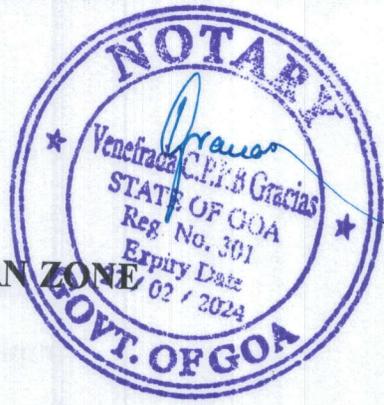


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BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH PUNE
APPEAL 15/2023

FEDERATION OF RAINBOW WARRIERS ... APPELLANT

VS.

UNION OF INDIA AND ORS. ... RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5

I, Dr. Sneha Gitte, IAS, 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 I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However, I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.
2. I say and submit that present Respondent has received a proposal from the Respondent No. 4 seeking NOC/ Permission for proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port. In the said proposal / application it is further stated that the said proposal is for enhancing the port handling facility by modernization with environment friendly equipment's and the same shall be achieved by deploying highly

Sneha Gitte

mechanized and efficient material handling systems and the implementation of the said project will lead to increase in port efficiency, better utilization of existing resources and overall net reduction in pollution level due to retrofitting of material handling systems with latest dust entrapment systems and barriers. The said proposal in the form of Form 1 is annexed herewith and marked as "Annexure A".

3. I say and submit that the abovementioned proposal was considered in the 153 rd meeting of the present Respondent held on 18.07.2017. In the said meeting at Case No.4.1, the present Respondent has considered the proposal of the Respondent No.4 on the basis of the documents submitted by the Respondent No. 4. The list of documents submitted is as under :

- NOC dated 03/04/2000 issued by the GCZMA for development and modernization of the existing berth Nos. 4, 5 & 6 of Mormugao Port Trust which are now known as Multipurpose General cargo Berths No. 5A & 6A.
- License Agreement dated 11/04/1999 between the Board of Trustees of Mormugao Port (referred to as the Licensor) and ABG Goa Port Pvt. Ltd. (referred to as the Licensee).
- Copy of Certificate of Change of Name from ABG Goa Port Pvt. Ltd. to South West Port Limited.
- A letter dated 19/06/2015 issued by the MoEF & CC
- Copy of EIA report and Pollution Mitigation Measures.
- Copy of demarcation of HTL, LTL and CRZ for proposed expansion at Berth 5A & 6A

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- The name of Mormugao Port Trust is reflected in Form D for Chalta No. 1 of P.T.Sr. No. 7, Vasco City.

4. I say and submit that the site in question was inspected by the expert member of the present Respondent Dr. Prabhakar Shirodkar and Prof. Suhas Godse. The observations recorded during the site inspection are as follows:

- The site proposed for modernization envisages two berths 5A and 6A and their surrounding areas within the Mormugao Port, which is located at the mouth of Zuari Estuary.
- The site is falling with CRZ | (b) area of Zuari River, whereas Mormugao Harbour is a declared CRZ II area.
- The two berths, 5A and 6A are handling Cargos like coal, limestone and steel products. Berth 5A is used for export of steel slabs and steel coils, whereas berth 6A is used for import of coal and limestone.
- Both the berths are operated by South West Port Ltd, which is a company under JSW Infrastructure Ltd (J5WIL) group.
- Presently, the main user of port facility is JSW Steel Limited, Vijayanagar, for which, the MPT is importing about 5.5 million tons of coal, 1 million ton of lime stone and is exporting about 1 million ton of finished steel products.
- The presently existing facilities at berth 5A and 6A at MPT include Mobile Harbour Cranes and Grab Ship Loaders for handling of coal and Fork Lifts for steel products.
- The coal regularly imported from Australia by ships is taken by the grab and then it is put into the hopper; from there it is put



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- onto the conveyor belt and then from the belt it goes to the Rail Wagon and then it goes to the stack yard for storage. Coal is seen stacked at many places within the stack yard, which is covered with tarpaulin to prevent from creating dust pollution.
- viii) As seen from the site during the site inspection, the coal transported by flat ate conveyor belt shows spillage of coal at many places all along the conveyor. The dust emissions were also evident during the transport of coal by open conveyor. To minimize this, the wind shields are erected with green belt around the shields.
- ix) As the demand for coal and other products is increasing at JSW Steel plant in Vijayanagar, the South West Port Lta (SWPL) is proposing to deploy highly mechanized and efficient environment friendly material handling system at both the Berths to increase the cargo handling capacity to meet the demand.
- x) This will enhance the capacity of coal imports to 13 - 14 MTPA of bulk (coal, iron ore, lime stone dolomite, bauxite, mineral ores and other miscellaneous cargo) and about 2 MTPA of unutilized cargo (steel bars, coils, flats and plates and other steel products)
- xi) The enhancement in handling capacity will be achieved by increasing the operational efficiency of the existing mechanized material handling system and equipment by enhancing the existing conveyor belt speed and improving the rake loading turnaround time.
- xii) Presently, the width of the conveyor belt is 1800 mm and speed of movement is 3.4 m/sec. In modernization plan, the flat conveyor belt is proposed to be replaced by a Closed Loop Pipe

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Conveyor of 2000 mm width and the speed will be increased to 4.6 m/sec by change of gear and motor.

- xiii) There are Blooming machines deployed at both the berths for sweeping the floor for any kind of dust left from coal.

5. I say and submit that considering the visit and inspection the team of the experts have suggested and recommended that the proposed terminal capacity enhancement by modernization at berth 5A and 6A is within the Mormugao Port Premises. The proposed modernization will be done by replacing the existing old facility by the new equipment in its place. This will not involve utilization of any additional space on land or in the water front area. So also, there will be no construction of any kind involved in the proposed project. The proposed modernization, besides enhancing the terminal handling capacity, is expected to reduce the pollution load particularly from handling of coal and other mineral products at the said berths.
6. The present Respondent had earlier issued NOC (No. GCZMA/s/55/2000/Vasco/02, dated 3/4/2000) to MPT for development and modernization of berths 4, 5 and 6 which involved utilization of water front areas as well as foreshore facilities. This NOC was issued based on Clause 3 (2) ii of CRZ Notification 1991 and 2011. The proposal involving installation of modern, environment friendly equipment for enhancing the handling capacity of the cargo does not involve any extra space on land or in water front area or any kind of construction within the CRZ area. The proposed modernization plan also appears to reduce pollution to a large extent as well as it will be environmental friendly. The berths 5A and 6A lie in CRZ I (b), whereas, Mormugao is classified as a CRZ 1 area. All the

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proposed activities are within the jurisdiction of MPT, so the NOC can be granted for the said proposal of SWL. Further, as regards environmental atmospheric pollution of any kind, it is a subject matter to be dealt by GSPCB, so, a guidance may be sought from this competent authority. A copy of the Minutes of Meeting is annexed herewith and marked as "Annexure B".

7. I say and submit that then the matter the matter was placed in the 152nd GCZMA meeting held on 29/06/2017 wherein: - The Authority noted that the said proposal is basically for enhancement of the capacity and ^{modernisation} monetization of the two berths at 5A and 6A i.e. to deploy highly mechanized and efficient environment friendly material handling system at both the Berths to increase the cargo handling capacity to meet the demand. Member Secretary informed the Authority that already there was a public hearing held in the matter in respect of the coal mining berths and during the public hearing there were certain issues raised which are required to be incorporated in the EIA studies carried out by M/s. South West Port Ltd., Goa. Representative on behalf of M/s. South West Port Ltd., Goa was present he informed the Authority that the said project is for modernization and for enhancing the Infrastructure of equipment. Also no new foundation will be laid and there will be no extension of jetty. He also stated that they will do the necessary revisions to be done in the EIA report as well as in the proposal. The Authority after detailed discussion and due deliberation and in view of the above decided to direct the applicant to revise the EIA report as per the public hearing conducted in the matter and to approach the Authority thereafter.
8. Accordingly the Respondent No. 4 submitted the revised EIA report dated 03/07/2017. The report submitted earlier as well as the report EIA report

Quote

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Quote



submitted on 03/07/2017 were forwarded to the Expert members of the GCZMA for their comments.

