also complains about the breaches of the terms and conditions of this permission by exceeding, with impunity, the noise levels prescribed in the permission and the Rules. The main objection regarding the grant of permission relates to the breach of the notified action plan under which such permissions had to be granted and the Noise Pollution (Control and Regulation) Rules 2000. Since

the permission was granted at the last minute, that is on 28.12.2022, this petition was instituted on 29.12.2022 and circulated before the learned Vacation Judge (Valmiki Sa Menezes, J.) on 30.12.2022.

4. The learned Vacation Judge, after hearing the learned Counsel for the petitioner, the State Government and the GSPCB, considered the provisions of the Environment (Protection) Act 1986 (EPA), the Air (Prevention and Control of Pollution) Act, 1981 (Air Act), Noise Pollution (Regulation and Control) Rules 2000 (Noise Pollution Rules) and the Action Plan dated 05.01.2022 notified and published in the Official Gazette, Government of Goa, on 13.01.2022 (Action Plan), the material on record and issued the following interim directions vide order dated 30.12.2022.

“(a) The Goa State Pollution Control Board, i.e. respondent no.6, the respondent nos.4 & 5 (Collector and the concerned Deputy Collector), the concerned Deputy Superintendent, Mapusa, who is the Sub-Divisional Officer in charge of the Taluka along with the PI Anjuna Police Station (respondent no.9) shall maintain strict vigil at the concerned site to ensure that under no circumstances would music be played on 30.12.2022 from 3.30 pm to 10.00 pm at levels above 55 dB(A) Leq. There shall be no music played after 10.00 pm.

(b) The Goa State Pollution Control Board shall ensure that its decibel meter devices to record the ambient noise level at the site shall collect data on real time basis from 3.30 pm to beyond 10.00 pm. Such data shall be downloaded and be printed and placed before this Court along with its affidavit on 03.01.2023.

(c) As required by the sub-clause (f) of clause 7 of the Action Plan, the respondent no.10 has reportedly not installed at the concerned site/venue online noise level monitoring system nor provided display boards along the periphery of the venue to display the noise level recorded at the venue, for the benefit of the public. The Pollution Control Board and the concerned PI/Deputy S.P. are hereby directed to ensure the enforcement of these provisions and see that the respondent no.10 provides a display board in terms of sub-clause (f) of clause 7 of the said Action Plan at the site, prior to the commencement of the event at 3.30 pm today and in the event of such noise online level monitoring system not being provided at the site, which equipment shall be directly connected to the server of the Pollution Control Board, they shall ensure that the event would not take place and the venue would be shut down.

(d) The Goa State Pollution Control Board - respondent no.6 has been collecting data of the noise levels at the relevant site since 28.12.2022. It has today made a statement that from its data the noise levels have crossed the threshold of 55dB(A)Leq as provided under the Act at various points of time. It was submitted that the Pollution Control Board has stopped the event when such incident took place. This being the case, there is clearly a violation of the provisions of Section 15 of the Environment (Protection) Act and Sections 39 and 40 of the Air Act. Accordingly, there would be a case made out for an investigation based upon this data, for collection of all the necessary material which would form the basis for prosecution of the respondent no.10 and its Directors/Officers who are responsible for the event. Under these circumstances, I direct the Member Secretary of the Board, on the basis of material collected till date, and in the event of any further infraction of the above provisions is noted on the basis of the material collected

from the event site between 3.30 and 10.00 pm or thereafter today, to institute/commence the process of prosecution of the concerned persons in charge of respondent no.10 in terms of provisions of Section 15 of the Environment (Protection) Act and Section 39 of the Air Act. The concerned PI of the Anjuna Police Station and the SDPO, Mapusa shall render all assistance as may be required for the effective prosecution of the respondent no.10 and persons directly in charge of and responsible for the event and the commission of the offences. Necessary chargesheet in terms of the provisions of these Acts shall be filed before the concerned Magistrate in terms of law.

(d) The Pollution Control Board and the concerned PI/SDPO shall immediately ascertain and investigate and collect the names and addresses of the persons who are directly in charge of and responsible for the event at the site.”

5. From the perusal of the interim order dated 30.12.022, it is evident that the learned Vacation Judge entertained grave doubts about the manner and the legality of the permissions granted by the authorities to R-10 for operating the music festival between 28th and 30th December 2022. Still, the learned Vacation Judge, with a view to impress upon the authorities that R-10 must comply with the terms and conditions subject to which such permissions were granted, issued the above series of interim directions to the various authorities. In particular, the GSPCB, the Collector or the concerned Deputy Collector, the concerned Deputy Superintendent of Police and the PI of Anjuna Police Station were directed to maintain a direct vigil at the festival site to ensure that under no circumstances music should be played on 30.12.2022 from 3.30 p.m. to 10.00 p.m. at levels exceeding

55dB(A)Leq. Further, the interim order clarified that in terms of the permissions granted as well as the Noise Pollution Rules, no music should be played beyond 10.00 p.m.

6. The interim order dated 30.12.2022 records that the music played at the festival on 28.12.2022 was *prima facie* beyond the prescribed levels of 55dB(A)Leq at various points in time. Accordingly, the interim order directed investigation based upon the collected data and if the investigation revealed violations, then, for launch of prosecution. The matter was posted on 03.01.2023 for reporting compliance.

