

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE**

APPEAL NO. 81/2025 (WZ)

Goa River Sand Protectors Network

...Applicant

Versus

Goa State Environment Impact

Assessment Authority & Ors

...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GSEIAA)

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa State Environment Impact Assessment Authority (“GSEIAA”), Department of Environment and Climate Change i.e., Respondent No 1 herein, having office at 4th Floor Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

1. I say that I am holding the post of Member Secretary, GSEIAA. I say that I am filing the present affidavit based on

the records available with my office and that I am competent to depose in this case.

2. I say that I am filing the present Affidavit-in-Reply pursuant to this Hon'ble Tribunal's direction vide order dated 13.08.2025. Nothing in the aforementioned Appeal filed by the Appellant be deemed to have been admitted for mere want of specific denial. Nothing may be deemed to have been admitted for want of *traverse seriatim*. I crave leave of this Hon'ble Tribunal to file an additional Affidavit, if found necessary. I further say that the submissions, statements, and contentions made in the earlier Affidavit-in-Reply filed by the Answering Respondent to the main appeal are hereby reiterated, reaffirmed, and adopted as forming an integral part of the present Additional Affidavit-in-Reply.

3. I say that the present appeal seeks to challenge the Environmental Clearance dated 03.02.2025 ("**Impugned EC**") passed by the answering Respondent. I say that the Impugned EC is granted to Respondent No 3 for the purpose of extraction of sand for proposed area of 4.55 Ha with



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extraction capacity of 1000 Cubic meter per annum per permit by traditional (manual) method.

4. I say that vide order dated 13.08.2025 sought clarification from the Answering Respondent as to why the Impugned EC is issued without obtaining a report from GCZMA. The Answering Respondent humbly submits that the EIA Notification 2006 does not require any report to be obtained from the CRZ Authority before issuance of EC. I say that the relevant provisions of the EIA Notification 2006 is reproduced hereinunder for ready reference:

"4. Categorization of projects and activities:

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an



Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.

...





6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form I annexed herewith and Supplementary Form IA, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form IM for mining of minor minerals up to five hectare under Category 'B2' projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form I, Form IA, and Form IM; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report."

5. I say that a project proponent intending to carry out mining of minor minerals (including sand mining) can make an

application seeking prior EC under the EIA Notification before commencing any mining activity at the site. The project proponent is required to furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and/or Form 1M. I say that as per paragraph 4 of the EIA Notification 2006, the concerned Environment Impact Assessment Authority is required to base its decision only on the recommendations of the State/District level Expert Appraisal Committee (SEAC) duly constituted. The EIA Notification 2006 does not mandate any prior report from the CRZ Authorities before issuing EC. However, if the proposed mining activity is in a CRZ Area, then the project proponent is required to obtain necessary permissions from the CRZ Authority, without which the mining activity cannot be commenced. Such permission from the CRZ Authorities may be obtained subsequently but before the commencement of mining operations.

6. I say that what has been stated in Paras 1 to 5 are true to my own knowledge and/or are based on documents/records



available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

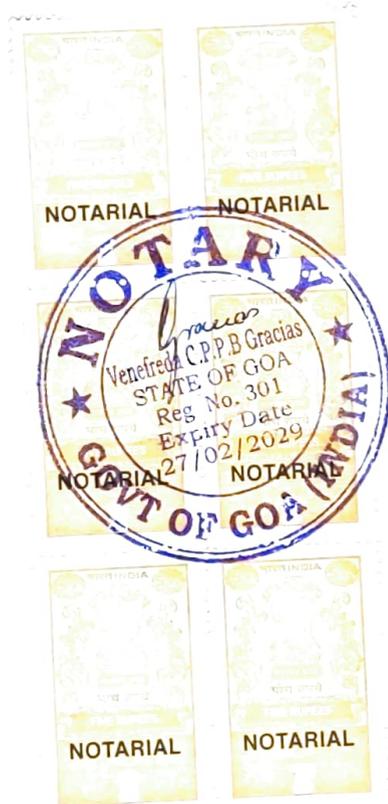


Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 08.12.2025

[Signature]
DEPONENT



Solemnly affirmed before me
Sachin S Desai
Who is identified before me by
Shri/Smt
.....At Panjim - Goa
Sr. No, 206/12/2025
Dated, 8/12/2025

[Signature]
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State