9. The Expert Members namely, Dr. Prabhakar Shirodkar, submitted his comments which are as follows:

As per the EIA report. the probable Impact that could be associated during the construction phase is the water which will be required for construction.

As indicated in the EIA Report, the project proponent will not be abstracting water from surface or any ground water body within the CRZ area for the purpose.

No labour camps will be erected within the project site (CRZ area: 100m from the bank of Zuari River at MPT) for the labour force which will be employed for the upgradation work.

No new sewerage facilities will be set up within the project area (CRZ area).

The labour force will use the existing sewerage facilities of MPT. Which has additional handling capacity

The Project Proponent says that there will be no acquisition of land. neither will there be any clearing of terrestrial vegetation within the project site. so no impact is envisaged on terrestrial ecology.

Proposed project involves no construction of any structure. but only installation of material handling system on the Jetty. There will be no dredging. reclamation or construction in the sea also. so no impact is envisaged on marine biology within the CRZ area.

Even on land. there will be no change of land use. as no construction will be involved at site.

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Suitable mitigation measures have been suggested and are detailed in the EIA report for mitigating any kind of impacts arising during the operational phase of the project which the Project Proponent should follow to keep the environment within the CRZ area clean and free from any kind of pollution.

10. I say and submit that considering the above mentioned points, it is found that the NOC can be issued to MPT for their proposed upgradation facility. As regards pollution aspect, it is within the purview of GSPCB who may be requested to look into the matter.

11. I say and submit that Prof. Suhas Godse ; the Expert Member of the present Respondent had visited the said site and has gone through the comments submitted by Dr. Prabhakar Shirodkar and agrees with the same. Hence the present Respondent thought it to approve the said proposal for proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port in terms of the CRZ Notification, 2011 as amended and subject to the condition that operation and handling should be done in closed shed.

12. It is therefore submitted that the present Respondent after scrutinizing the relevant documents and Visits and Inspections by the Expert Members has granted the NOC to the Respondent No. 4. Considering the same on 18.08.2017; the present Respondent issued NOC to the Respondent No. 4 following due process of law. Hence it cannot be said that the NOC of the present Respondent is mere paperwork as the same has arrived upon after scrutinizing relevant facts and documents on record.

Hence this affidavit.
Solemnly affirmed before me

Sneha Gille

Affiant

Who is identified before me by

At Panjim - Goa

S. No. 335/12/2023

Date. 11/12/2023

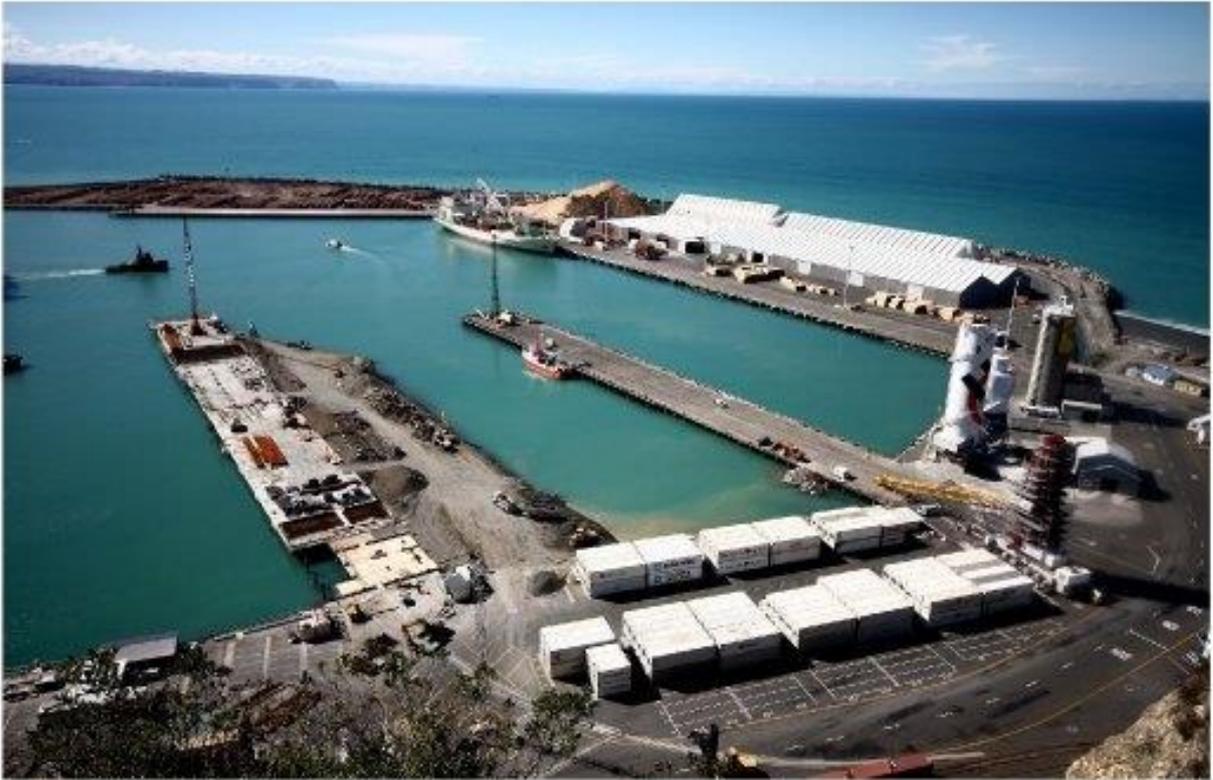
Gracias
Venefrada C.P.B. Gracias
Advocate & Notary Goa State



MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANJIM - GOA

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FORM I**PROPOSED CONCEQUENTIAL TERMINAL CAPACITY
ENHANCEMENT AT BERTH 5A-6A OF MORMUGAO PORT,
MORMUGAO, GOA**

Prepared for

GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA), GOA

Submitted By

M/s South West Port Ltd.



Form-I for seeking clearance for project attracting CRZ notification

BASIC INFORMATION:

Name of the Project:- **Proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port for Handling Coal and Coal Products, Iron Ore and Limestone including Unitised and Steel Products**

Location or site alternatives under consideration:- **This is a modernisation project of the existing port facility. Hence, site alternative study is not required**

Size of the project (in terms of total area):- **Mordenisation of existing cargo handling capacity from 7.5 mmtpa to Bulk handling to 13 mmtpa and multiple unitised cargo and Steel product at about 2 mmtpa.**

13 MTPA of bulk (consisting of coal, iron ore, lime stone, dolomite, bauxite, mineral ores, fertiliser and other misc. cargo), and about 2 MTPA of unitised cargo (consisting of steel bars, coils, flats and plates, and other steel products)

CRZ classification of the area: **The project area belongs to CRZ-IB, CRZ-II, CRZ-IV**

Expected cost of the project: **210 Crores**

Contact Information: Mr. Rashmيرانjan Patra
Vice President- Strategy & Planning
1st Floor, Port Users Complex
Mormugao Port, Goa
Mail: rashmيرانjan.patra@jsw.in