7. On 03.01.2023, the Member Secretary of GSPCB filed an affidavit enclosing a monitoring report about the data of noise generated at the festival/venue from 27.12.2022 till 30.12.2022. The report furnishes the monitoring data for the dates of the festival, that is, 28.12.2022, 29.12.2022 and 30.12.2022 (the festival dates) gathered practically on one or two hourly basis. This data indicated that the noise levels generated by the festival near the main stage (inside the venue), near the main entrance along the periphery and in the residential area at a specified distance from the venue. The report indicated that on all three dates, the noise level generated by the festivals was above 55dB(A). The report states that on most occasions the noise levels exceeded 65dB(A) and were in the range of 70 to 90dB(A). The report also refers to other breaches of the terms and conditions subject

to which permission was granted, not to mention the breaches of the Noise Pollution Rules.

8. Before going into the issue of legality and validity of the permission dated 28.12.2022, it needs to be noted that clause (C) of the permission dated 28.12.2022 issued by the Deputy Collector under the Noise Pollution Rules had very clearly required R-10 to ensure that the ambient air quality does not exceed 55dB(A), clauses 24 and 25 of this permission had directed the SDPO, Mapusa and In-charge of police Station, Anjuna to strictly follow the directions issued by this Court on 15.12.2021 in Writ Petition No.7/2021. Additionally, the In-charge Police Station, Anjuna was directed to follow the directions in this Court's order dated 23.12.2021 in the said Writ Petition very strictly.

9. Despite the above conditions in the permission dated 28.12.2022, there were violations and breaches as noticed and ultimately confirmed by the GSPCB. Therefore, the learned Vacation Judge was constrained to pass a detailed interim order dated 30.12.2022. Despite the clear and categorical directions in the order dated 30.12.2022, the GSPCB reported that the music levels even on 30.12.2022 exceeded 55dB(A). The report shows that even near the main entrance along the periphery the noise levels between 16.45-17.45 hrs and 19.55-20.55 hrs on 30.12.2022 were in the range of 69.10dB(A) and 80.80dB(A).

- 10.** From the GSPCB report, it is evident that none of the parties bothered to comply with the clear and unambiguous directions issued by the learned Vacation Judge on 30.12.2022. The noise levels exceeded the permissible limits. The records show that the Collector, Deputy Collector and SDPO who were specifically enjoined with the responsibility of monitoring the festival and ensuring that the noise levels do not increase the prescribed limits, did not even bother to prevent this at the venue or otherwise ensure compliance with the directions.
- 11.** The records disclose that the GSPCB posted its officials at the festival site. The PI of Anjuna police station was also present at the festival site. Despite the presence of GSPCB officials and Police officials, the conditions subject to which permissions were granted were breached by R-10 with impunity. The GSPCB and the police officials for the reasons best known took no steps to either stop the festival and control the breaches or otherwise ensure that the noise levels were within the prescribed limits.
- 12.** Orally, it was submitted by Mr Pavithran, the learned Counsel for the GSPCB that the GSPCB officials did inform the police officials present that noise levels were exceeding the permissible limits. Therefore, the police officials must act. However, on behalf of the police officials, it was orally submitted that no such information was given by the GSPCB officials to them and, therefore, the police officials took no action. In short, the GSPCB officials and the police officials

mutely watched the breach of terms and conditions subject to which permissions were granted to R-10, the breach of Noise Pollution Rules and the breach of directions issued by this Court but felt helpless to act. The entire breach was to blame one another but somehow see that R-10 continues with its festival by breaching the Noise Pollution Rules with impunity.

13. At least, *prima facie*, this Court found it a little difficult to believe that the GSPCB officials present at the site with monitoring equipment failed to inform the police officials that the noise levels were way beyond the permissible limits. To the Court's query as to why noise-changing equipment was not seized, the learned Counsel for the GSPCB submitted that it was for the Deputy Collector and SDPO to seize the equipment. In short, almost all the authorities watched the breach of the terms and conditions, the Noise Pollution Rules and the directions of this Court but did nothing to prevent R-10 from continuing with such breaches.

14. Therefore, this Court was constrained to make a detailed order dated 03.01.2023 observing how the authorities who were entrusted with the responsibility of administering and implementing the Noise Pollution Rules seem to take great pride in tolerating the breaches of some rules with impunity. This Court was forced to note that this instance appears to be a case of deliberate inaction or the lack of will to enforce the law and the Court's directions. This Court was also constrained to note that the anxiety of the authorities tasked with the

duty to ensure compliance with the Noise Pollution Rules, not to mention the orders made by this Court from time to time, was to ensure that this festival proceeds unhindered, even though the GSPCB report now shows that the noise level limits were breached with impunity. This Court was constrained to note that both R-10 and the authorities were confident that once such an event was over, there would be no further inquiries into repeated complaints made by the citizens against the breaches of Noise Pollution Rules or the inaction of the authorities. This Court was constrained to note that if this approach continues, the rule of law will be rendered a casualty.

