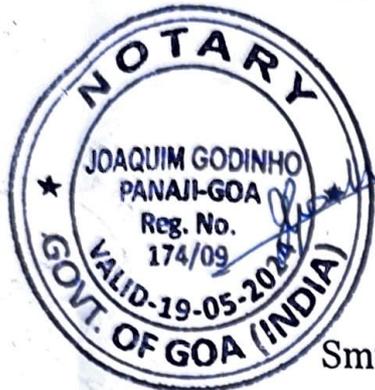


IN THE NATIONAL GREEN TRIBUNAL(WZ),
SITTING AT PUNE.



Original Application No. 224/2023

Smt. Parvati Sachit Kamat &Anr. ... Petitioner

V/s

Additional Principal Chief Conservator

of Forest &Ors. ... Respondents

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

MAY IT PLEASE YOUR LORDSHIP:

I, Sanjeev Joglekar, son of late Shashikant
Joglekar, major of age, Indian National, residing at

San

Porvorim, Bardez -Goa, do hereby solemn affirmation,
state and submit as under:

1. I am presently holding charge as the Member Secretary, Goa State Pollution Control Board, and the Respondent No.2 herein. I have been authorised to file the present Affidavit in reply on behalf of the Respondent No.2.
2. I state that I have perused copy of the above Appeal along with its annexure and understood the contents thereof. I am presently not dealing with each and every contention of the Appellant, however, the averments which have not specifically been dealt with and/or denied, may not be construed as having been admitted by me. I am reserving my right to file a detailed affidavit in case this Hon'ble Tribunal deems fit to admit or issue rule in the aforesaid matter.



LSin



3. The Board was in receipt of a complaint dated 24/02/2023 from the Sarpanch, Village Panchayat of Kalay, regarding alleged illegal Installation of a Weigh Bridge set up by Station Master, Kalay Railway Station, Kalay Sanguem - Goa. In this regard officials of the Board have conducted a site inspection on 27/02/2023. The report of inspection indicated that the unit had installed a weigh bridge however no activity of loading and unloading of ore was being carried out at the site. **Annexed hereto as Annexure R-1 colly are copies of complaint dated 24/02/2023 and Inspection Report dated 27/02/2023.**

4. The Respondent No.4 applied for Consent to Operate for Railway Station siding unit for Handling of Minerals Ore being inward from Hubballi.

lsm

5. After the receipt of the said application Board has deputed its officials for site inspection on 17/04/2023 and prepared a report. **Annexed hereto as Annexure R-2 is the copy of Inspection Report dated 17/04/2023.**



6. Accordingly after scrutiny of the application Consent to operate was granted by the Board vide order no. 12/2023-PCB/1668809/G00012169 dated 03/05/2023 and is valid upto 29/03/2035. **Annexed hereto as Annexure R-3 is the copy of Consent to Operate dated 03/05/2023.**

7. Accordingly a joint inspection was scheduled by the GSPCB along with the Forest Department, Goa and Directorate of Settlements & Land

LSM

Records, Government of Goa in order to assess the situation and to take appropriate action/measures.



8. In order to verify the allegations/issues raised in the complaint and also to verify the compliance of the conditions stipulated in the Consent order bearing No. 12/2023-PCB/1668809/G00012169 dated 03/05/2023, the Board conducted a joint site inspection on 09/06/2023 and also on 13/06/2023 of Kalay Railway Station located at Kalay Sanguem-Goa.
9. Considering the findings of the joint inspection report, the Board has decided to issue show cause Notice and accordingly Show Cause bearing Ref. No. 1/20/20-PCB/Tech/6497 dated 16/06/2023 was issued to the unit for operating in violation of the provision of Water (Prevention

Handwritten signature

and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as below mentioned conditions were not complied .

a. The Applicant shall provide Dust Protection Network i.e. wind screens all around the ore siding area for dust protection.

b. The unit is hereby directed to install air quality online monitoring system within three months from the date of issue of consent and to submit compliance report.

c. The Stacking area should be concreted /stone pitched with proper gradient to channelize the runoff into storm water



km

drain and to prevent ground water contamination.

d. Paved metalled approach roads with adequate traffic, caring capacity should be provided at each loading /unloading point existing roads which are in bad condition should be repaired ad maintained to control pollution.

e. Proper waste water drainage system shall be provided at loading and unloading points as per requirements.

10. In the meantime a Public Interest Litigation came to be filed before the Hon'ble High Court raising various issues of environment. Vide order dated 19/06/2023



20/11

passed in the matter of Parvati Sachit Kamat v/s State of Goa in PIL Writ Petition No. 1182/2023(F) the Hon'ble High Court disposed off the matter with the directions that the Show cause notice issued by the GSPCB should be dispose of, after hearing all the parties. The decision should be communicated to the parties including the petitioner.



11. Accordingly personal hearing was accorded to the Station Master, Kalay Railway Station, the ld. Advocate representing the complainant/petitioner, Sarpanch, Village Panchayat Kalay, M/s Desai Logistics, the representative of the Mines Department and the representative of the Forest Department and was held on 06/07/2023, 21/07/2023 and 07/08/2023.

h 5/102

12. The Representative of the Station Master Railway Station submitted that compliance of pollution control works is under process and online monitoring will also be installed and sought time to comply with conditions stipulated in the consent to operate order bearing no. 12/2023-PCB/1668809/G00012169 dated 03/05/2023.



13. Upon considering the submissions made by all parties, the Board decided that the conditions stipulated in the Consent to operate order No.12/2023-PCB/1668809/G00012169 dated 03/05/2023 are not being complied by the Unit, hence the activity cannot be allowed to be permitted without complying with the conditions stipulated therein as it amounts to violations of the provisions of the Air Act and the Water Act. In view of the aforesaid facts the Board decided

hsm

to suspend the Consent to operate order No. 12/2023-PCB/1668809/G00012169 dated 03/05/2023. It was further decided that no further loading and unloading activity could be commenced without informing the Board. Time was granted to the management of Kalay Railway Station located at Kalay Railway Station, Kalay, Sanguem Goa, to comply with the conditions of Consent mentioned above and submit the compliance report to the Board. The decision regarding commencement of the loading and unloading activity was to be taken upon verifying the same.



14. In light of the above statutory direction under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 31(A) read with section 21 of the Air (Prevention and Control of Pollution)

15/12

Act, 1981 were issued to the Management Kalay Railway Station located at Kalay Sanguem Goa, directing that the Consent order no. 12/2023-PCB/1668809/G00012169 dated 03/05/2023 is suspended forthwith for non compliance of the conditions stipulated therein. It was further directed that no further loading and unloading activity was to be commenced without informing the Board and time is granted to comply with the conditions of Consent mentioned above and to submit a compliance report to the Board. It was stated that the decision regarding commencement of the loading and unloading activity would be taken upon verifying the same. **Annexed hereto as Annexure R-4 is the copy order of Suspension.**



L. S. Godinho

15. The Board was then in receipt of a reply from South Western Railway, located near Kalay Railway Station Sanguem Goa dated 30/11/2023 stating that;

- a. *Partially wind screen has been installed from Km 58/700 to 59/300 (till waterway Bridge) along the side of the approach road towards PWD Road.*
- b. *Air quality monitoring system is installed .*
- c. *Loading / unloading area is paved with cement concrete for a length of 415 m (approx) and width of 10 m.*
- d. *Concrete surface is available from loading /unloading area till km 59/300 (near waterway bridge) except for two stretches of 163m and 65 m where coarse aggregate and crushed sand is rolled and leveled as paving.*



ksm

e. Along the loading / unloading area ,
between siding line no. 1 and main line,
drain is provided for 415m (approx) .