Phone: +91 832-2523000

Fax. +91 832-2523006



II. ACTIVITY

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	No	The berths are operational and the proposed project is enhancement of the cargo handling capacity.
1.2	Details of CRZ classification as per the approved Coastal Zone Management Plan?	Yes	CRZ IB, CRZ-II, CRZ-IV
1.3	Whether located in CRZ-I area?	Yes	CRZ IB
1.4	The distance from the CRZ-I areas.	Yes	Berths lies in the inter-tidal zone CRZ IB
1.5	Whether located within the hazard zone as mapped by Ministry of Environment and Forests/National Disaster Management Authority?	NO	No
1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?	No	There is no record of occurrence of floods, landslides and cloud bursts in the area. The project site is seismically not active zone.
1.7	Whether the area is prone for saltwater ingress?	No	No
1.8	Clearance of existing land, vegetation and buildings?	No	Not Applicable
1.9	Creation of new land uses?	No	Not Applicable
1.10	Pre-construction investigations e.g. bore holes, soil testing?	No	Not Applicable.
1.11	Construction works?	No	Not Applicable
1.12	Demolition works?	No	Not Applicable
1.13	Temporary sites used for construction works or housing of construction workers?	No	Local labourers shall be deployed for any development works at the site.



S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	No	Not Applicable
1.15	Underground works including mining or tunneling?	No	Not Applicable
1.16	Reclamation works?	No	Not Applicable
1.17	Dredging?	No	Not Applicable
1.18	Offshore structures?	No	Not Applicable
1.19	Production and manufacturing processes?	No	Not Applicable
1.20	Facilities for storage of goods or materials?	Yes	Covered bulk cargo storage with wind shields. Covered shed steel products
1.21	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	The activity does not produce any industrial effluent. The domestic waste water will be treated in a septic tank and soak pit as is done at present. The solid waste shall be segregated and disposed as per the norms.
1.22	Facilities for long term housing of operational workers?	No	Not envisaged
1.23	New road, rail or sea traffic during construction or operation?	No	Not envisaged
1.24	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	Not envisaged
1.25	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	Not envisaged
1.26	New or diverted transmission lines or pipelines?	No	Not envisaged
1.27	Impoundment, damming, culverting, realignment or other	No	Not applicable



S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
	changes to the hydrology of watercourses or aquifers?		
1.28	Stream crossings?	No	Not applicable
1.29	Abstraction or transfer of water from ground or surface water?	No	Not applicable
1.30	Changes in water bodies or the land surface affecting drainage or run-off	No	There are no alterations in the existing drainage network. The drainage facility, if required for the enhancement project shall be merged with the existing facilities.
1.31	Transport of personnel or materials for construction, operation or decommissioning?	Yes	No major construction activities are involved. During the operational there shall be transportation of cargo to the port. Also the personnel involved in operational activities shall be transported to the region.
1.32	Long-term dismantling or decommissioning or restoration works?	No	Not envisaged
1.33	Ongoing activity during decommissioning which could have an impact on the environment?	No	Not envisaged
1.34	Influx of people to an area in either temporarily or permanently?	Yes	Only the operators, technical staff would be coming to the site
1.35	Introduction of alien species?	No	Not applicable
1.36	Loss of native species or genetic diversity?	No	Not applicable
1.37	Any other actions?	No	Not applicable



2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources that are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land specially undeveloped or agricultural land (ha)	No	Not applicable
2.2	Water (expected source and competing users)	Yes	The requirement shall be met from existing allocation of Goa PWD for existing operations. About 500 KLD of water would be required for full operation.
2.3	Minerals (MT)	No	Not envisaged
2.4	Construction material – stone, aggregates, and/ soil (expected source-MT)	No	Not envisaged
2.5	Forests and timber (source-MT)	No	No use of timber is envisaged in the proposed expansion of Jetty
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	The power will be drawn from the Goa State Electricity Board. Approximately 7 MVA of power shall be required when the entire project is in operation.
2.7	Any other natural resources (use appropriate standard units)	No	Not envisaged

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	No	Not envisaged
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	Not envisaged



S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
3.3	Affect the welfare of people e.g. by changing living conditions?	No	Not envisaged
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,	No	Not envisaged
3.5	Any other causes	No	Not applicable

4. Production of solid wastes during construction or operation or decommissioning (MT/month).

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	Yes	A very little amount of solid waste is envisaged during the development phase. The waste shall be segregated and disposed through CPCB authorised vendors.
4.2	Municipal waste (domestic and or commercial wastes)	Yes	All municipal solid waste generated from the sewage treatment will be used within the jetty site for plantation as manure.
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	Yes	The spent oil will be given to the recycler authorised by SPCB. Other wastes like soiled packaging material, discarded batteries, etc. will be sent to the authorised agency for incineration.
4.4	Other industrial process wastes	Yes	Not envisaged
4.5	Surplus product	No	Not envisaged
4.6	Sewage sludge or other sludge from effluent treatment	Yes	Biological sludge generated shall be mixed with the vermi-composed manure and used for horticulture.
4.7	Construction or demolition wastes	Yes	Small quantity of metallic scrap waste is expected to be generated during installation activities. This scrap will be used as melting scrap in steel making.



S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
4.8	Redundant machinery or equipment	No	Not envisaged
4.9	Contaminated soils or other materials	No	Not envisaged
4.10	Agricultural wastes	No	Not envisaged
4.11	Other solid wastes	No	Not envisaged

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	The emissions like smoke are expected from ships carrying cargo and the vehicles carrying cargo in and from the port area. Proper mitigation measures would be implemented to minimize the impacts.
5.2	Emission from production processes	No	The proposed project caters to services for loading / unloading of raw materials and product from ships. Dust emissions from loading unloading activities, transfer operations etc. can be expected.
5.3	Emissions from materials handling including storage or transport	Yes	Fugitive dust will be generated from the material handling activities. Dust suppression systems with water sprinklers/dry fog system will be provided to prevent the fugitive dust emissions. Further, the development of Greenbelt would prevent the fugitive dust emissions.
5.4	Emissions from construction activities including plant and equipment	Yes	Fugitive Dust only.



5.5	Dust or odours from handling of materials including construction materials, sewage and waste	Yes	Dust emissions from raw material handling will be generated. Suitable dust suppression and dust extraction equipments will be installed for dust suppression. There is no possibility of any odour generation as there are no organic solvents / processes involved.
5.6	Emissions from incineration of waste	No	Not envisaged
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	Not envisaged
5.8	Emissions from any other sources	No	Not envisaged

6. Generation of Noise and Vibration, and Emissions of Light and Heat.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	During construction phase i.e. upgradation of facilities noise will be generated from activities and equipments. During operational phase noise will be generated from loading /unloading activities. Proper mitigation measures shall be deployed to attenuate the noise generated.
6.2	From industrial or similar processes	No	Not envisaged
6.3	From construction or demolition	No	No major construction activities are envisaged in the project
6.4	From blasting or piling	No	Not envisaged
6.5	From construction or operational traffic	Yes	Proper mitigation measures shall be deployed to attenuate the noise generated.
6.6	From lighting or cooling systems	No	Not envisaged
6.7	From any other sources	No	Not envisaged



7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	Not envisaged
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	Yes	The sewage water will be treated in septic tanks and soak pit. Treated sewage will be used for horticulture within the port area.
7.3	By deposition of pollutants emitted to air, onto the land or into water	No	Not envisaged
7.4	From any other sources	No	Not envisaged
7.5	Is there a risk of long term build-up of pollutants in the environment from these sources?	No	Not envisaged

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	No	Not envisaged
8.2	From any other causes	No	Not envisaged
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	Yes	During the design stage, the possible effects of natural disasters will be considered and necessary precautionary measures would be built-in and implemented.