15. This Court, in its order dated 03.01.2023, was constrained to note that the blame game between the GSPCB officials and the PI of Anjuna Police Station that unfolded in the open Court was, to say the least, most shameful. This was a case of two sets of public officials blaming each other for not taking any action and, in the meantime, breaching the law by exceeding the noise limits set out in the Noise Pollution Rules. From the report submitted, it was clear that the limits set out in the permissions and the Noise Pollution Rules were flouted with impunity on all three days of the festival. The GSPCB and the police officials, despite clear and unambiguous directions from this Court, failed to prevent such breaches and only indulged in blaming each other. None of the authorities confiscated or seized noise-generating equipment or took any other measures to ensure that the

breaches did not continue with impunity with impunity in their presence.

16. This Court noted that if the authorities or executive failed to prevent the breaches of the Noise Pollution Rules and the reported orders issued by this Court directing the implementation of such Rules, then the authorities would be making a mockery of the rule of law, which is one of the basic structures of our Constitution. In this case, Ms Wagh learned Counsel of the petitioner, produced written complaints made to the police station about the apparent breach of the Noise Pollution Rules and the extreme nuisance caused due to such breaches. The PI of the police station, with impunity, claimed that no action could be taken on these complaints because he was present at the festival site and not at the police station during the festival. Thus, the citizen was left with no remedies, and the authorities indulged in a blame game and refused to take any action to prevent the breach of Noise Pollution Rules, perhaps being supremely confident that no action would be initiated against them by their superiors once the festival was concluded.

17. In our order dated 03.01.2023, we referred to the decision of the Hon'ble Supreme Court in the case of *Indian Council for Enviro-Legal Action V/s. Union of India and Ors.*¹, in which the Hon'ble Supreme Court has held that tolerating its infringement is worse than

¹ (1996) 5 SCC 281

not enacting a law at all. The continued infringement of the law, over a period of time, is made possible by the adoption of such means, which are best known to the violators of the law. Continued tolerance of such violations of law not only renders legal provisions nugatory, but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot or ought not to, be tolerated in any civilised society. The law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the Legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for future generations, and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed, and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then it has to be enforced. Otherwise, infringement of the law, which is actively or passively condoned for personal gain, will be encouraged, which will, in turn, lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life, but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of the

environment, the adverse effect of which will have to be borne by future generations.

18. In *Noise Pollution (V), In re*², the Hon'ble Supreme Court definitively dealt with the menace of noise pollution, and *inter alia*, held that anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent noise as pollutant reaching him. None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause a nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is a nuisance. The Hon'ble Court observed that noise is defined as unwanted sound. Sound which pleases the listeners is music and that which causes pain and annoyance is noise. At times, what is music for some can be noise for others.

19. Further, the Hon'ble Supreme Court held that nobody could claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a right to listen or decline to listen. *Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge in aural aggression.* If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious

² (2005) 5 SCC 733

levels, then the person speaking is violating the right of others to a peaceful, comfortable and pollution-free life guaranteed by Article 21.

20. The judgment of the Kerala High Court in *P.A. Jacob v. Superintendent of Police, Kottayam*³, was approved of by the Hon'ble Supreme Court in *Noise Pollution (V), In re (supra)*. The exposition on Article 21 was also adopted by the Hon'ble Supreme Court. It was held that a person can decline to read a publication or switch off a radio or television set. But he cannot prevent the sound from a loudspeaker from reaching him. He could be forced to hear what, he wishes not, to hear. That will be an invasion of his right to be let alone, to hear what he wants to hear, or not to hear, what he does not wish to hear. One may put his mind or hearing to his own use, but not that of another. No one has a right to trespass on the mind or ear of another and commit auricular or visual aggression. Limits must be drawn for liberties, lest they turn into licence and the antithesis of liberty in its true sense.

21. Due to the transient and intangible nature of noise pollution it is often treated with a lack of requisite seriousness, but as noted in *Noise Pollution (V), In re (supra)*, *noise is more than just a nuisance. It constitutes a real and present danger to people's health.* Day and night, at home, at work, and at play, noise can produce serious physical and psychological stress. No one is immune to this stress. Though we seem to adjust to noise by ignoring it, the ear, in fact, never closes and the

³ 1992 SCC OnLine Ker 170

body still responds — sometimes with extreme tension, as to a strange sound in the night. Noise is a type of atmospheric pollution. It is a shadowy public enemy whose growing menace has increased in the modern age of industrialisation and technological advancement.

22. Noise, especially with prolonged exposure, apart from causing partial or complete hearing impairment, can also have wide-ranging, serious, and deleterious effects on the health of unsuspecting persons. Noise can disturb our work, rest, sleep, and communication. It can damage our hearing and evoke other psychological, and possibly pathological reactions. However, because of the complexity, variability, and interaction of noise with other environmental factors, the adverse health effects of noise do not lend themselves to a straightforward analysis. It has been determined that noise has an explicit effect on the blood vessels, especially the smaller ones known as pre-capillaries. Overall, noise makes these blood vessels narrower. Noise causes the peripheral blood vessels in the toes, fingers, skin and abdominal organs to constrict, thereby decreasing the amount of blood normally supplied to these areas.

23. Possible clinical manifestations of stress concomitant with noise are (i) galvanic skin response, (ii) increased activity related to ulcer formation, (iii) changes in intestinal motility, (iv) changes in skeletal muscle tension, (v) subjective response irritability perception of loudness, (vi) increased sugar, cholesterol, and adrenaline, (vii) changes in heart rate, (viii) increased blood pressure, (ix) increased adrenal

hormones, (x) vasoconstriction. Not only might there be harmful consequences to health during the state of alertness, but research also suggests that effects may occur when the body is unaware or asleep [Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise, by Office of the Scientific Assistant, Office of Noise Abatement and Control, US Environmental Protection Agency, October 1979, revised July 1981]. And this, to only name a few. [See *Dr. Mahesh Vijay Bedekar V/s. State of Maharashtra*⁴, *P.A. Jacob* (supra)].