16. In order to verify the compliance report , the
officials of the Board conducted an inspection on
01/12/2023, at Kalay Railway Station located at
Kalay Sanguem Goa and inspection report indicates
the following;

a. The Unit was not operational at the time of
Inspection.

b. The unit has provided Agro net along the
approach road from Railway Underpass (Exit
point for loaded trucks) till the location of the
Weigh bridge. However, Dust screen/wind
breaker wall is not provided along
Loading/unloading site. However, natural



Lsin

plantation was observed along the Loading/
unloading site.

c. The unit has installed an Online Air Quality Monitoring System for monitoring PM2.5 & PM10. However, the same is not connected to the Online Servers of the Board.

d. The Stacking Area is concreted and has a gradient, however, the surface run off water from the stacking area is not channelized into a settling pond. The unit is required to construct an additional Dyke wall towards the end point of the loading/Stacking area to prevent surface run off directly into the existing seasonal Nallah.

e. The unit has provided approx. 6m wide concrete road parallel to the existing PWD village road



15/12

from Railway Underpass (Exit point for loaded trucks) till the Stacking area/Loading point.

f. The unit has not provided a Settling Pond. The Unit Shall provide a settling pond towards the end point of the loading area to prevent surface run off directly into the existing seasonal Nallah.



17. Thereafter the Board vide order dated 06/12/2023 revoked the suspension Order dated 22/08/2023 on the terms and conditions mentioned in the revocation Order. **Annexed herewith as Annexure R-5 is the copy of Revocation Order dated 06/12/2023.**

18. The Respondent No.5 has filed an Appeal before the Hon'ble Administrative Tribunal, Panaji-Goa, the Appellant Authority challenging the Consent

LSR

dated 03/05/2023 which is subject matter of the present appeal.

19. The Goa Foundation had filed a Public Interest Litigation before the Hon. High Court of Bombay at Goa bearing no. PILWP/2/2024 seeking an order for quashing the Consent to Operate order bearing no. 12/2023/PCB/1668809/G00012169 dated 03/05/2023 and the revocation order bearing no. 1/25/PCB/19283/Tech/19413 dated 06/12/2023.

20. Vide order dated 10/01/2024 passed in PILWP/2/2024 the Hon. High Court was pleased to withdraw the petition and accordingly disposed off the same. **Annexed hereto as Annexure R-6 is the copy of order dated 10/01/2024 passed in PILWP/2/2024.**



15/12

INSPECTION REPORT

Sub: Complaint against Mr. Vilas Rama Gauns Dessai, resident of Devnamol, Kalay, and local authorities of South Western Railway especially station superintendent of Kalay Railway Station for illegally installing weigh bridge in Railway property situated within the limits of Bhagwan Mahavir Wild life Sanctuary and within the prime locality of Thorlemol Ward of Kalay Village, Sanguem-Goa.

Ref: Inspection Order No. 2023/GSPCB/Letter/Tech/23274 dated 27/02/2023

As directed, the undersigned officials of the Board Mr. Sebastiao Colaco (EA) along with Mr. Vishwendra Naik (JEE) conducted a site inspection on 27/02/2023 with regards to the complaint received by the Board. The complainants Mr. Narendra Gaonkar, Sarpanch V.P Kalay, Gangadhar Goankar and Balo Rekdo, Panch Members V.P. Kalay were present during the Inspection.

The Sarpanch of V.P. informed that the weigh bridge is being installed by Mr. Vilas Rama Gauns Dessai, on behalf of M/s Vedanta for transportation of ore from Hospet to the railway yard by train.

1. **Name, address & contact no .of complainant:**
Mr. Narendra Gaonkar,
Sarpanch V.P Kalay.
Contact No.: 9404147799
2. **Nature of Complaint :**
 - a) **Noise pollution:-** No
 - b) **Waste Water disposal :** No
 - c) **Air emission: -** Yes
 - d) **Solid waste disposal: -** No
 - e) **Any other: -** No
3. **Whether any previous complaint received, if yes, details: -** No
4. **Whether any show cause notice/directions/letter for corrective if yes, provide details: -** No
5. **Name and address industry/unit against whom complaint is filed:**
Mr. Vilas Rama Gauns Dessai,
Devnamol, Kalay, Sanguem-Goa.
6. **Product manufactured:** N.A.
7. **Quantity of production:** N.A.
8. **Raw Material:** N.A.
9. **Machine/equipment installed:** Weighing Bridge
10. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** N.A
11. **Man power requirement:** N.A.
12. **Status of operation of unit:** Not Operational

13. Site description and schematic sketch of site: NA
14. Type of area: Residential / Railway Yard
15. Distance of nearest residence/school/hospital/any prominent structure:
Residential houses at a distance of approx. 20 meter.
16. Distance of water body (Specify which if any): - N.A.
17. Noise Pollution Control measures adopted: - N.A.
18. Water consumption (meter reading of previous water supply bills):- N.A.
19. Waste water generation: - N.A.
20. Disposal method: N.A.
21. Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:- N.A.
22. Whether capacity sufficient (Yes/No): - N.A.
23. Electrical consumption: N.A.
24. Solid waste generated :
 - a) Type: - NA
 - b) Quantity: - NA
 - c) Disposal: - NA
25. Hazardous Waste : - N.A.
26. Permission from:
 - a) Local body: - No
 - b) Goa State Pollution Control Board: No
27. Noise levels recorded: NA
28. DG set capacity : NA
29. Boiler Capacity : NA
30. Oven capacity : NA
31. Furnace capacity: NA
32. Rotary kiln: NA
33. Dust suppression methods: NA
34. In case of Induction furnace: NA
35. In case of sponge iron units: NA
36. Is ambient monitoring carried out (Yes/No) : NA
37. Are reports submitted as per consent conditions (Yes/No) : NA
38. Is environmental statement submitted (Yes/No): NA
39. Is water cess submitted (Yes/No): NA
40. Are all consent conditions complied with (Yes/No): NA
41. Is Bank Guarantee submitted (Yes/No): NA
42. If yes, has the unit complied, give details: NA
43. Additional observations:
 - a. Installation of weighbridge within Railway property parallel to existing railway track was observed. It was informed by the Sarpanch the same fall within the limits of Bhagwan Mahavir Wild life Sanctuary at Thorlemol Ward of Kalay Village, Sanguem-Goa.
 - b. No activities of unloading, loading, stacking of ore were observed at the location during inspection.

- c. The installed weigh bridge is located at approx. 500 meters away from the Kalay Railway Station.
- d. The Kids Nursery is located at a distance of approx. 100 metres and a chapel is located at a distance of approx. 90 meters from the installed weigh bridge.

44. Conclusion/Recommendations:

- a. May forward the complaint/report to the Concerned Authorities to take suitable action.