9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

Sr. No.	Information/Checklist Confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
9.1	Lead to development of supporting, facilities, ancillary development or development stimulated by the project which could have impact on the environment	Yes	Existing and ancillary facilities will improve.
	Supporting infrastructure (roads, power supply, waste or waste water treatment, etc)	Yes	Existing infrastructure facilities will be expanded / extended to take care of the project.
	Housing development	No	-
	Extractive industries	No	-
	Supply industries	Yes	The material is sent by Indian Railways at present and the mode will continue to be the same.
	Other		-
9.2	Lead to after use of the site, which could have an impact on the environment	No	-
9.3	Set a precedent for later developments	No	This facility is inside a major port and is for receiving stacking and despatching to the intended industries. No ancillary industries are envisaged.
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	-



III ENVIRONMENTAL SENSITIVITY

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	No	The project is in the existing operational facility. There are no ecological, landscapes, cultural or other sensitive areas around the project site.
2	Areas which are important or sensitive of ecological reasons – wetlands, water courses or other water bodies, coastal zone, biospheres, mountains, forests	No	The project is in the existing operational facility.
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	There are no protected for sensitive flora and fauna near the site.
4	Inland, coastal, marine or underground waters	Yes	The facilities are in the coastal marine areas of Mandovi - Zuari estuary, located inside a Major Port.
5	State, national boundaries	No	-
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	No	Not applicable
7	Defence installations	No	Not applicable
8	Densely populated or built-up area	No	Capacity enhancement of the existing facility by increased mechanisation and associated operational efficiency.
9	Areas occupied by sensitive man made land uses (<i>hospitals, schools, places of worship, community facilities</i>)	No	Not applicable
10	Areas containing important, high quality or scarce resources (<i>ground water resource, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)	No	No scarce resources are present around the site.
11	Areas already subjected to pollution or environmental damage. (<i>those where existing</i>	No	The proposed activity is in the operational berths.

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S.No.	Areas	Name/ Identity	Aerial distance (within 15 km) Proposed project location boundary
	<i>legal environmental standards are exceeded)</i>		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)	No	There is no record of occurrence of floods, landslides and cloud bursts in the area. The project site is seismically not active zone.

Date: 01.02.207

Place: Mumbai

Signature:

Name: Rashmi Ranjan Patra

Designation: Vice President

MINUTES OF THE 153rd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 18/07/2017 (TUESDAY) AT 3:00 P.M. IN THE CONFERENCE HALL, 2ND FLOOR, SECRETARIAT, PORVORIM – GOA.

The 153rd meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Principal Secretary (Environment), on 18/07/2017 (Tuesday) at 3:00 p.m. in the Conference Hall, 2nd Floor, Secretariat, Porvorim – Goa.

The following members were present during the meeting:

1. Principal Secretary (Environment) / Chairman(GCZMA)
2. Representative on behalf of the Principal Chief Conservator of Forests,
Department of Forests
3. Representative on behalf of Director, Directorate of Tourism
4. Representative on behalf of Director, Directorate of Settlement & Land
Records
5. Representative on behalf of Chief Engineer, Water Resources Department
6. Dr. Prabhakar Shirodkar, Expert Member (GCZMA)
7. Shri. Audhoot Bhonsule, Expert Member (GCZMA)
8. Shri. Suhas Godse, Expert Member (GCZMA)
9. Dr. Nandakumar Sawant, Expert Member (GCZMA)
10. Member Secretary (GCZMA)

At the outset, the Chairman (GCZMA) welcomed the Members of GCZMA present for the meeting and thereafter the following agenda items were taken up for discussion and decision:

Item No.1: To confirm the minutes of the 151st and 152nd Meeting of the GCZMA held on 15/06/2017 and 29/06/2017 respectively.

The minutes of the 151st and 152nd Meeting of the GCZMA held on 23/05/2017 were circulated amongst the members of the Authority during the meeting for their comments and suggestions.

The minutes of 151st and 152nd meetings were confirmed with minor modifications in the Minutes of the 151st GCZMA meeting.

Item No. 2:

Case No.: 2.1:

NOC/Permission for proposed construction of 2 MLD STP at Patto, Panaji – Goa by Public Works Department (PWD), Government of Goa.

Background: The Office of the GCZMA was in receipt of an application seeking NOC/Permission for construction of 2 MLD STP at Patto, Panaji – Goa from the Office of Assistant Engineer, PWD, Tonca, Caranzalem – Goa. The application is supported by a Consent to Establish dated 17/02/2017 issued by the GSPCB, a copy of NOC dated 14/07/2016 issued by EDC limited for construction of the said STP at its existing location and the necessary tender notices and letter dated 14/06/2016 to the Aquatech Solution Pvt. Ltd. for possession and starting of said work.

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Eng. Audhot Bhonsule, Expert Members (GCZMA) on 13/05/2017. The observations recorded during the site inspection are follows:

- i. The site is along the bank of back waters of Mandovi River at Patto but is in CRZ II area.
- ii. The proposed construction of 2 MLD STP is in the area where old STP constructed by EDC existed earlier.
- iii. The structure of old STP existing at site has been demolished to accommodate the proposed new STP employing advanced technology.
- iv. New construction shall be carried out into the same area where old structure was existing.

Conclusions & Recommendations:

- i) On perusal at site, it is seen that the new structure would be built on the same area of old STP structure.
- ii) This is a public utility project and is highly essential for protection of environment.
- iii) No mangrove trees are being cut in the project.
- iv) The Authority may deliberate and decide about giving NOC.

It may be noted that as per the **para 3 of CRZ Notification, 2011** which gives the prohibited activities within CRZ and as per the **para 3 clause (v) of CRZ Notification, 2011** it is given as follows:

- “(v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-
- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
 - (b) storm water drains and ancillary structures for pumping;
 - (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;
- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.”

The said project being a public utility project and is highly essential for protection of environment as such the Authority may deliberate and decide in the matter.

In view of the above, the matter was placed before the Authority for discussion and decision.

Decision: The Authority perused the agenda Item and the site inspection report submitted by the Expert Members and noted that the new STP structure would be built on the same area of old STP structure and there are no mangrove trees being cut for the project. Also, the said project activity is permissible as per the CRZ Notification, 2011.

As such the Authority after detailed discussion and due deliberation and in view of the above decided to approve the said proposal for construction of 2 MLD STP at Patto, Panaji – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 2.2:

Recommendation / Approval for proposed construction of Parking Facilities near Calangute Beach in the property bearing Survey No. 200/1, Calangute, Bardez Taluka submitted by the Goa Tourism Development Corporation Ltd.

Background: The office of the GCZMA was in receipt of an Application dated 06/10/2015 from the Goa Tourism Development Corporation Ltd. with regard to the proposed construction of Parking Facilities near Calangute Beach in the property bearing

Survey No. 200/1, Calangute, Bardez-Goa. The applicant has submitted the necessary drawings for the said project which includes the Master plan and the location plan.

Site Inspection Report: The site was inspected by Prof. Suhas Godse, Dr. prabhakar Shirodkar and Eng. Audhoot Bhonsule, Expert Member (GCZMA) on 24/03/2017.

The observations recorded during the site inspection are as follows:

- i) The proposed site for construction of parking facilities is in plot with Sy. No. 200/1 at Calangute.
- ii) The said plot is falling partly within 0-200m from the HTL and partly within 200-500 of CRZ area of Calangute.
- iii) The land in Sy. No. 200/1 belongs to the Government.
- iv) Earlier, the NOC for setting up public utilities in the same Sy. No. 200/1 was issued to GTDC.
- v) Considering the touristic importance of Calangute, the increase in traffic and insufficiency in the available parking place, has forced the Government to create extra parking facility, which is highly necessary at Calangute.
- vi) There are already many existing structures around the said area and the area is plain having red earth murrum.
- vii) As per the plan submitted, the proponent intends to retain the existing structures within the area and make a parking facility from the sides, which will be separate for 4 wheelers, buses, etc.