24. Since this was a case where there was sufficient material on record which showed that the noise pollution limits exceeded those set out in the permission and the Noise Pollution Rules, still, the GSPCB officials, police officials, Collectors and Deputy Collectors failed to take any action and were not prepared to accept any responsibility, we requested the Chief Secretary of the State of Goa to inquire into what we then considered the *prima facie* lapses on the part of the authorities in preventing in their presence the breach of the Noise Pollution Rules and various orders issued by this Court, including the interim order made in this case on 30.12.2022. The Chief Secretary was directed to file a preliminary report on 19.01.2023. The report was directed to include not only the breaches at the festival held by R-10, but the report/affidavit was directed to address issues about whether the GSPCB and police authorities have the necessary competence, human

⁴ 2016 SCC OnLine Bom 8894

resources, equipment and most importantly, will to enforce the Noise Pollution Rules. The Chief Secretary was also requested to fix the responsibility of the subject event on the officials and state whether any action would be taken against such officials.

25. Though not within the timeline prescribed, the Chief Secretary filed his affidavit and report on 03.03.2023 in this matter. In the preliminary report, the Chief Secretary referred to the comments from the police department, Collector's office and GSPCB. After analysing the comments, the Chief Secretary recorded the following findings in his report accompanying the affidavit dated 03.03.2023:

"9. FINDINGS:

i. In exercise of the powers conferred by clause (ii) of subsection (2) of section 3, sub-section (1) and clause (b) of subsection (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with Rule 5 of the Environment (Protection) Rules, 1986, the Central Government made the rules for the regulation and control of noise producing and generating sources, namely: The Noise Pollution (Regulation and Control) Rules, 2000. The GSPCB is the noise pollution monitoring body and the Nodal Agency. Further, officers appointed under the Official Gazette dated 17/11/2022 are the implementing Authorities who are duty bound to maintain the ambient Air quality standards in respect of Noise under the rules of the Noise Pollution (Regulation and Control Rules, 2000).

ii. The Hon'ble Courts has, in its various orders, directed the Board to monitor events ensuring compliance of sound decibels through the use of sound measuring equipments

inside and outside the place of the event with the help of the Police.

iii. With regards to this case, the GSPCB have themselves in its letter dated 28/12/2022 clearly stated that they would seek assistance from the Collector & District Magistrate North in case the noise exceeds the Permissible Limits. The Board, in its report, and before the Hon'ble High Court have clearly admitted that the music had exceeded the permissible limits.

iv. The Board officials in their affidavit have clearly stated that they approached the police officials outside the venue and the Police Officials intimated the Board officials to contact the SDPO of Mapusa. Subsequently, para eleven of the Affidavit of the Board submitted to the Hon'ble High Court stated that the first exceedance of the noise level was noticed on the very first day i.e., on 28th December as it reached a level of 72.10dB(A). Subsequently, on the second day as well, the Board officials noticed that there was a violation.

v. It is evident from the report of Superintendent of Police that Police were quite busy monitoring law and order situation so less attention was given on curbing noise pollution. Even though as per the Order no 7/4/98/ENVT&CC/DIR/Part III/97 published in the Official Gazette Series II No. 33 dated 17/11/2022, the Superintendent of Police, SDPO Mapusa are designated officers who are duty bound to maintain ambient air quality standards in respect of noise under the rules of the Noise Pollution (Regulation and Control Rules, 2000). However, the Officers, even though present on site as per their admission in the report dated 17/1/2023, couldn't comply with the directions of the various orders of the Hon'ble Courts.

vi. From the report of the District Magistrate, North Goa District, inference can be drawn that even the Executive Magistrate on duty was engaged in controlling the crowd and maintaining Law and Order at the venue along with the Police. The Executive Magistrates have powers under law to take measures with a view to prevent commission of offences involving breach of peace or disturbance to public tranquillity in their jurisdiction or for any matter to follow compliance of the Directions issued by the Hon'ble Courts. However, the Officers, even though present on site as per their admission in the report dated 17/1/2023 have given priority in controlling the crowd and maintaining Law & Order instead of controlling the noise pollution.

vii. The Board, being the nodal authority and incharge of controlling and implementing the Noise Pollution Rules, has to be more vigilant and abide by the rules framed under law. It was incumbent upon the Board to develop a proper and effective monitoring and communication mechanism with other designated authorities. The lack of co-ordination between the Board and Police officials is evident in this case. The Board and Police need to constitute a Joint Special Cell to ensure that specified noise levels are not exceeded in future for any events.

viii. The Board has now filed a criminal case (with Registration Number 26/2023 registered on 21/01/2023) against the organizers of the event in Civil and Criminal Court, Mapusa.”

26. The Chief Secretary filed a further affidavit dated 10.04.2023, along with a further report. In this report, the Chief Secretary considered the following aspects:

“1. To look into the process by which permission was granted on 28.12.2022 based upon the application which was inwards only on 27.12.2022.