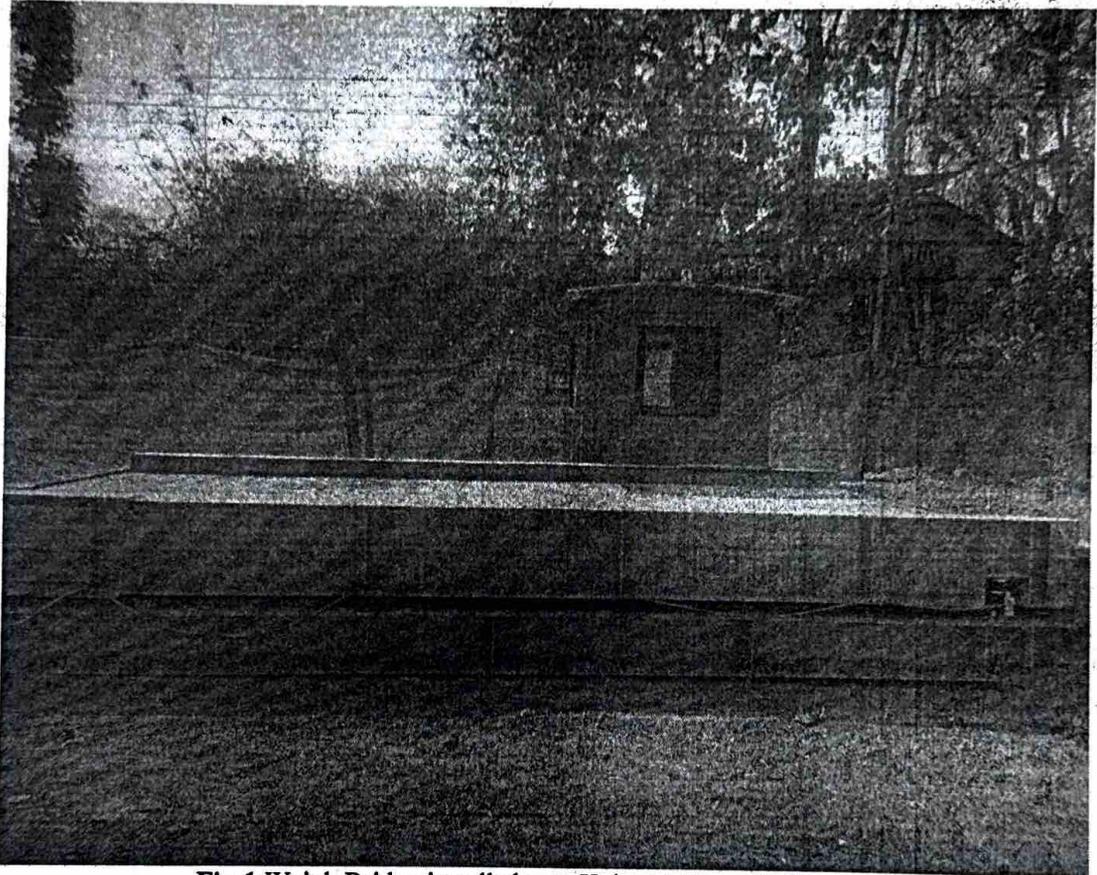


Fig-1 Weigh Bridge installed near Kalay Railway Station.

**Sebastiao Colaco
(EA)**

**Vishwendra Naik
(JEE)**

210



GOA@60

Rohan/Notera

**VILLAGE PANCHAYAT KALAY
SANGUEM GOA**

e-mail: virk.601204@gmail.com

Ref: VP/K/SAN/2022-23/1877.

Date: 24/02/23

To,

1. The Chairman,
Goa State Pollution Control Board,
Panjim, Goa.

2. The Member Secretary,
Goa State Pollution Control Board,
Panjim, Goa.

Sub: Complaint against Mr. Vilas Rama Gauns Dessai, resident of Devnamol, Kalay, Sanguem, Goa, and local authorities of South Western Railway especially station Superintendent of Kalay Railway Station for illegally continuing and completion of installation of weigh bridge work, inspite of stop notice issued by this Office in violation of all norms in connivance with officials of Vedanta/SESA Goa in Railway property situated within the limits of Bhagwan Mahavir Wild Life Sanctuary and within the prime locality of Thorlemol ward of Kalay Village.

Ref No.VP/S/SAN/2022-23/1857, dated 22/02/2023

Sir,

We had already addressed a complaint dated 22/02/2023 with regards to illegal installation of weigh bridge

Ajanna 1

by the above named persons/authority without any approvals from any competent authorities and without following any norms as laid down in law that to within the limits of Bhagwan Mahavir Wild Life Sanctuary.

That we have already issued stop notice on 22/02/2023 upon receipt of the complaint from the general public of Thorlemol ward.

That above named Mr. Vilas Rama Gauns Dessai in connivance with local officials of South Western Railway authorities and with direct physical involvement of officials of Vedanta/SESA Goa at loco inspite of stop notice completed part remaining work of said weigh bridge on 23/02/2023 without any authority and when the staff of our Panchayat questioned at that time, said Mr. Vilas Rama Gauns Dessai and the officials of Vedanta/SESA Goa instructed the Panchayat authorities that they are not concerned with local village Panchayat so also they do not require any permission/approvals from any authority and when we questioned regarding approval from this office said Mr. Vilas Rama Gauns Dessai and others clearly informed that they are not concerned with the Office of Goa State Pollution Control Board and they do not require any approval or sanction from this office for installation of weigh bridge, hereto annexed photographs dated 23/02/2023.

In view of above, we, kindly request this office kindly look into the matter seriously and without any delay take immediate action against the illegal activities of installation of

Gaunkar

weigh bridge carried out by the above named persons in the larger interest of the general public in order to avoid nuisance to the general public of dust and sound pollution and further with folded hands reminds this office regarding the complaint made by the undersigned on 22/02/2023 vide Ref No.VP/S/SAN/2022-23/1857, and once again request this office to immediate action against the said illegal activities in the larger interest of general public, educational and religious institutions,

Thanking you,

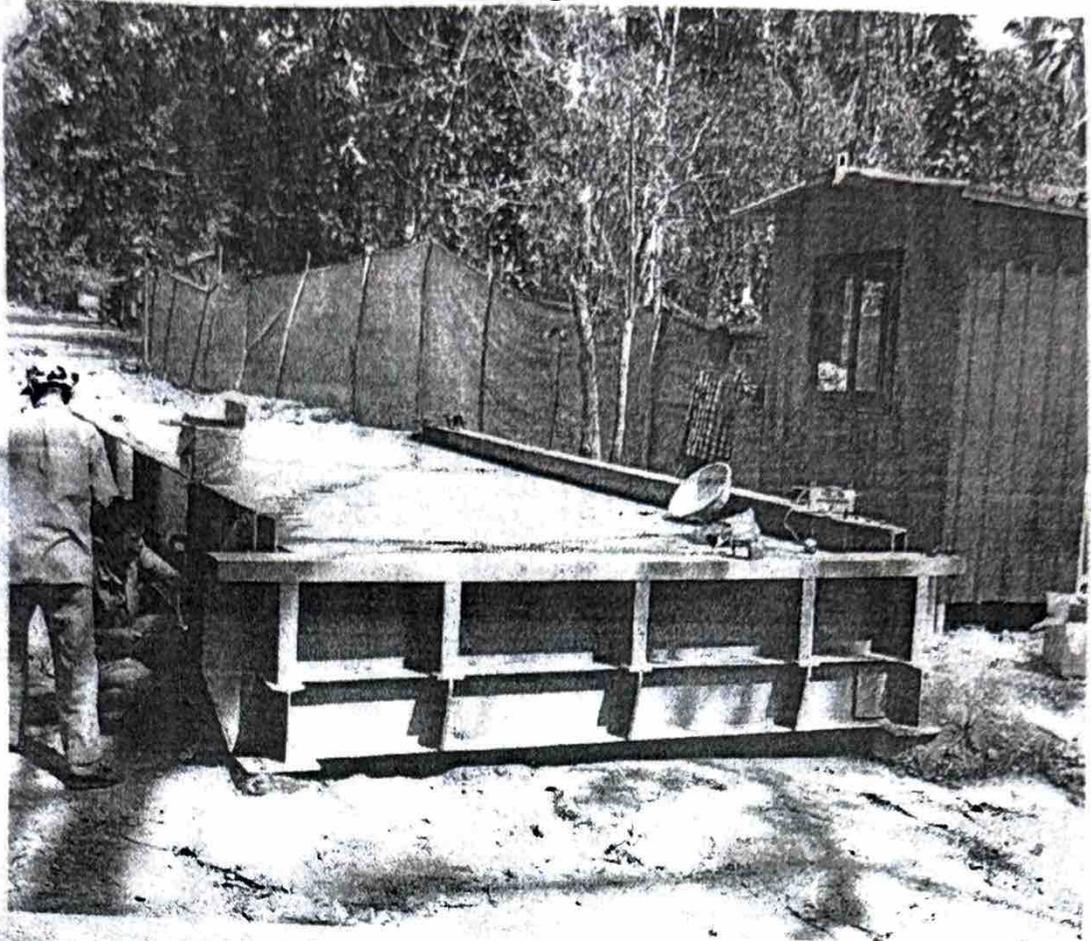
Yours faithfully,

Daonka

SARIPANCH
Panchayat Kalyan

Copy to:-

1. The Hon'ble MLA,
Sanvordem Constituency,
Sanvordem, Goa.



<https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/FMfpgzGrcjSVjVZZbRMGhzkqownwrkdC?projector=1&messagePartId=0.3>