Conclusion & Recommendation

- i) Calangute is a world renowned tourist destination, where every year the floating population of tourists increases considerably.
- ii) The buses and other 4 wheelers gather in large numbers such that the available parking space becomes insufficient.
- iii) The proposed public utility for parking by GTDC is highly essential and important for keeping the vehicles in order by tourists and public, otherwise it will create a chaos.
- iv) Such structures are permitted within the CRZ area as per the CRZ Notification.
- v) Since the proposed parking is abutting the main road to the beach, and it is partly falling within 200m and partly within 200-500m from the HTL, the paver tiles may be used for the purpose instead of concrete at least within the 0-200m of CRZ area.
- vi) This may be deliberated in the Authority meeting before granting permission.

It may be noted that, as per the CRZ Notification, 2011 there is no specific provision as regards to parking facilities, however, as per **para 8 III (CRZ – III). A (iii)** of CRZ Notification, 2011 which specifies as follows:

“(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;”

Also, the said project is included under **Annexure 5** of the Beach Carrying Capacity Report under the proposed infrastructure development along the Coastline in Goa wherein various infrastructure projects are enlisted subject to permissions from the respective land owners.

Also, the said project being a public utility project and is essential for management / control of traffic in a renowned tourist destination as such the Authority may deliberate and decide in the matter.

In view of the above, the matter was placed for discussion and deliberation in the matter.

Decision: The Authority perused the agenda Item and the site inspection report submitted by the Expert Members and noted that the said project is a public utility project and is essential for management / control of traffic in a highly populated tourist destination. Also, the said project activity is a part of the Beach Carrying Capacity Report which is included under the proposed infrastructure development along the Coastline in Goa

As such the Authority after detailed discussion and due deliberation and in view of the above decided to approve the said proposal for construction of Parking Facilities near Calangute Beach in the property bearing Survey No. 200/1, Calangute, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 2.3:

Recommendation / Approval for proposed construction of Parking Facilities at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez Taluka submitted by the Goa Tourism Development Corporation Ltd.

Background: The office of the GCZMA was in receipt of an Application dated 08/10/2015 from the Goa Tourism Development Corporation Ltd. with regard to the proposed construction of Parking Facilities at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez - Goa.

Site Inspection Report: The site was inspected by Prof. Suhas Godse, Dr. prabhakar Shirodkar and Eng. Audhoot Bhonsule, Expert Member (GCZMA) on 24/03/2017.

The observations recorded during the site inspection are as follows:

- i) Candolim is another place of touristic importance after Calangute, where large tourist traffic is seen year round.
- ii) The proposed site for construction of parking facilities is in plot with Sy. No. 146/1, 3B at Candolim.
- iii) The said plot falls within 0-200m from the HTL and therefore the proposed parking facility lies within the NDZ area.
- iv) The land in Sy. No. 146/1, 3B belongs to the Government.

- v) Earlier, the NOC for setting up public utilities in the same Sy. No. 146/1,3B was issued to GTDC by GCZMA.
- vi) Considering the touristic importance of Candolim, the increase in traffic and insufficiency in the available parking place, has forced the Government to create extra parking facility, which is highly necessary.
- vii) There are already existing structures around the said area and the area is already having some tiles put up in the said parking area.
- viii) There are no sand dunes within the proposed area.
- ix) As per the plan submitted, the proponent intends to retain the existing structures within the area and make a parking facility from the sides, which will be separate for 4 wheelers, buses, etc.

Conclusion & Recommendation

- vii) Candolim is a world renowned tourist destination, where every year the floating population of tourists increases considerably.
- viii) The presently available parking space becomes insufficient for the buses and other 4 wheelers which gather in large numbers at Candolim beach.
- ix) The proposed public utility for parking by GTDC is highly essential and important for keeping the vehicles in order by tourists and public, otherwise it will create a chaos.
- x) Such structures are permitted within the CRZ area as per the CRZ Notification.
- xi) Since the proposed parking is falling within 200m from the HTL, the paver tiles may be used for the purpose instead of concrete.
- xii) This may be deliberated in the Authority meeting before granting permission.

It may be noted that, as per the CRZ Notification, 2011 there is no specific provision as regards to parking facilities, however, as per **para 8 III (CRZ – III). A (iii)** of CRZ Notification, 2011 which specifies as follows:

“(iii) however, the following activities may be permitted in NDZ –

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;”

Also, the said project is included under **Annexure 5** of the Beach Carrying Capacity Report under the proposed infrastructure development along the Coastline in Goa wherein various infrastructure projects are enlisted subject to permissions from the respective land owners.

Also, the said project being a public utility project and is essential for management / control of traffic in a renowned tourist destination as such the Authority may deliberate and decide in the matter.

In view of the above, the matter was placed for discussion and deliberation in the matter.

Decision: The Authority perused the agenda Item and the site inspection report submitted by the Expert Members and noted that the said project is a public utility project and is essential for management / control of traffic in a highly populated tourist destination. Also, the said project activity is a part of the Beach Carrying Capacity Report which is included under the proposed infrastructure development along the Coastline in Goa

As such the Authority after detailed discussion and due deliberation and in view of the above decided to approve the said proposal for construction of Parking Facilities at Candolim in the property bearing Sy. No. 146/1, 3B at Candolim, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Item No. 3: To discuss and decide on the Court matters and complaints pertaining to illegal construction in CRZ areas

Case No. 3.1:

To comply with the Order dated 28/06/2017 passed by the Hon'ble High Court of Bombay at Goa to decide on the Show Cause Notice dated 21/07/2016 issued by the GCZM to Deltin Caravela and further course of action to be initiated with respect to Respondent Nos. 2 & 3 in the PIL W. P. No. 20/2016 i.e. M/s. Delta Pleasure Cruise Co. Pvt. Ltd. and Goa Coastal Resorts & Recreation Pvt. Ltd. respectively.

1. **01/07/2016:** Complaint received from Traditional Fishermen of Ribandar and Mr. Kashinath Shetye & Ors. With regard to CRZ violations by M/s. Deltin Caravela / Floating Hotel by doing mooring and construction to anchor new ship brought on replacement in violation of Ports Act, Gambling Act, Air Act & Water Act and Notification of Government of Fisheries by killing fishes in breeding season by Off shore Casino.
2. **21/07/2016:** Accordingly, a Show Cause Notice was issued to M/s. Highstreet Cruises and Entertainment Pvt. Ltd., (M.V. Royale Flotel) with a direction to show cause as to why a direction to remove the casino vessel “Deltin Caravela” which is moored / anchored in the River Mandovi should not be issued.
3. **22/08/2016:** M/s. Highstreet Cruises and Entertainment Pvt. Ltd. filed reply to the Show Cause Notice which interalia in brief states as follows:
 - a) That they have obtained all the requisite permissions and approvals from the competent authorities, permitting the plying and mooring of the said Vessel.
 - b) That the Vessel has been issued a Certificate of Survey, valid till 27/04/2016, making it safe for plying and sea worthy and also, prior permission from the Captain of Ports for plying / mooring of the said Vessel and the same was parked at the designated location as authorized by the CoP.