2. To look into the notification dated 05.01.2022 containing the Department of Environment and Climate Change action plan in the context of the Noise Pollution Rules.

3. To submit report on the officers who were involved in this process of grant of permission.”

27. The Chief Secretary considered the various permissions obtained by R-10, replies filed by various authorities, including the GSPCB, District Magistrate, Superintendent of Police, North District, Porvorim, and the provisions of the EPA 1986, Air Pollution Act, 1981, Noise Pollution Rules 2000 and the Action Plan dated 05.01.2022 notified by the Government of Goa. Based on the material before him, the Chief Secretary recorded the following findings in his report:

FINDINGS:

- From the above observations, it is evident that the Organizers did not approach the concerned authorities in advance as prescribed under law for seeking permission for amplified music. It is clear from the above analysis that the Organiser has clearly defaulted in the provision 7(b) of the Action Plan dated 5/1/2022; wherein it was the requirement under the Plan that the person requiring to use the Loud speakers has to submit an application to the Authority of the concerned areas at least seven days before the date of use. However, in the present case it is noted that the Organiser has failed to comply with this provision and has submitted the application only a day in advance.

Further, the various other permissions obtained by the organizers are as tabulated below:

Sr.No.	Nature of Permission	Date on which applied	Date on which granted
1	Tourism Department	28/04/2022	16/12/2022
2	Sound Permission	27/12/2022	28/12/2022
3	NOC from SDPO	27/12/2022	28/12/2022
4	NOC from GSPCB	05/12/2022	28/12/2022

- This being a clear violation of the rules by the organizers, the officials involved in the permission granting process viz. SDM, SDPO and Pollution Control Board have processed the application and have granted permission for the event within a day. It has also been stated by SDM that such instances have also occurred in past where the Organizers of the same event have applied just one day before the event and permissions have been granted.
- The DM in her submissions has stated that as the event was large scale international event, where lakhs of people were about to attend, the officials were put in a difficult situation. Non-organization of the event would have led to chaos. Therefore, the application was processed and permission was granted expeditiously after obtaining recommendations from all the concerned authorities. The Organizers, therefore, need to be directed to submit the application well in advance to examine the same thoroughly before granting permission.
- Although there was callousness on the part of Organizers in submitting the application one day prior to the event, the officials were not bound to grant permission within a day. For an event of such large magnitude, assessing the

ground conditions before granting permissions is a must. However, it is pertinent to mention that the SDM has obtained all the necessary recommendations/NOCs from all the respective authorities, including recommendation from GSPCB, before granting the permission to the organizers within a day. In future, the officials need to adhere to rule provisions and independently assess the application before granting permissions irrespective of the scale of the event.

- As regards to Noise limit violations on site, the Organizers were allowed to start the event only after installation of the Noise Limiters to regulate the noise levels within the prescribed limits and installation of online noise monitoring system and providing display board along the periphery of the venue to display the noise levels recorded at the venue. Only on meeting these criteria, the music was allowed to be played by GSPCB. Further, the members of GSPCB have also attempted themselves to get the sound levels within permissible limits during the live event after directing the organizers to do so.
- Primarily, the violations of sound levels recorded on site could not be controlled due to lack of co-ordination between Police & GSPCB. The SDPO has stated that they were busy in monitoring and managing the huge crowd whereas the GSPCB have stated that they orally informed the Police multiple times that the noise levels are being exceeded. As there is no written record, it is actually difficult to ascertain whether the violations were actually brought to the notice of Police by GSPCB. Therefore, it is necessary that henceforth, if there any breach of Rules for any event, the incident should immediately be reported by GSPCB to the PI, SP, SDM and DM through mobile message or an email alongwith a mention to close the event immediately. Further, to avoid such recurrences in future,

a "Joint Special Cell" of officials from Police, GSPCB and SDM is to be formed for better co-ordination.

- For the violations of provisions under the Environment Protection Act, Air (Prevention and Control of Pollution) Act 1981, and the Noise Pollution (Regulation and Control) Rules 2000, it is noted that the GSPCB has observed that the Organiser had violated the permission granted by the Authorities and hence the Board has taken the violations seriously and action has been initiated as per the provisions in law thereby filing a Criminal Complaint before the Court of the Judicial Magistrate First Class at Mapusa and subsequently issuing a Show Cause Notice to the Organisers seeking reasons as to why the Security Deposit should not be forfeited for not abiding by the guidelines and conditions prescribed in the permission granted for the Sunburn festival.

Further, as per the provision of Section 40 of the Air (Prevention and Control of Pollution) Act 1981 it is observed that the GSPCB has also made the Company and its Directors a party in the Criminal Complaint thereby following the provisions of the Act."

28. Thus, the Chief Secretary concluded that R-10 did not comply with the requirements of the Action Plan dated 05.01.2022, and there was a clear violation of the clauses of the Action Plan by R-10 and also the officials involved in the process of granting permission, viz. SDM, SDPO and GSPCB. The Chief Secretary noted that the permission was granted within a day and quoted the SDM stating that even in the past, the Organizers of the same event had applied just one day before the event and permissions were still granted. The Chief Secretary also noted that in future, the festival Organizers must apply well in advance, and

the officials need to adhere to the rules and provisions before granting permissions. The Chief Secretary also noted that the officials involved in the process of granting permissions must independently assess the application before granting permissions, irrespective of the scale of the event.

