

BEFORE THE NATIONAL GREEN TRIBUNAL

BENCH PUNE

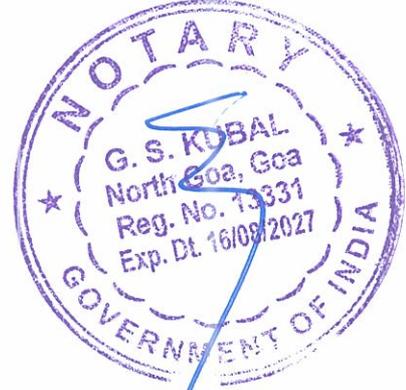
EXECUTION APPLICATION NO. 01/2023

IN OA 16/2016 (WZ)

SALU D'SOUZA AND OTHERSAPPLICANTS

VS.

GCZMA AND ORS RESPONDENTS



AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 1

I, Shri. Johnson Fernandes, adult, being the Member Secretary of the Goa Coastal Zone Management Authority, having my office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I say and submit that The Goa Coastal Zone Management Authority (hereinafter referred to as "the GCZMA in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification

2. I say and submit that as per the order dated 11/05/2022 in OA No 16/2016 issued in Salu D,Souza matter Hon'ble National Green Tribunal directed that for remedial action for past violations and also, for preparing a restoration plan a joint Committee comprising MoEF&CC, NCZMA, GCZMA,CPCB, State PCB and National Institute of Oceanography, (NIO) Goa were constituted. The GCZMA was made the nodal agency for coordination and compliance.

3. I say and submit that in view of above GCZMA had fixed and conducted Joint site Inspection of joint Committee comprising one member of MoEF&CC, NCZMA, GCZMA, CPCB, State PCB and National Institute of Oceanography, (NIO) Goa on 10/07/2023 at 11.00 am in Cortalim Creek South Goa for remedial action for past

A handwritten signature in blue ink, appearing to be 'Johnson', written in a cursive style.

violations and for preparing a restoration plan as per the order of Hon'ble national Green Tribunal dated 11/05/2022 in OA No 16/2016.

4. I say that the Committee during the site inspection observed that the Captain of Ports has given permission for operation of the projects. The permissions were issued before 1991 for the projects except M/s Desa Engineering Works. It was informed by the Captain of Ports that the permissions need to be renewed from time to time. After conducting inspection, meeting of Joint committee was held on 24/07/2023 at 3.00 pm and on 31/08/2023 in the conference hall, of GCZMA and in its meeting committee decided that DSLR should re-survey the project areas at Cortalim Creek South Goa and to provide latest status report to the Committee regarding encroachments if any and GCZMA shall issue the notice to the DSLR for the same.

5. I further say and submit that accordingly, GCZMA issued directions to DSLR to conduct site inspection of areas at Cortalim Creek South Goa and DSLR has submitted detailed report before GCZMA after conducting site inspection of Cortalim Creek South Goa.

6. I say and submit that at the time of the site inspection, the Joint Committee has observed violations as project proponents have done further extension in the areas as allotted to them by Captain of Ports.

7. I say and submit that The Authority is also of the opinion that as per joint committee report project proponents except M/s A.V. Salgaonkar Works, are still in operation in Cortalim Creek despite of order of Hon'ble NGT hence same need to be stopped from operating in Cortalim creek.

8. I say and submit that in view of all above the answering Respondent decided to issue show cause notices to the project proponents.

9. I say and submit that in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 6071 € dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, has directed Project Proponents to SHOW CAUSE as to why a direction to remove the extension and to restore the land to its original condition should not be issued to them .Similarly show cause as to why 'stop operation' order should not be issued to them.

10. I say and submit that as per the said notice, the Project Proponents are required to file their reply along with compliance report and construction/reconstruction/repair license/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA and further have been directed to remain present for the personal hearing with all the documents, approved site plans and other related documents if any in support of their



case/ structure before the Answer Respondent at 3.00 pm on 18/01/2024 at 4th floor, Dempo Towers, Patto, Panaji, Goa, after which appropriate action will be taken.

The Show Cause Notice is hereto annexed and marked as Annexure A colly.

Hence this affidavit.

Solemnly affirmed on this the 10th day of January 2024

[Handwritten Signature]
Affiant

Executed before me which I attest
Reg. No: 06/997
Date: 12.1.2024
Known / Identified to me by

[Handwritten Signature]
G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India



GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

 Ref.No. GCZMA/App/No.16/2016/M7/NVT/58/Part I/2863 Dated: 21/11/2023
 12

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE
ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE
ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS as per the order dated 11/05/2022 in OA No 16/2016 issued in Salu D, Souza matter Hon'ble National Green Tribunal directed that for remedial action for past violations and also for preparing a restoration plan a joint Committee comprising MoEF&CC, NCZMA, GCZMA, CPCB, State PCB and National Institute of Oceanography, (NIO) Goa were constituted. The GCZMA was made the nodal agency for coordination and compliance.

WHEREAS in view of above GCZMA had fixed and conducted Joint site Inspection of joint Committee comprising one member of MoEF&CC, NCZMA, GCZMA, CPCB, State PCB and National Institute of Oceanography, (NIO) Goa on 10/07/2023 at 11.00 am in Cortalim Creek South Goa for remedial action for past violations and for preparing a restoration plan as per the order of Hon'ble national Green Tribunal dated 11/05/2022 in OA No 16/2016.