- c) Parking and mooring of a Vessel at a particular location is not construction / reconstruction and the applicability of the CRZ Notification, 2011 does not arise. As such no clearance or prior permission the GCZMA is required.
- d) That the issue of concern is only with the limited aspect of pollution in air or water and no allegation of whatsoever is made in the Show Cause Notice with regard to pollution in the air or in the water and accordingly, to discharge / drop the Show Cause Notice. That the Vessel is not letting off or dumping any kind of waste, effluents and oil or grease in water.
- e) That the Vessel has obtained Consent to operate under the Air & Water Act and the intake and outlet of water is strictly monitored by installation of flow meters and also, stack Port Holes has been installed to facilitate the GSPCB Officials to conduct inspections and monitoring of the emissions in the air.
- f) The Vessel contains a modern State of the Art Sewage Treatment Plant and as far as generation of municipal solid waste is concerned, the same is handled by an authorized handler, duly authorized by the GSPCB.

M/s. Highstreet Cruises and Entertainment Pvt. Ltd. has relied on the following documents:

- a) NOC bearing No. B 14022/M.V. Royale Flotel/1820 dated 02/06/2016 issued by the Captain of Ports for plying in the Inland waters of Goa.
 - b) Certificate of Survey dated 18/04/2016 issued by the Government of Karnataka.
 - c) Permission / Approval of the Captain of Ports dated 04/08/2016 to shift of the vessel.
 - d) Renewal of the Consent to Operate dated 11/01/2016 issued by the Goa State Pollution Control Board.
 - e) License dated 13/06/2016 for installation of electronic amusements/ slot machines issued by the under Secretary (Home Department).
4. An application bearing No. 92/2016 was filed by Mr. Kashinath Shetye before the Hon'ble NGT, Pune to challenge the alleged illegal anchoring of the floating Hotel / Casino with three floors and three DG sets of 350 Kva in the name and Style as "Deltin Caravela" in the buffer zone within 200 m of Dr. Salim Ali Bird Sanctuary which is an eco-sensitive zone and in the CRZ-I of River Mandovi in violation of the CRZ.
5. **29/11/2016:** The said matter was disposed of by the Hon'ble NGT vide a Judgment in view of the vessel been removed from that position in which it was admittedly positioned to a position beyond the eco sensitive zone.

6. A Review Application of the said Judgment is also filed by Mr. Kashinath Shetye and the same is pending before the Hon'ble NGT.
7. A P.I.L Writ Petition bearing No. 20/2016 has also been filed by Mr. Kashinath Shetye before the Hon'ble High Court thereby challenging the alleged inaction on the part of the Respondent authorities to take action against all the casinos / flotels / hotels anchored in the River Mandovi in violation of CRZ norms in NDZ and all other environmental norms.
8. **28/06/2017**: The Hon'ble High Court of Bombay at Goa has been pleased to direct GCZMA to dispose of the Show Cause Notice dated 21/07/2016 issued to Deltin Caravela on its own merits within a period of four weeks. Further, in case any of the Respondents are similarly placed, the GCZMA shall proceed to take action with that regard in accordance in law.

In view of the above, the matter was placed for grant of personal hearing to the parties with respect of the Show Cause Notice dated 21/07/2016 and to decide accordingly and further course of action with respect to Respondent Nos. 2 & 3 in PIL WP No. 20/2016.

Proceedings: Mr. Kashinath Shetye, the Complainant, was present. Adv. Parag Rao was present on behalf of M/s. Highstreet Cruises and Entertainment Pvt. Ltd. i.e. Deltin Caravela.

Mr. Kashinath Shetye relied on the contents of his complaint and further stated that the said complaint was filed by him when the said Ship was brought and anchored in the Mandovi River in close proximity to Salim Ali Bird Sanctuary which is CRZ – I zone and later there was shifting of this vessel near Delta in the Mandovi River. He further stated that even though the vessel has been shifted the same falls under CRZ- IV zone which is within 12 nautical miles (i.e. buffer zone) in the river and due to which fishing activities are hampered as there will be harm caused for breeding of the fishes in the said area. He stated that getting a ship having 10 floors and just placing it in the River and conducting commercial activities within it is not correct and there should be some regulations imposed on such activities. He further informed that he approached to the Hon'ble High Court of Bombay at Goa wherein he has filed Petition and making various other vessels parties to the proceedings except for the new vessel. He also stated that may be, such activities of plying of vessels in River is a permissible activity, however, there is no permission / NOC obtained by the said company from the GCZMA under Environment Protection (EP) Act.

He specifically pointed out to the Authority regarding the provision at para 8 (IV) with respect to CRZ-IV area which states that:

“The activities (impinging) on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities”

As such for any other activity other than fishing and related activities requires permission from the GCZMA.

He further requested the Authority to issue directions to M/s. Deltin Caravela for carrying out business and to issue Show Cause Notices to all such similarly placed vessels which are parties before the Hon’ble High Court.

Adv. Parag Rao representing M/s. Deltin Caravela invited the attention of the Authority on the Order dated 28/06/2017 passed by the Hon’ble High Court of Bombay at Goa directing the GCZMA to dispose of the Show Cause Notice dated 21/07/2016 issued to Deltin Caravela on its own merits within a period of four weeks. As such he invited the attention of the Authority on the contents of the Show Cause Notice issued is in respect of illegal mooring and construction to anchor new flotel / casino and read out the relevant contents of the Show Cause Notice before the Authority. He stated that the Show Cause Notice issued, clearly points out on the contents of the complaint i.e alleged CRZ violations carried out by M/s. Deltin Caravela / floating hotel by doing mooring and construction to anchor new ship brought on replacement in violation of Ports Act, Gambling Act, Air Act, Water Act and Notification of Government of Fisheries. He stated the Authority that as far as mooring of vessel is concerned the same falls under the jurisdiction of Captain of Ports Department (CoP) for which necessary permissions are obtained from the CoP.

As far as construction / reconstruction is concerned, the Respondent stated that he has not carried out any sort of construction / reconstruction and just placing the vessel at particular place does not amount to construction / reconstruction, thus the applicability is ruled out.

To this Mr. Kashinath Shetye submitted that the vessel was admeasuring 2200 sq. m when the permission was granted and now the same admeasures approx. 2400 sq.m. Thus construction / reconstruction on vessel plying in River has been carried out.

Adv. Parag Rao read the contents of the complaint letter filed by Mr. Kashinath Shetye which speaks only about construction and mooring of the vessel and not a single document is produced to show the construction in / over the water. The Show cause notice issued by the GCZMA is solely based on the allegations levelled in the complaint letter and there is no independent study such as inspection / Expert opinion conducted by the GCZMA as such the GCZMA cannot travel beyond the scope of the complaint as well as contents of the Show Cause Notice.

He further stated that the application filed by Mr. Kashinath shetye before the Hon'ble NGT raised various issues such as issuance of permissions by CoP / other Authorities without obtaining prior CRZ permission. However, the same was discarded and read out the relevant contents of the Para 17 of the Judgement dated 29/11/2016 of the Hon'ble NGT wherein it is stated that:

“the Applicants have not challenged any of the consents/permissions granted by the Authorities nor it has questioned the jurisdiction of the Captain of Ports to permit sailing of the Vessel into the Mandovi River to be moored in the present location.”

He further stated that, the Hon'ble NGT wide vide Judgement dated 29/11/2016 has dismissed the Application filed by Mr. Kashinath shetye against M/s. Deltin Caravela in view of the fact that the vessel has been removed from that position in which it was admittedly positioned.

As far as the direction of the Hon'ble High Court is concerned the same is only with respect to the Show Cause Notice issued by the GCZMA.

Adv. Parag Rao submitted that, the said vessel has been moved from the location as given in the complaint and positioned / placed at other location and presently it stands at Campal Bay. He concluded stating that since the vessel is now placed away from the Salim Ali Wild Life Sanctuary i.e. away from CRZ- I / eco-sensitive zone as alleged in the Show Cause Notice, the complaint as well as the show cause Notice does not hold any substance and the GCZMA is required to dispose of the matter strictly in terms of the Show Cause Notice dated 21/07/2016.