29. The Chief Secretary concluded that the GSPCB officials did try to require R-10 to bring the sound levels within the permissible limits during the live event. However, the GSPCB officials could not succeed in their attempts due to a lack of coordination between the police officials and the GSPCB officials. The Chief Secretary noted the SDPO's statement that they were busy in monitoring and managing the huge crowd and, therefore, could not control the noise levels. The Chief Secretary also noted GSPCB's contention that they had informed the police multiple times that the noise levels were being exceeded and that some action should be taken to prevent this. The Chief Secretary, therefore, concluded that henceforth, if there are any breaches of rules for any event, the incident should be immediately reported by GSPCB to the PI, SP, SDM and DM through mobile message or an email along with a mention to close the event immediately.

30. The Chief Secretary, in his report, suggested the constitution of a "Joint Special Cell" of the officials from police, GSPCB and SDM to be formed for better coordination and to prevent recurrences of incidents where Noise Pollution Rules are breached with impunity and no effective action is taken for lack of coordination between the

GSPCB, police officials and the SDPO. The Chief Secretary's report concludes by noting that GSPCB has already launched prosecution against R-10 and its directors. The report also notes that the show cause notice has already been issued to R-10 as to why the security deposit furnished by R-10 should not be forfeited for not abiding by the guidelines and conditions prescribed in the permission granted for the festival.

31. Apart from the two reports filed by the Chief Secretary, the material on record establishes that the R-10, as also the authorities involved in granting permission to R-10, acted in breach of the Government's Action Plan dated 05.01.2022 published in the Official Gazette dated 13.01.2022. The Chief Secretary has gone into this aspect and concluded that the permission granted to R-10 was in breach of the Government's Action Plan dated 05.01.2022. Even otherwise, there is material on record which establishes that the permission was granted in great haste, without any application of mind to compliances and potential for compliances. The explanation by the authorities that this was a large event for which hundreds of thousands of tourists and locals were expected to attend was rejected by the Chief Secretary.

32. Even according to us, this can hardly be the explanation that could be accepted. The scale of the event is a reason to ensure strict compliance with the terms and conditions set out in the Action Plan so that not only those that attend such festivals remain safe, but further, such festivals do not cause nuisance and harassment to those in the

vicinity who may not want to participate in such festivals. In any case, the scale of the festival is a factor that must be considered for determining whether the noise levels generated not only by the music that is to be played at the festival but the crowd itself would remain within the noise pollution limits prescribed under the Noise Pollution Rules.

33. The authorities, without considering applications for grant of permissions, must also assess the crowd that is expected for such festivals, the traffic arrangements, etc. because these are also factors which generate noise. The authorities, enjoined with the duty to consider applications for permissions, should also look into the history of previous breaches and seriously consider whether an applicant who has breached the permission conditions in the past is now seeking permission for the same festival but by putting forward some other applicant. The authorities enjoined to consider such application should not only focus on the noise generated by the electronic equipment used at the festival but must make an overall assessment of the ambient noise levels having regard to the crowd that is expected for the festival, the traffic position, in addition to the use of electronic equipment like microphones, loudspeakers, speakers, amplifiers, sound generating instruments, etc.

34. The Action Plan contemplates submission of an application in the prescribed format to the prescribed authority at least seven days before the date of intended use. In the present case, this requirement

was breached, and an application was made hardly a day before the event was to be held. The authorities ignored this requirement and hurriedly proceeded to grant permission to R-10. The object of prescribing requirement about making such an application at least seven days in advance is to enable the authorities to make inquiries, gather material and otherwise assess and evaluate the matter and then decide whether any permission can be granted or not. The authorities cannot be rushed through based upon an application made hardly one or two days prior to the event. The authorities must also not permit themselves to be rushed through in this manner and grant permissions hurriedly and without application of mind simply because of the scale of the proposed event. Therefore, the decision-making process leading to the grant of the impugned permission was defective rendering the permission granted defective.

35. Rule 7(b) of the Action Plan provides that after an application is received at least seven days before the date of the event, the authority shall undertake an enquiry, as deemed necessary and give permission indicating the conditions to be complied with. Further, the authority is duty-bound to take necessary action for ensuring that the directions indicated in the permission are complied with and in the event of any violation appropriate action must be taken as per the provisions of the relevant Rules. Such application seeking permission must be made to the Deputy Collector/Sub-Divisional Magistrate of the concerned Taluka.

36. Clause 7(c) of the Action Plan provides that in case of events/functions/programmes involving more than 50 participants, the application must be forwarded by the authority to the GSPCB, and the applicant must make a deposit of Rs.3000/- per event/programme/functions with the GSPCB. The GSPCB is then expected to prepare a report in Format and forward the same to the Department of Environment. That department will then, after assessment, issue a recommendation to the authority, that is, to the Collector/Deputy Collector.

37. Clause 7(e) provides that no Public Address System loudspeaker or any sound-producing instrument or a musical instrument or a sound amplifier shall be sold, purchased, supplied/used by any manufacturer/dealer/shopkeeper without the installation of Noise Limiter in outdoor areas. Further, these sound-producing instruments should not be permitted for use at night time from 10 p.m. to 6 a.m. except either in indoor setup or during any public emergency or during the 15 festive days so notified by the State Government.