WHEREAS after conducting inspection, meeting of Joint committee held on 24/07/2023 at 3.00 pm and on 31/08/2023 in the conference hall, of GCZMA, fourth floor, Dempo Tower, Patto, Panaji-Goa and in its meeting committee decided that DSLR should Re-survey the project areas at Cortalim Creek South Goa and to provide latest status report to the Committee regarding encroachments if any and GCZMA shall issue the notice to the DSLR for the same.

Accordingly, GCZMA issued directions to DSLR conduct site inspection areas at Cortalim Creek South Goa and DSLR has submitted detail report before GCZMA after conducting site inspection of Cortalim Creek South Goa and after perusal of site inspection

report submitted by DSLR it is noticed by the Authority that there are violations as project proponents done further extension in the areas as allotted to them by Captain of Port. The said plan/map prepared by DSLR is enclosed as **Annexure -A**

The Authority also in opinion that as per joint committee report project proponents still in operational in Cortalim Creek despite of order of Hon'ble NGT hence same need to be stopped from operating in Cortalim creek.

In view of all above Authority decided to issue show cause notices to the project proponent herein.

NOW THEREFORE in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to remove the extension and to restore the land to its original condition should not be issued to you. Similarly show cause as to why stop operation order shall not be issued to you.

FURTHER TAKE NOTE THAT, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa and further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 4th floor, Dempo Towers Patto, Panaji- Goa on **18/01/2024 at 3.00 pm**. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.


(Dr.Sneha Gitte, IAS)
Member Secretary (GCZMA)
etc

1.M/s Ferromar Shipping Pvt.Ltd,Ship Building &repairing C/o Agarwal Shipyard Chovoth Cortalim Goa.....for information

2.M/s Desa Engineering Works, Ship Building &repairing Maddant Cortalim, Goa.....for information

3.Shaparia Docks and steel Company Ltd. Ship Building &repairing c/o Shirodkar Engg. Chovoth Cortalim-Goa.....for information

4.M/s Vipul Shopping Engineering Works.....for information

5.M/s Sardessai Engineering Works, Ship Building &repairing c/o Shirodkar Engg. Chovoth Cortalim-Goa.....for information

6.M/s Sachita Engineering Works Ship Building &repairing Maddant Cortalim, Goa.....for information

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref.No. GCZMA/App1.No.16/2016/WZ/NT/58/Part I/3195

Dated: 12/01/2024

SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

WHEREAS the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS as per the order dated 11/05/2022 in OA No 16/2016 issued in Salu D,Souza matter Hon'ble National Green Tribunal directed that for remedial action for past violations and also for preparing a restoration plan a joint Committee comprising MoEF&CC, NCZMA, GCZMA, CPCB, State PCB and National Institute of Oceanography, (NIO) Goa were constituted. The GCZMA was made the nodal agency for coordination and compliance.

WHEREAS in view of above GCZMA had fixed and conducted Joint site Inspection of joint Committee comprising one member of MoEF&CC, NCZMA, GCZMA, CPCB, State PCB and National Institute of Oceanography, (NIO) Goa on 10/07/2023 at 11.00 am in Cortalim Creek South Goa for remedial action for past violations and for preparing a restoration plan as per the order of Hon'ble national Green Tribunal dated 11/05/2022 in OA No 16/2016.

WHEREAS after conducting inspection, meeting of Joint committee held on 24/07/2023 at 3.00 pm and on 31/08/2023 in the conference hall, of GCZMA, fourth floor, Dempo Tower, Patto, Panaji-Goa and in its meeting committee decided that DSLR should Re-survey the project areas at Cortalim Creek South Goa and to provide latest status report to the Committee regarding encroachments if any and GCZMA shall issue the notice to the DSLR for the same.

Accordingly, GCZMA issued directions to DSLR conduct site inspection areas at Cortalim Creek South Goa and DSLR has submitted detail report before GCZMA after conducting site inspection of Cortalim Creek South Goa and after perusal of site inspection

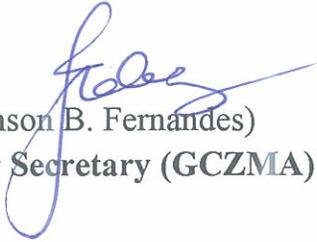
report submitted by DSLR it is noticed by the Authority that there are violations as project proponents done further extension in the areas as allotted to them by Captain of Port. The said plan/map prepared by DSLR is enclosed as **Annexure -A**

The Authority also in opinion that as per joint committee report project proponents still in operational in Cortalim Creek despite of order of Hon'ble NGT hence same need to be stopped from operating in Cortalim creek.

In view of all above Authority decided to issue show cause notices to the project proponent herein.

NOW THEREFORE in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, the GCZMA, hereby directs you to **SHOW CAUSE** as to why a direction to remove the extension and to restore the land to its original condition should not be issued to you. Similarly show cause as to why stop operation order shall not be issued to you.

FURTHER TAKE NOTE THAT, you are required to file your reply alongwith compliance report and construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 4th Floor, Dempo Towers Patto, Panaji- Goa and further you directed to remain present for the personal hearing or depute your duly authorized representative with all the documents, approved site plans and other related documents if any in support of your case/ structure before the Authority, 4th floor, Dempo Towers Patto, Panaji- Goa on **18 / 01/2024 at 3.00 pm**. Please take note that if you fail to submit your reply/appear along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.


(Johnson B. Fernandes)
Member Secretary (GCZMA)
o/c

To

M/s A.V.Salgaonkar Works Ship Building &repairing Maddant Cortalim, Goa