The Complainant's claim of the said vessel now being anchored in CRZ –IV zone cannot be considered based on the Show Cause Notice dated 21/07/2016 as the Show Cause does not pertain to the same.

Subsequent to the personal hearing, M/s. Highstreet Cruises and Entertainment Pvt. Ltd. filed their written submissions dated 20/07/2017 which in brief states as follows:

- i) That the Show Cause Notice is vague and does not provide any clarity, specifications, categorization / classification of any CRZ areas or any provision of the CRZ Notification which has been allegedly breached by the noticee.
- ii) The Show Cause Notice alleges about the mooring and construction to anchor the new flotel / casino near Salim Ali Bird Sanctuary. As such it is presumed without prejudice that the allegations in the Show Cause Notice are based on

- the fact that the vessel is in CRZ – I area. The Show Cause Notice is in fructuous as the vessel is no longer near Dr. Salim Ali Bird Sanctuary, Chorao.
- iii) The grievance of mooring the vessel around Dr. Salim Ali Bird Sanctuary was also raised before the Hon'ble NGT. However, the present location / mooring of the vessel is outside the Eco Sensitive zone which fact has been recorded by the Hon'ble NGT in its Judgement dated 29/11/2016. As such the basis on which the Show Cause Notice was issued ceases to exist thereby rendering the Show Cause notice as in fructuous.
 - iv) The allegations in the Show Cause Notice is very limited i.e. “mooring” and “construction” to anchor new flotel / casino.
 - v) The vessel has mooring permissions from the Captain of Ports which is the exclusive Authority to grant such permissions and has not undertaken any construction / reconstruction activities to anchor the vessel. Merely parking of the vessel in the River does not amount to any construction activity as envisaged under the CRZ Notification.
 - vi) That the GCZMA would only be concerned with the limited aspect of pollution in air or water in so far as the vessel is concerned for which the Noticee has modern Sewerage Treatment Plant on Board which treats the Sewage and effluents. As far as non hazardous solid waste is concerned the same is disposed of through the CCP of Panaji. As far as emissions in the air is concerned the same are within permissible limits and which are monitored by the Officials of the GSPCB from time to time.
 - vii) The Noticee has obtained all the requisite permissions / approval from the concerned authorities for conducting its operations in River Mandovi permitting the plying, mooring and operations of the vessel at its present location.
 - viii) The Noticee also has all the requisite permissions under the Inland Vessels Act, 1917 to certify the seaworthiness of the Vessel.
 - ix) That the CRZ Notification is not applicable to the Noticee since the vessel parked / moored at a particular location is not construction / reconstruction as contemplated in the CRZ Notification and in any event the same is not detrimental to the coastal ecosystem / riverine ecosystem.

The Authority noted that the Show Cause Notice issued by the GCZMA is only with respect to mooring and construction to anchor new flotel / casino in the River Mandovi near Dr. Salim Ali Bird Sanctuary, Chorao which is an eco sensitive zone. The said grievance was also raised before the Hon'ble NGT by Mr. Kashinath Shetye in Application No. 92/2016 which was disposed off vide Judgement dated 29/11/2016 in view of the fact that the vessel has been

removed from that position in which it was admittedly positioned and located beyond the Eco sensitive zone and on other grounds.

The Authority noted that the present location / mooring of the vessel is outside the eco sensitive zone declared around Dr. Salim Ali Bird Sanctuary which is also admitted by the complainant. Thus the sole basis / cause on which the Show Cause Notice issued by the GCZMA ceases to exist and nothing survives.

The GCZMA has to strictly restrict to the cause / basis of the Show Cause Notice for which it was issued and cannot travel beyond the scope of the contents / allegations levelled in the Show Cause Notice.

As far as the contention of the Complainant with respect to the Stop Work Order issued by the GCZMA, the Authority observed that although the notice is titled as Show Cause Notice Cum Stop Work Order, the operative part of the said notice speaks only with respect to show Cause as to why a direction to remove the vessel which is moored / anchored in the River Mandovi near Salim Ali Bird Sanctuary should not be issued and there is no direction to stop work.

Decision: After detailed discussion and due deliberation and on considering the written as well as oral submissions made by the parties and in view of the Order of the Hon'ble High Court, the Authority decided to drop the Show Cause Notice dated 21/07/2016 issued to Deltin Caravela through its Company M/s. Highstreet Cruises and Entertainment Pvt. Ltd.

Also, in view of the further directions of the Hon'ble High Court in the operative part of the Order of the i.e. direction to the GCZMA for initiation of necessary action with respect to the other Respondents who are similarly placed, the Authority was not clear as to whether the order of the Hon'ble High Court is applicable for the vessels which are similarly placed near the Salim Ali Bird Sanctuary or to any other vessels placed in the Mandovi river. The Authority after detailed discussion and due deliberation and view of the above decided to seek legal opinion pertaining to the action to be initiated by the GCZMA with respect to placing of the similarly placed vessels.

Case No. 3.2:

To comply with the Order dated 24/02/2017 passed by the Hon'ble NGT, Pune in Application bearing No. 168/2015 (WZ) in the matter of Goa Paryavaran Savrakshan Sangharsh Samitee V/s. M/s. Zeebop & Ors.

1. The Office of GCZMA was in receipt of complaint letter dated 30/10/2015 from Goa Paryavaran Savrakshan Sangharsh Samitee, against resorts in South Goa i.e a) M/s. Planet Hollywood b) M/s. Park hyatt, c) M/s. Royal Orchid d) M/s. Zeebop e) M/s. Kenilworth Resort interalia with a request to demolish the illegal buildings/ structures

built within the CRZ/NDZ area. Further the complainant also stated that the structure is without land conversion sanad/ duly approved plans.

2. Further a letter dated 21/03/2016 bearing no. GCZMA/GEN-COMPL/15-16/3135 was Issued to the complainant to provide specific details/ relevant documents against alleged violators if any in order to enable this Authority to take effective and timely action interms of provisions of CRZ Notification 2011.

3. An application bearing no. 168/2015 (WZ) was filed before the Hon'ble National Green Tribunal, Pune by Goa Paryavaran Savrakshan Sangharsh Samitee against massive alleged illegal constructions carried out on Utorda beach carried out by M/s. Zeebop Bar and Restaurant. Further, an Order dated 12/01/2016 as referred above at sr.no.3 was passed directing DSLR to visit Utorda beach and identify any structures in NDZ area i.e within 200 mts from HTL.

4. The said application was disposed off vide order dated 24/02/2017 with following directions:

“1. Liberty granted to the Applicant to make a precise complaint as regards alleged structure of Respondent No.1 M/s Zeebop on the beach of Utorda within a fortnight with a copy to Respondent No.1 M/s Zeebop.

2. The Applicant and Respondent No.1 shall appear before the Respondent No.3 GCZMA on the given date and time upon receipt of Notice of the Application from Respondent No.3 GCZMA. Respondent No.3 shall issue such Notice on receipt of Application from the Applicant to the Applicant as well as Respondent No.1 within two (2) weeks thereof, shall hold inquiry and pass order in accordance of law. All the issues are kept open. ”

5. Now, the authority is in receipt of complaint letter dated 20/03/2017 against M/s.

Zeebop, Proprietor Shri. Sergio Dias existing in Sy.No. 54/1 of Village Utorda, salcete-Goa.