38. Clause 7(f) of the Action Plan provides that in case of open-air venues for marriages/weddings/functions/parties, etc., each such venue shall install an online noise level monitoring system and shall also provide a display board along the periphery of the venue to display the noise levels recorded at the venue for the benefit of the public. In the present case, the material on record establishes that there was no such

display board along the periphery of the venue. However, R-10 has disputed this position.

39. Clause 7(f) further requires that the online system be connected to the GSPCB server as well as the office of the Sub-Divisional Magistrate and the office of the Deputy Superintendent of Police for monitoring the noise levels and ensuring compliance with the rules. The Open-Air Venue Operator must submit details of the equipment installed at the venue to the concerned SDM in Form E, and the said details will then have to be forwarded to the GSPCB for inspection and comments. This is after the Organizer has deposited the prescribed fees with the GSPCB. The GSPCB is then required to forward the inspection report with recommendation to the Department of Environment and the Department of Environment, as noted earlier, will thereafter forward the report to the SDM/DM with its recommendations. Clause 7(f) categorically provides that every Open-Air Venue should be assessed by the authority annually through the GSPCB and the Department of Environment.

40. In the present case, the clauses of the Action Plan were observed by R-10 and the various authorities like GSPCB, SDM, and Department of Environment, only in breach. The GSPCB directly entertained the application from R-10 even before the same could be forwarded by the Deputy Collector/SDM after making an assessment. From the material placed on record, it appears that all the authorities, like the SDM and the GSPCB, were in a great hurry to issue R-10

permission to commence the festival between 28th and 30th December 2022 when R-10 applied for permission only on 27.12.2022. Some of the departments were bypassed.

41. From the manner in which the permission was granted to R-10 by the authorities in breach of their Action Plan, it appears that the authorities were bent upon denying any public-spirited citizens the opportunity to question such permissions by approaching the Court. The Chief Secretary has recorded a statement by the SDM that even in the past, applications were made hardly a day or two before the event, and the permissions were granted either on the date of the event or a day prior. From all this, we gather an impression that this hurry and grant of last-moment permission is designed to deny public-spirited citizens access to justice or to seek review of the permission granted, even though, permission granted may be in complete breach of the Government's own Action Plan or in breach of the Noise Pollution Rules.

42. Such an approach is improper, particularly on the part of the authorities who are enjoined with the responsibility of considering applications for such events. Firstly, such authorities must grant permissions in terms of the Government's Action Plan and the Noise Pollution Rules. Secondly, such authorities must not entertain applications unless they are made at least seven days before the event so that the authorities get sufficient time to assess the credentials of the applicants and the capacity of the applicants to comply with the various

rules and regulations. The authorities must also consider several factors like the position of the venue, the crowds expected, traffic arrangements, etc. Besides, this practice of issuing permission at the last moment to prevent access to courts is not proper.

43. Clause 7(i) of the Action Plan provides that the peripheral noise level of a privately owned sound system or sound producing instrument shall not, at the boundary of the private place, exceed by 5dB(A) ambient noise standards specified for the area in which it is used. Clause 7(j) provides that the occupant of any public space, as defined, shall ensure that noise emitting from any activity shall not exceed the noise limit of more than 10dB(A) of the prescribed standard.

44. Finally, clause 7(k) provides that due care shall be taken for ensuring that the rules are obeyed in a graceful and civil manner as far as feasible and only in case of resistance by the violator punitive action to be taken. From what transpired between 28th and 30th December 2022, it is apparent that the noise levels were breached with impunity, and the authorities who were enjoined with the responsibility of preventing such breach did nothing in the matter except the police authorities blaming the GSPCB and the GSPCB blaming the police. From the manner in which permission was hurriedly granted to R-10, we get the impression that even this show of lack of coordination or the blame game was only to facilitate R-10 to break the Noise Pollution Rules with impunity and to the detriment of the law-abiding citizens in the area.

45. From the material placed before us, we find that R-10 often makes applications for permissions in different names. The authorities must, therefore, identify the applicant. If the applicant is a Company, only authorised representatives of the Company backed by the resolution of the Company can be permitted to apply on behalf of the Company. The authorities must obtain all details of the applicant Company and only thereafter process the applications. This is necessary because otherwise, a host of hyper-technical defences are raised to avoid liability after committing serious breaches.
46. The permission hurriedly granted to R-10 provides that the ambient air quality shall not exceed 55dB(A) during the period of the use of the loudspeakers/Public Address System in the residential area. The peripheral noise level of the loudspeakers/Box Type Speakers/Public Address System shall not exceed by more than 55dB(A) than the ambient air quality standard or as specified for the area in which it is used at the boundary of the private place. The permission specified that the music should be stopped at 10.00 p.m. and there should be no violation of the EPA, 1986 and the Noise Pollution Rules, and the event should not be a source of public nuisance.
47. Mr Sardesai raised arguments, including arguments that the venue was not a public place or that there was no proper monitoring in the residential area or at the venue. The material on record completely belies such contentions. Mr Sardesai also referred to the Noise Pollution Rules or the standards prescribed to contend that standards

more stringent than those prescribed in the Rules were imposed by the permissions granted to R-10. Assuming this is so, still, R-10 still had no right or authority to breach those standards. Besides, even if we go by the Noise Pollution Rules or the standards prescribed therein, the monitoring data shows that even those standards or noise levels were breached by R-10 between 28th and 30th December 2022. The inspection reports produced are quite detailed and quite clear. Based upon the same, it is more than apparent that the terms and conditions of the permission and the Noise Pollution Rules were breached with impunity by R-10.