Inspection Report

Name of the unit	STATION MASTER KALAY RAILWAY STATION (Application ID: 1668809)
Address of the Unit	Sy. No. 152/4-A, 155/13-A of Calem Village, Kalem, Sanguem, Goa
Latitude, Longitude	15.293652, 74.188760
Date of Inspection	17/04/2023
Purpose of Inspection	CCA New

Introduction:

The undersigned Mr. Siddhant Desai - JEE, conducted the Inspection of the Railway Siding project near Kaley Railway Station with respect to Application for CCA/CTO. The unit had not started operations at the time of inspection. The Applicant as per OCMMS application is Station Master, Sr. Divisional Commercial Manager/Hubballi/South Western Railway. Applicant has sought Consent to Operate for Railway Siding unit, for handling of mineral Ore being inward from Hubballi & also for the Station. Mineral Ore (Iron ore, bauxite ore, etc) will be unloaded from the wagon and will be placed on siding platform situated between train tracks and the unloaded Ore will be wheel loaded on to trucks from further transportation by Road to Andrem and or Capxem Jetty for loading onto Barge.

Observation during inspection:

- This is a Railway siding project for Goods Handling Such as Mineral Ore Like Iron Ore, Bauxite, etc.
- The area to be used for Railway Siding has been concreted, area is roughly 6200 sq. m.
- The Unit was not operation at the time on inspection, No activities of Loading/Unloading, Stacking of Ore were observed.
- The Unit Representative informed the undersigned that the Train will carry 3000MT of mineral Ore which will be Unloaded within 8 hours from the train containers on to the Railway Siding Platform.
- Subsequently, the stacked Mineral ore shall be loaded on tipper trucks using wheel loaders, which will be weighed on a weigh bridge constructed adjacent to

the Site. This procedure of Loading must be done in an additional 8 hours to avoid any penalties.

- Accordingly, this process will require at least movement of 20 trucks every hour, as such Movement of trucks will have to be maintained.
- It was noted that the approach road from Main road till the railway siding site is NOT metalled.
- NO water sprinkler mechanism has been installed on site, however, the unit representative informed the undersigned that the same will be installed before commencing operations.
- Waste water Drainage system, run off drainage system, settling and separation tanks have NOT been provided on site at the time of inspection
- NO windbreaker walls / Dust screens have been installed on site.
- Scarce Green belt cover exists on both sides of the Railway siding site
- The unit representative informed that the transportation route will be: Kalay Railway Siding -> Kalem -> Karmane -> Bandol -> Dhadem -> Sanvordem -> Andrem/Capxem Jetty
- M/s Vedanta have sought Approval from the Board for transportation of Iron Ore through above mentioned route vide their letter to the Board dated 14/02/2023, However, Application for approval is awaiting Consent to Operate for the Railway Station and Railway Siding for Mineral Ore.
- Nearest Residential Houses are approx. 250m away from the railway siding site, and roughly 15m away from the connecting/approach road for the site, which is unmetalled at the time of inspection.

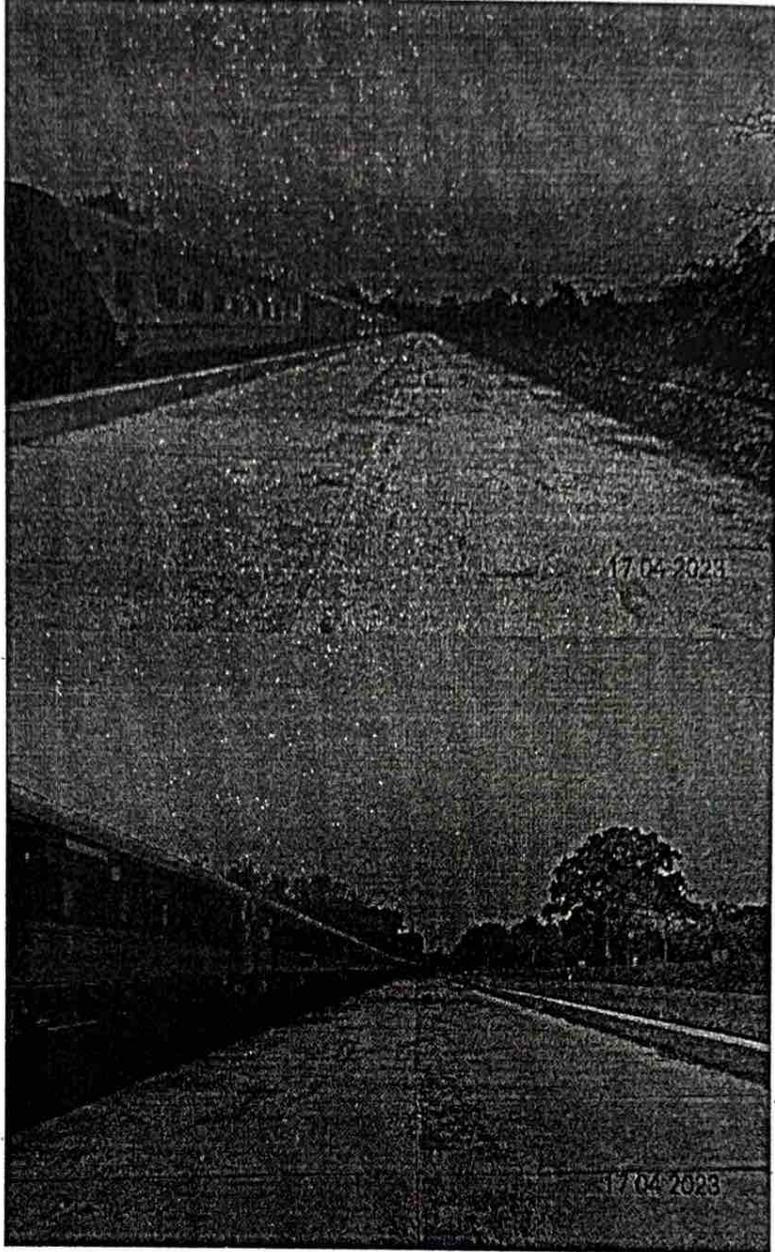
Recommendations:

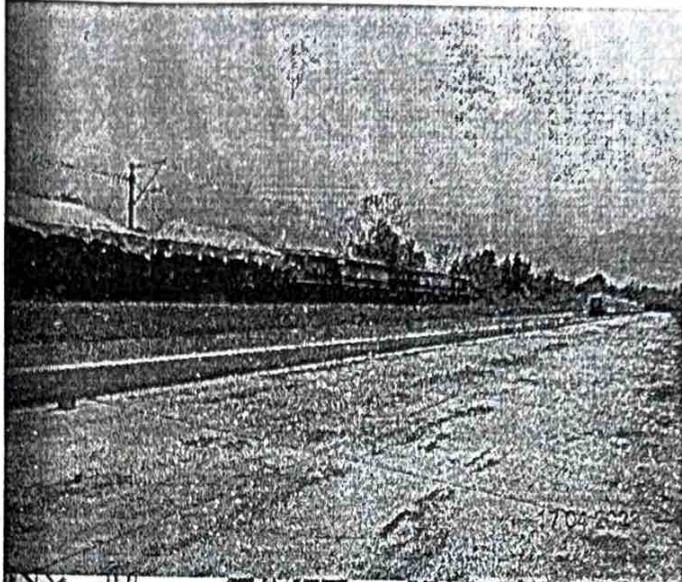
- Paved/metalled approach roads with adequate traffic, caring capacity should be provided at each loading/unloading point existing roads which are in bad condition should be repaired and maintained to control - pollution.
- Water sprinkling, system through mechanised systems or tankers should be provided as per requirement.
- Proper waste water drainage system shall be provided at loading and loading points as per requirement.