48. Mr Sardesai referred to the provisions of Section 11(2) of the EPA 1986 to contend that the samples in this case were not taken in accordance with the provisions of this Section. The samples in this case were taken based on the sophisticated monitoring systems that were installed. The samples were taken at the venue in the presence of the representative of R-10. The reports have been produced on record. The reports inspire full confidence. The reports are based on readings recorded by sophisticated scientific instruments. Based upon some vague and hyper-technical pleas there is no question of discrediting the reports which establish breach. All this is assuming that the provisions of Section 11 of the EPA, 1986 apply to the situation at hand.

49. Mr Sardesai submitted that the reports pertaining to 27.12.2022 (one day prior to the event) show that the noise levels were 63.8dB(A). Based on this, Mr Sardesai submitted that the noise levels,

even before the event, were extremely high or even exceeded the permissible limits. Based on this, Mr Sardesai contended that no conclusion could have been drawn about R-10 being responsible for noise levels exceeding the permissible limits during the festivals. Again, this contention cannot be accepted.

50. The Noise Pollution Rules speak about the ambient air quality in the area. Therefore, it would not be correct to interpret the reports in the manner suggested by Mr Sardesai. Obviously, in any given area, there is bound to be some noise. Therefore, when permissions are granted, allowance is made for this exceeding noise while framing the rules or prescribing the standards. Therefore, if the sound generating instruments for the event, together with the exceeding noise levels in the area, are to exceed the standards prescribed or the Noise Pollution Rules, there can be no defence that the exceeding noise levels must be deducted or must be discounted. In fact, all these factors are required to be considered by the authorities before granting permission. In the present case, R-10 applied for permission only a day prior to the event. Such an application, surprisingly, was entertained by the authorities, and permission was granted without adverting to several relevant considerations. In any case, based upon the interpretation suggested, it cannot be said that R-10 did not breach the terms and conditions subject to which they were permitted or the Noise Pollution Rules.

51. Mr Sardesai also tried to suggest that since the GSPCB has already launched prosecution against R-10 its directors, the show cause

notice for forfeiture of the security deposit should not be disposed of until the outcome of the criminal prosecution. Again, this contention cannot be accepted because the standard of proof in criminal prosecution and for deciding civil liabilities is entirely different. For imposing civil liabilities, the standard of proof is that of a preponderance of probability and not proof beyond a reasonable doubt. Accordingly, even this contention cannot be accepted.

52. For all the above reasons, this petition is allowed and the Rule is disposed of by making the following order:

(a) It is declared that the permission dated 28.12.2022 issued to R-10 for holding the Sunburn music festival from 28th to 30th December 2022 was illegally issued and consequently, the said permission was illegal and liable to be quashed and set aside;

(b) As suggested by the Chief Secretary, State of Goa, in his report filed in this matter, the State Government must immediately constitute a Joint Special Cell comprising high-ranking officials from the police, the GSPCB, and the SDM/Collector. It shall be the responsibility of this Joint Special Cell to ensure that the permissions are granted for such mega events in accordance with the notified Action Plan, and further, the organisers of such mega events should scrupulously comply with the terms and conditions by which

such permissions are granted and the provisions of the Noise Pollution Rules.

(c) The show cause notice issued to R-10 concerning the security deposit amount must be disposed of within two months from today.

(d) The State Government must consider whether applications of parties that hold events or functions by breaching the terms and conditions subject to which such permissions are granted, or the Noise Pollution Rules must be considered in future;

(e) If R-10 or any Organizers propose to hold the Sunburn music festival in 2023, high-ranking police officials, Officers from GSPCB and the Collector/Deputy Collector must remain present at the venue to monitor compliances. The police officials and the GSPCB officials must coordinate with each other so that there is no recurrence of what happened between the 28th to 30th of December 2022. If the authorities find noise pollution levels are being exceeded or breached, they should immediately halt the event and seize the sound-generating equipment. In addition, the authorities must take all measures to ensure that the noise pollution levels are not breached at any such events.

(g) The State Government is directed to comply with the directions issued by the Hon'ble Supreme Court in paragraph 177 of *Noise Pollution (V), in re (supra)*, which reads as follows:

"177. 1. There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the textbooks which teach civic sense to the children and youth at the initial/early-level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civil administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

2. The State must play an active role in this process. Residents Welfare Associations, Service Clubs and societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.

3. Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out.

The abovesaid guidelines are issued in exercise of power conferred on this Court under Articles 141 and 142 of the Constitution of India. These would remain in force until modified by this Court or superseded by an appropriate legislation."

(h) The interim directions issued in this petition on 30.12.2022 (*Valmiki Sa Menezes, J*) are made absolute to

the extent that the context permits and this final order does not vary the same. These interim directions now made absolute, shall apply to any future events that R-10 may hold or to the Sunburn music festival if held by some other party.

(i) The Respondent No.10 shall pay costs of Rs.25,000/- (Rupees Twenty-Five Thousand only) to the Petitioner within four weeks from today.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K
HALDANKAR

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NITI K HALDANKAR
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