- Appropriate greenbelt cover to be provided at the loading unloading point to mitigate pollution when necessary the heavy loading and loading traffic handling points to be provided with the windbreaker walls / dust screen walls along periphery of the premises with adequate height
- Road Shoulder water sprinkling to be done on the proposed transportation route at the time of truck movement to mitigate dust suspension on the transportation route, which is: Kalay Railway Siding -> Kalem -> Karmane -> Bandol -> Dhadem -> Sanvordem -> Andrem/Capxem Jetty
- Afforestation to be carried around the site to mitigate the spread of suspended dust by means of a green wall.
- The Ore being Stacked at the railway siding site must not exceed 3 meters, in order to mitigate the suspension of dust by wind.
- It may be noted that the GSPCB is in receipt of two complains towards the construction of a mobile weighbridge which is near the Railway Siding Platform and will be used for quantification of Mineral Ore being handled:
 - i. Complain from Village Panchayat Kaley regarding objection for issuing NOC for installation of Weigh Bridge dated 08/03/2023
 - ii. Complain from Village Panchayat Kaley regarding Objection for construction of Weigh bridge in Kaley Railway yard dated 31/03/2023
- It may be noted that as per Google imagery, that the proposed site for Railway Siding project and the Railway Station, both are situated outside the Boundary of the Bhagwan Mahavir wildlife Sanctuary and Mollem National Park. (May kindly refer photographs attached below). However, the Same may be verified from the Forest Department.

Photographs	Annexed below
--------------------	---------------

Photographs:





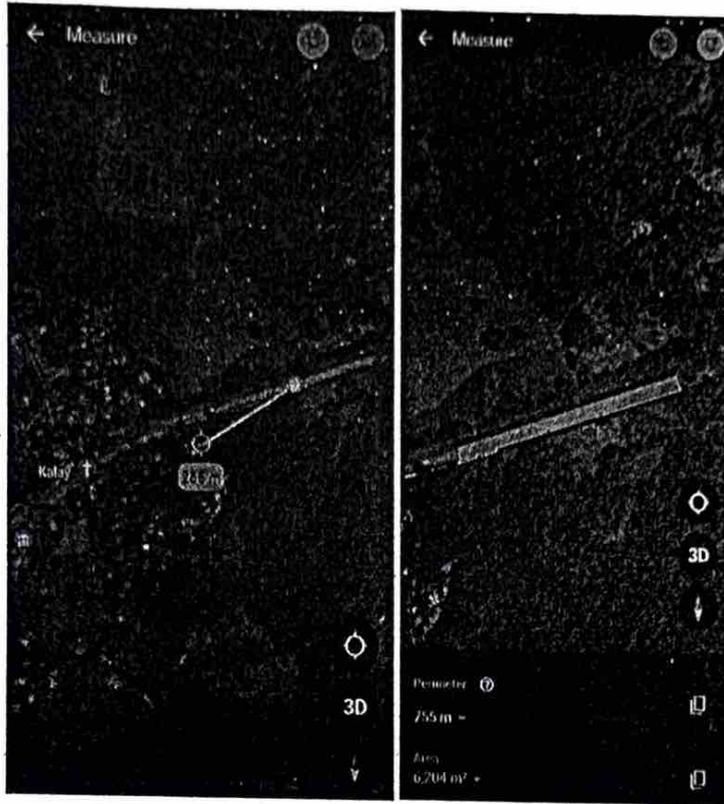
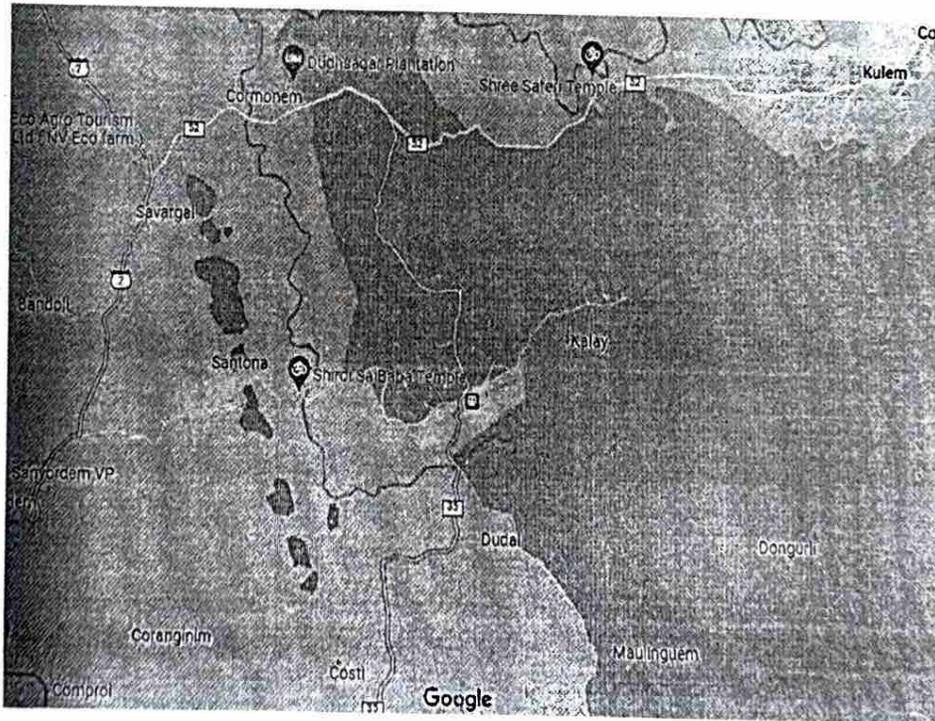
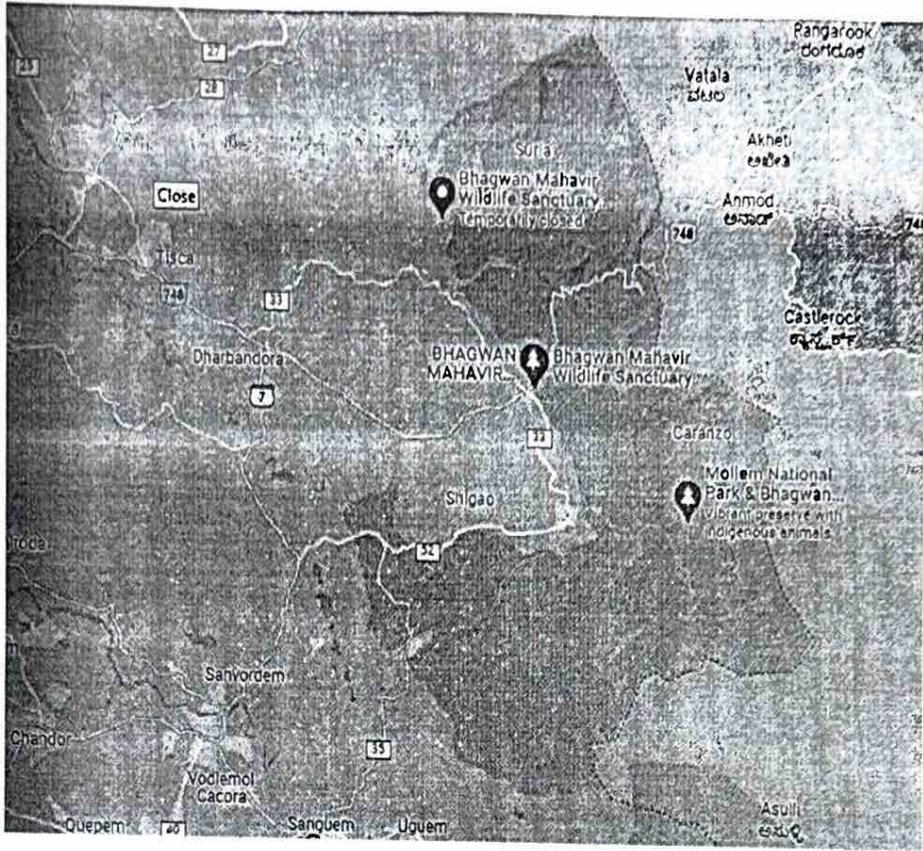


Fig.: Nearest Residence is roughly 250 mtrs away from Railway siding site and total concreted area of Railway siding site is 6200 sq. m.



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
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. 12/2023-PCB/1668809/G00012169

Date: 03/05/2023

Consent to Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981

[To be referred as Water Act, Air Act) Rules respectively]

CONSENT TO OPERATE is hereby granted to:

**M/s STATION MASTER KALAY RAILWAY STATION
(Represented by Station Master Kalem Railway Station)**

**Sr. Divisional Commercial Manager/Hubali/South Western Railway
Near Kalay Railway Station
Sanguem - Goa.**

Located in the area declared under the provisions of the Water Act, Air Act, subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. This Consent to operate is valid upto **29/03/2035**
2. This Consent to operate is valid for the activity of:

Sr. No	Product	Quantity
01	KALAY RAILWAY STATION	01nos
02	GOODS HANDLING SUCH AS MINERAL ORE LIKE IRON ORE, BAUXITE, GENERAL CARGO.	50,000 MT/Month

3. **CONDITIONS UNDER WATER ACT:**

- (i) The daily quantity of industrial effluent from the unit shall not exceed **NIL**
- (ii) The daily quantity of domestic effluent from the unit shall not exceed **6.0 KLD**
- (iii) The rain accumulated / Surface runoff shall be treated in a settling pond and the discharge shall conform to the following standards:

pH	Between	5.5 & 9.0
Suspended Solids (non-rainy day)	Not to exceed	50 mg/l
Suspended Solids (rainy day)	Not to exceed	100 mg/l
Iron	Not to exceed	3 mg / l
Manganese	Not to exceed	2 mg / l

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

Oil & Grease

Not to exceed

10 mg/l

- (iv) The unit shall at his own cost get the samples of water analyzed every month the parameters indicated above from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and rules there under and results shall be submitted regularly to this Board by the 15th of the succeeding month.
- (v) **Domestic Effluent treatment and Disposal: -**
The domestic wastewater shall be treated in a properly designed septic tank and discharged on land for percolation through soak pit of adequate size within the unit premises. All efforts shall be made to reuse and re-circulate the surface water after it meets the discharge parameters.
- (vi) Coursing of surface run off down the slope to the settling pond through the garland drains.
- (vii) To prevent siltation of rivers/ nallahs/ fields catch drains and siltation ponds should be constructed. The water collected should be utilized for watering the plot area, roads and green belt development after meeting standards at Sr. No. 3(iii).
- (vii) The unit should not stack their ore within 50 mts. of water bodies like river, lakes, streams (Perennial or otherwise).
- (ix) Cleanliness & neatness shall be maintained within the premises.

- (x) The unit should submit details regarding transportation of ore in the following format every month:

Sr. No.	Source	Destination	Qty.	No. of trips (tipper trucks)	Route (names of villages through which transportation takes place)	Remarks

4. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE AIR ACT:**

- (i) The applicant shall provide Dust Protection Network i.e. wind screens all around the ore siding area for dust protection.
- (iv) The applicant shall carry out regular cleaning and wetting of ground within the plot to suppress dust pollution.
- (ii) The applicant shall construct garland drains along the periphery of the unit to avoid siltation of dust into seasonal streams/ agricultural land, etc.
- (iii) The applicant shall plant fast growing trees along the periphery/ compound wall of the plot to arrest dust pollution.
- (iv) The unit shall carry out Ambient Air Quality Monitoring once every month from a laboratory recognized by MOEF under the Environment Protection Act, 1986 and the reports should be submitted to the Board by the 15th of the subsequent month. Applicant shall achieve following Ambient Air Quality standards:

PM ₁₀	Not to Exceed (Annual Average)	60 µg/ m ³
	Not to Exceed (24 hours)	100 µg/ m ³
PM _{2.5}	Not to Exceed (Annual Average)	40 µg/ m ³
	Not to Exceed (24 hours)	60 µg/ m ³

All other parameters should meet the standards specified in NAAQS notification dated 18th November 2009 for the relevant industry

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

- (xiv) The trucks/tippers engaged in transportation of ore shall have sufficient free board after filling the cargo box to avoid spillage.
- (xv) All trucks/ tippers engaged in the transportation of ore shall be covered with tarpaulin and the tarpaulin shall be properly fastened to the cargo box to ensure the ore does not get air borne or spill on the road.
- (xvi) In case of breakdown of loaded trucks / tippers unloading of ore at the road side is strictly prohibited.
- (xvii) The roads in Plot areas shall be sprinkled with water to suppress dust pollution.
- (xviii) Spillage of ore on the public roads shall be removed immediately on occurrence.
- (xix) The unit should make suitable arrangements for sweeping of roads affected due to transportation of iron ore.
- (xxi) The maximum height of the stock piles should be restricted to 3 meters above general ground level which should be below the level of wind breaking wall.
- (xxii) The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise. The limits are as follows:

Category of Area/ Zone	Limits in dB (A) Leq	
	Day time	Night time
Industrial Area	75	70
Commercial Area	65	55
Residential Area	55	45
Silence Zone	50	40

Day time is reckoned between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m. to 6 a.m.

6. GENERAL CONDITIONS:

- (i) The unit shall not change or alter the quantity, quality of discharge, temperature or the mode of the effluent/ emission or hazardous wastes or control equipments provided for without previous permission of the Board.
- (ii) The unit shall provide facility for collection of samples of effluent, air emissions and hazardous wastes to the Board staff.
- (iii) An application in prescribed form along with the prescribed fees for renewal of Consent shall be submitted at least 60 days before the expiry of validity of this Consent. An application for renewal of Consent submitted after expiry of the validity shall accompany with penalty of 50% of the Consent fees in addition to the prescribed consent fees.
- (iv) The Board shall be forthwith informed of any accident or unforeseen event involving discharge of any poisonous, noxious or polluting matter into a stream or well or on land or into the atmosphere, as result of such discharge water/ air is being polluted.
- (v) This Consent is granted without any prejudice to any of the permission(s) required under any law, by laws and regulations in force.

- (vi) This Consent does not entitle the party to commence activities until and unless all the other Permissions as required under the relevant statutes are obtained by the party and this Consent to Operate is confined to matters arising out of the Air Act and Water Act only
- (vii) The Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the applicant.
- (viii) The unit shall submit to this office, the Environmental Statement Report in Form V for the Financial Year ending April to March by 30th September of the succeeding year as per the provisions of the rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- (ix) The unit shall bear the cost of analysis / monitoring in case of complaints received by the Board/ Re-inspections due to non compliances observed by the Board and monitoring carried by the Board.
- (v) The unit shall submit the details of the Public Liability Insurance Policy under the PLI Act 1991, to the Board office as applicable.
- (vi) The unit shall submit returns for disposal of batteries under the Batteries (Management & Handling) Rules 2001 as amended thereafter, if applicable.
- (vii) The unit shall submit returns for disposal of e - waste under the E- Waste Management Rules 2016 as amended thereafter, if applicable.
- (viii) The unit shall submit returns for disposal of plastic waste under the Plastic Waste Management Rules 2016 as amended thereafter, if applicable.
- (ix) The unit shall comply to the Guidelines and DUST Mitigation measures in handling Construction materials and C & D waste issued by Central Pollution Control Board and are placed on Board website goaspcb.gov.in.
- (x) The unit is hereby directed to install air quality online monitoring system within three months from date of issue of consent and to submit compliance report.

7 SPECIFIC CONDITIONS:

- i. The stacking area should be concreted/stone pitched with proper gradient to channelize the runoff into storm water drain and to prevent ground water contamination.
- ii. Paved/metalled approach roads with adequate traffic, caring capacity should be provided at each loading/unloading point existing roads which are in bad condition should be repaired and maintained to control – pollution.
- iii. Proper waste water drainage system shall be provided at loading and loading points as per requirement.
- iv. Appropriate greenbelt cover to be provided at the loading unloading point to mitigate pollution when necessary the heavy loading and loading traffic handling points to be provided with the windbreaker walls / dust screen walls along periphery of the premises with adequate height.

Near Pilerne Industrial Estate, Opp.- Salgao Seminary, Salgao-Bardez Goa-403511

- v. Road Shoulder water sprinkling to be done on the proposed transportation route at the time of truck movement to mitigate dust suspension on the transportation route.
- vi. The Ore loading/unloading activity shall commence after compliance of consent conditions 4(i), 6(x) 7(i), 7(ii) and 7(iii) is verified by the Board.

To,

M/s STATION MASTER KALAY RAILWAY STATION

(Represented by Station Master Kalem Railway Station)

N. Divisional Commercial Manager/Hubballi/South Western Railway

Near Kalay Railway Station,

Sanguem – Goa.

Copy to:-

- i. The Director, Directorate of Mine & Geology, Ground Floor of Institute Menezes Braganza Panaji, Goa 403001
- ii. Accounts Section
- iii. Concerned File
- iv. Guard File

Received Consent fee of: **The capital Investment of the unit is Rs.189.75/- (In Lakhs)**

Challan no.	Amount	Date
-	Rs. 1,69,064/- (Air & Water Consent fees)	13/04/2023

DR SHAMILA MONTEIRO Digitally signed by DR SHAMILA MONTEIRO
Date: 2023.05.03 15:57:03 +05'30'

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

CUSTOMER FEEDBACK

Dear Citizen / Customer,

We appreciate you for sparing a few minutes for giving us your valuable feedback on our services

Name :

Contact

Address:

Email: Date:

Name of the service availed:

Are you aware that service standards are included in the Citizen's Charter as available on Board's website : www.goaspcb.gov.in?Yes No

If yes, is the Citizen Charter simple and easy to understand?

Yes No

Description of service delivery parameters (Consents/Authorisation/RTI's/Complaints etc.)	Excellent	Good	Fair	Average	Poor	Reason for grading
Time taken to deliver service in comparison to service standards mentioned in Citizen's Charter						
Quality of service (accuracy, completeness)						
Knowledge of dealing hand / staff regarding services/schemes						
Courtesy of staff						
Board's response in view of your query/requirement is to your satisfaction						
Date of your visit to the office and your overall experience						

Suggestions for improvement, if any

Signature & date

To,
The Member Secretary,
Goa State Pollution Control Board,
Near Pilerne Industrial Estate,
Opposite Saligao Seminary, Saligao, Bardez, Goa. 403511

Please note that your feedback is considered essential for overall improvement and development of Board functions in service of environment.

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

227

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, 2407703Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary, GSPCB: ms-gspcb.goa@nic.in
Office: mail.gspcb@gov.in

No. 1/20/20-PCB/Tech/ 11537

By speed-post

Date:- 22/08/2023

DIRECTIONS FOR SUSPENSION OF THE CONSENT TO OPERATE ORDER NO.
12/2023-PCB/1668809/G00012169 DATED 03/05/2023.

WHEREAS, Goa State Pollution Control Board (hereinafter referred to as the "Board", in short) issued the consent to operate to your unit vide order No. 12/2023-PCB/1668809/G00012169 dated 03/05/2023 valid upto 29/03/2025.

WHEREAS, subsequently the Board was in receipt of a complaint from the Sarpanch, Village Panchayat Kalem, regarding Installation of Illegal Weigh Bridge set up by the unit M/s Station Master Kalay Railway Station located at Kalay Railway Station, Kalay Sanguem Goa.

WHEREAS, in order to verify the allegations/issues raised in the complaint and also to verify the compliance of the conditions stipulated in the Consent order bearing No. 12/2023-PCB/1668809/G00012169 dated 03/05/2023, the officials of the Board conducted a site inspection on 09/06/2023 and also on 13/06/2023 of your unit namely M/s Station Master Kalay Railway Station located at Kalay Sanguem Goa.

WHEREAS, report of inspection indicated the following :-

1. No Windbreaker walls / dust screens have been installed on site. However, agro-net dust screen was partly provided near Weigh bridge.
2. Air quality online Monitoring system is not installed as observed at the time of inspection. Also, no data /signal was relayed to GSPCB online Servers. The Station Master had informed that they installed online Air Quality Monitoring System for a period from 1st June 2023 to 7th June 2023 and it was removed due to monsoons. However, the same could not be verified.
3. The area used for railways siding has been concreted, area is roughly 6200 sq. m. It was observed that the approach road from Main road till the railways sidings site is not metalled.
4. Waste water Drainage system, run off drainage system, settling and separation tanks have not been provided at site.

Page 1 of 3

22/8/23
18023
ISSUED

5. No water sprinkler mechanism has been installed at the site.
6. Nearest Residential Houses are located at an approx. Distance of 250 m away from the railway siding site and approximately 10 m away from the connecting / approach road for the site , which is non- metalled at the time of inspection.
7. The officials from the Forest Department informed that the Railway siding site along with the Railway station lies within the boundary of the Bhagwan Mahavir Wildlife Sanctuary.

WHEREAS show cause notice bearing no 1/20/20-PCB/Tech/6497 dated 16/06/2023 was issued to your unit for operating in violation of the provision of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as the following conditions were not complied :-

- i. The Applicant not provided Dust Protection Network i.e. Wind screens all around the ore siding area for dust protection.
- ii. The unit not installed air quality online monitoring system within three months from the date of issue of consent. Non submission of compliance report.
- iii. The Stacking area not concreted /stone pitched with proper gradient to channelize the runoff into storm water drain and to prevent ground water contamination.
- iv. Paved metalled approach roads with adequate traffic, caring capacity not provided at each loading /unloading point existing roads which are in bad condition not repaired and maintained to control pollution.
- v. Proper waste water drainage system not provided at loading and unloading points as per requirements.

WHEREAS the Hon'ble High Court Vide order dated 19/06/2023 passed in the matter of Parvati Sachit Kamat v/s State of Goa in PIL Writ Petition No. 1182/2023(F) disposed of the matter with the directions that the Show cause notice issued by the GSPCB should be disposed of, after hearing all the parties. The decision should be communicated to the parties including the petitioner.

WHEREAS personal hearing was accorded to M/s Station Master Kalay Railway Station, Adv. Uday Bicholkar, representing the complainant/petitioner, Sarpanch, Village Panchayat Kalay, M/s Desai Logistics, The representative of the Mines Department and the representative of the Forest Department was held on 06/07/2023, 21/07/2023 and 07/08/2023.

WHEREAS upon hearing the parties following order is passed:

Upon considering the submissions made by all parties, I am of the opinion that the conditions stipulated in the Consent to operate order No.12/2023-PCB/1668809/G00012169 dated 03/05/2023 are not being complied till date. Hence the activity cannot be allowed to

be permitted without complying with the conditions stipulated therein as it amounts to violations of the provisions of the Air Act and the Water Act.

In view of the aforesaid facts the Consent to operate order No. 12/2023-PCB/1668809/G00012169 dated 03/05/2023 shall be suspended forthwith. No further loading and unloading activity to be commenced without informing the Board.

Time is granted to the management of the unit M/s Station Master Kalay Railway Station located at Kalay Railway Station , Kalay, Sanguem Goa, to comply with the conditions of Consent mentioned above and submit the compliance report to the Board. The decision regarding commencement of the loading and unloading activity will be taken upon verifying the same.

✓
NOW THEREFORE, in light of the above and in exercise of the powers delegated to the undersigned, under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 31(A) read with section 21 of the Air (Prevention and Control of Pollution) Act, 1981 the Management M/s Station Master Kalay Railway Station located at Kalay Sanguem Goa, the Consent order no. 12/2023-PCB/1668809/G00012169 dated 03/05/2023 is suspended forthwith for non compliance of the conditions stipulated therein. No further loading and unloading activity to be commenced without informing the Board. Time is granted to comply with the conditions of Consent mentioned above and submit the compliance report to the Board. The decision regarding commencement of the loading and unloading activity will be taken upon verifying the same.

Issued on this 22 day of August, 2023.

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

To,
M/s STATION MASTER KALAY RAILWAY STATION
(Represented by Station Master Kalem Railway Station)
Nr. Divisional Commercial Manager/Hubballi/South WesterRailway
Near Kalay Railway Station,
Sanguem - 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, 2407703Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@gmail.com
Member Secretary, GSPCB: ms-gspcb.goa@gmail.com
Office: mail.gspcb@gov.in**By, Regd. A.D.**

No. 1/25/15-PCB/19283/Tech/19413

06/12/2023

REVOCATION OF THE DIRECTIONS BEARING NO. 1/20/20-PCB/Tech/11537 DATED 22/08/2023 UNDER SECTION 31 (A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AND UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.

- Ref:- 1) Show cause Notice issued vide 1/20/20-PCB/Tech/6497 dated 16/06/2023
 2) Directions for suspension of the consent to Operate issued vide order no. 1/20/20-PCB/Tech/11537 Dated 22/08/2023.
 3) Compliance report received from your office vide dated 30/11/2023 with reference to the directions issued.

WHEREAS, Goa State Pollution Control Board (hereinafter referred to as the 'Board', in short) issued Directions for suspension of the consent to Operate bearing no. 1/20/20-PCB/Tech/11537 Dated 22/08/2023 namely M/s Station Master Kalay Railway Station, located near Kalay Railway Station Sanguem Goa, for non compliance of the conditions stipulated the consent issued vide the order No. 12/202-PCB/1668809/G00012169 dated 03/05/2023 and in violation of the provision of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Board is in receipt of a reply from M/s South Western Railway, located near Kalay Railway Station Sanguem Goa dated 30/11/2023 stating that

1. Partially wind screen has been installed from Km 58/700 to 59/300 (till waterway Bridge) along the side of the approach road towards PWD Road.

2. Air quality monitoring system is installed .
3. Loading / unloading area is paved with cement concrete for a length of 415 m (approx) and width of 10 m.
4. Concrete surface is available from loading /unloading area till km 59/300 (near waterway bridge) except for two stretches of 163m and 65 m where coarse aggregate and crushed sand is rolled and leveled as paving.
5. Along the loading / unloading area , between siding line no. 1 and main line, drain is provided for 415m (approx) .

WHEREAS, in order to verify the compliance report , the officials of the Board conducted a inspection on 01/12/2023, your unit namely **M/s Station Master Kalay Railway Station** located at Kalay Sanguem Goa and inspection report indicates the following.

1. The Unit was not operational at the time of Inspection.
2. The unit has provided Agro net along the approach road from Railway Underpass (Exit point for loaded trucks) till the location of the Weigh bridge. However, Dust screen/wind breaker wall is not provided along Loading/unloading site. However, natural plantation was observed along the Loading/ unloading site.
3. The unit has installed an Online Air Quality Monitoring System for monitoring PM2.5 & PM10. However, the same is not connected to the Online Servers of the Board.
4. The Stacking Area is concreted and has a gradient, however, the surface run off water from the stacking area is not channelized into a settling pond. The unit is required to construct an additional Dyke wall towards the end point of the loading/Stacking area to prevent surface run off directly into the existing seasonal Nallah.
5. The unit has provided approx. 6m wide concrete road parallel to the existing PWD village road from Railway Underpass (Exit point for loaded trucks) till the Stacking area/Loading point.
6. The unit has not provided a Settling Pond. The Unit Shall provide a settling pond towards the end point of the loading area to prevent surface run off directly into the existing seasonal Nallah.

NOW THEREFORE, in light of the above and in exercise of the powers delegated with the undersigned under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, the Directions bearing no Directions 1/20/20-PCB/Tech/11537 Dated 22/08/2023 issued to namely M/s Station Master Kalay Railway Station located at Kalay Sanguem Goa is hereby revoked with a condition to connect Air Quality Monitoring System to the online server of the Board, to construct additional Dyke wall towards the end point of the loading/Stacking area to prevent surface run off directly into the existing seasonal Nallah and to provide Settling Pond within six Month from the date of issue of this Revocation directions.

Issued on this 06 day of December, 2023

(Dr. Shamila Monteiro)

Member Secretary

Goa State Pollution Control Board

To,

**M/s STATION MASTER KALAY RAILWAY STATION
Nr. Divisional Commercial Manager/Hubballi/South Wester Railway
Near Kalay Railway Station,
Sanguem - Goa.**

Copy to:

1. Office copy
2. Guard file

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.2/2024

THE GOA FOUNDATION THR ITS
SECRETARY DR. CLAUDE ALVARES ... PETITIONER

Versus

THE GOA STATE POLLUTION
CONTROL BOARD THR ITS
MEMBER SECRETARY AND 5 ORS. ...RESPONDENTS

*Ms Norma Alvares with Mr Om D'Costa, Advocates for the
Petitioner.*

*Mr Pavithran A. V. with Mr Prasad Kholkar and Mr Pranav
Sankhalkar, Advocates for Respondent No.1.*

*Mr D. Pangam, Advocate General with Mr Deep Shirodkar,
Additional Government Advocate for the State.*

Mr A. D. Bhobe, Advocate for Respondent No.6.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
M. S. SONAK, J.**

DATED: 10th JANUARY 2024

P.C.:

1. Heard Ms Norma Alvares, learned counsel for the
Petitioner, Mr Pavithran A. V. for Respondent No.1, Mr D.
Pangam, learned Advocate General with Mr Deep Shirodkar,

learned Additional Government Advocate for the State – Respondents No.3 to 5 and Mr A. D. Bhohe for Respondent No.6.

2. The grievance in this petition, as orally submitted by the counsel for the petitioner, is that certain activities of loading and unloading of mineral/ore is being undertaken by respondent no.2 at a wild life sanctuary without obtaining requisite permissions as per the requirement of Section 28 of Wild Life (Protection) Act, 1972. However, the prayer made in this petition is for quashing the consent to operate accorded to the Railways by the Goa State Pollution Control Board (GSPCB) under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981. As per the scheme of the aforesaid two enactments, the GSPCB is required to grant consent to operate to ensure that violations of these two enactments do not take place. However, insofar as the provisions of the Wild Life (Protection) Act, 1972 are concerned, the GSPCB is not the authority who administers the same.

3. Learned counsel for the petitioner, on being pointed out the aforesaid aspects of the matter, prays that the petitioner may be permitted to withdraw the petition with the liberty to file a fresh petition with the appropriate pleadings and prayers. Learned counsel for the respondents do not object to this prayer.

4. The Writ Petition is disposed of as withdrawn with liberty as prayed for.

M. S. SONAK, J.

CHIEF JUSTICE

SUCHITRA
NANDAN
SINGBAL

Digitally signed by
SUCHITRA NANDAN
DN: cn=SINGBAL,
o=10190140750