The said matter was placed in the 146th GCZMA meeting held on 11/04/2017 wherein the Complainant remained absent and had telephonically sought for time. The Advocate for Respondent also sought for time in the matter. Accordingly, the Authority decided to grant time and take up the matter in the next meeting.

The said matter was placed in the 147th GCZMA meeting held on 18/04/2017 wherein the Authority noted in Case No. 2.3 and 2.4 pertains to the same structure as well as the alleged violators and hence decided to take up the matter together.

The Authority noted that the Complainant is absent and in view of the request made by the Advocate for the Respondent decided to grant another opportunity of personal hearing to the parties and to take up the matter for hearing on 23/05/2017 at 4:30 p.m. The Authority further decided to conduct an inspection of the site under reference in order to verify the violations on the site, if any and accordingly place the report of site inspection before the Authority during the personal hearing on the aforementioned date.

Further, the said matter was placed in the 150th GCZMA meeting held on 23/05/2017 wherein the Authority after detailed discussion and deliberation and in view of the above, decided to grant three weeks time to the Respondent to file his comprehensive reply in respect of the site inspection report of the Expert Members of the GCZMA and further decided to issue notice of personal hearing to the Complainant as well as the Respondent communicating the next date of personal hearing.

Site inspection Report: The site inspection was conducted by Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule. The observation recorded during the site inspection are as follows:

- i) The site where the Zeebop Bar and Restaurant is present is a Sand Dune lying within 50 m from the HTL and is an NDZ area of Utorda village.
- ii) Form I and IV with Sy. No. 54/1 shows the name of Mr. Leonard Azavedo.
- iii) Original survey plan shows a small house of 25 sq.m. for storage of coconuts belonging to Mr. Leonard Azavedo, which is extended on all sides exorbitantly by lateritic stone walls with roof of asbestos sheets. Concrete tiles flooring is also done.
- iv) Outside this house, huge structures of wooden poles and bamboo pushpins with bamboo mesh tethered roof is erected on sand dune for making it into a Bar & Restaurant, which is facing the sea.
- v) Further to this on the western side, i.e seaward side, another huge structure of wooden poles and bamboo pushpins with bamboo mesh tethered roof is erected with 18 tables arranged for Bar activity.
- vi) Alleged owner Mr. Sergio Dias says that it is a seasonal structure and would be removed soon.
- vii) On the northern side, an open structure with wooden pushpins and bamboo mesh tethered roof is erected.
- viii) Around the house, on its eastern and the southern side, a huge parking for vehicles is made. The complainant says that the sand is spread all over the concrete pavement to hide the concrete floor made. The concrete pavement could be seen from the edges where the sand is eroded.
- ix) Another shed on the northern side is erected to store the material. This shed has a khadappa floor on sand and tin sheet roof for half part and a plastic roof on the other half.
- x) Besides this, in the backyard of the house (main structure) a barbeque shed is erected.

- xi) As per the directions of the Hon'ble NGT, the DSLR has already surveyed the area. So also, the sketch plan of the area with structures is prepared by Talathi of Majorda village.

Conclusion & Recommendation

- i) It is seen that all the structures erected by Mr. Sergio Dias for Zeebop Bar and Restaurant are on the sand dune and within the NDZ area and are not permissible.
- ii) From one small house of 25 sq.m., Mr. Sergio Dias has extended the house to more than 200 sq.m. and also expanded the shacks to spread them all over the sand dune.
- iii) The worst thing done by Mr. Sergio Dias is that he has destroyed the big sand dune by leveling it for erection of structures for making a Bar & Restaurant.
- iv) The sand dune is a CRZ 1 area, where no activity is permitted, whereas, erection of structures on sand dunes and within NDZ area by Mr. Dias is in total violation of CRZ Regulations.
- v) At site, he was unable to provide any documents and approvals from any authority for the said structures, which proves that the said construction/structures are illegal.
- vi) Authority may deliberate and decide the course of action.

The said matter was placed in the 152nd meeting held on 29/06/2017 wherein the Authority after discussion and in view of the request made by the Advocate for Respondent decided to grant time and to take up the matter for hearing on 18/07/2017 at 3:30 p.m. and accordingly to issue notice of personal hearing to the concerned parties communicating the same. Advocate for the Respondent present took note of the same.

Accordingly, in view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.

Proceedings: None remained present on behalf of Goa Paryavaran Savrakshan Sangharsh Sammittee. Adv. Ameya Kakodkar was present on behalf of the Respondent, M/s. Zeebop.

Adv. Ameya Kakodkar for Respondent, Mr. Sergio Dias filed reply alongwith annexures which interalia in brief states as follows:

- i) That the complaint of Goa Paryavaran Savrakshan Sangharsh Samittee is a general complaint against various parties and in this regard has also filed an Application bearing No. 16/2015 before the Hon'ble NGT.

- ii) The Hon'ble NGT vide Order dated 12/01/2016 had directed the DSLR to visit the Utorda beach and identify the structures and the DSLR had accordingly submitted its report.
- iii) Further, in view of the complaint dated 30/10/2015 being not precise, the Hon'ble NGT vide Order dated 24/02/2016 granted Goa Paryavaran Savrakshan Sangharsh Samittee liberty to make a precise complaint against Zeebop, within a fortnight and the Goa Paryavaran Savrakshan Sangharsh Samittee however filed the complaint on 20/03/2017.
- iv) Also, the complaint dated 20/03/2017 is not precise and is vague in nature and deserves to be dismissed.
- v) The Respondent submitted that the said property is not a NDZ area and the same is coconut plantation part of which contained structures prior to taking possession of the same by the Respondent.
- vi) The Respondent submitted that the structures in the property bearing Sy. No. 54/1 includes a house, water tank, well and parking area which were owned by Mr. Azaredo and as such the property alongwith all these structures were leased to him in the year 1992.
- i) He has been running the business of "Zeebop Bar & Restaurant" in a part of the property for last 25 years and he has maintained the coconut trees which existed and has carried out only repairs and renovation of the existing structures from time to time. The said conduct of running business in the house bearing No. 185 in the Sy.No. 54/1 is much prior to the CRZ Notification, 1991.
- ii) He further pointed out to the documents at Exhibit 'A colly' which is:
 - a) NOC / Permission granted by the Village Panchayat of Calata- Majorda- Utorda dated 04/03/1990 to open and run a Restaurant in the house bearing No. 185 (new) in Sy. No. 54/1 to Mr. Leonard Azaredo.
 - b) Letter dated 24/09/1991 issued by the Village Panchayat of Calata- Majorda- Utorda to Excise Inspector, Margao pertaining to license for retails sale of IMFL / CL.
- iii) The plinth of the structure under reference was more than 200 sq. m and infact the same has been specifically pleaded by Mr. Leonard Azaredo in Civil Suit bearing RCS No. 177/96 filed by him. Para 1 of the plaint in the aforementioned Civil Suit states that the structure is 231 sq. m
- iv) That the structure had an electricity connection much prior to 1990.
- v) That the Respondent has claimed to have obtained all the requisite permissions from the Excise Department, Food & Drugs department and from the Village

Panchayat of Majorda- Utorda- Calata in order to run a business in name and style of Zeebop Bar & Restaurant.

- Letter dated 15/03/2017 issued by the Village Panchayat of Majorda- Utorda- Calata conveying the NOC for 'Zeebop' Hotel / Restaurant at H. No. 185, Utorda.
 - Copy of the receipt of the payment of trade tax of Zeebop Hotel for the year 2016-17.
- vi) As far as the site inspection report of the GCZMA is concerned, the Respondent has denied the observations in the said report. It is submitted that the said property is not a sand dune nor the same is in NDZ area. The property under reference is a garden land as certified by the survey records and the same consists of 122 coconut trees, 22 almond trees and 24 pine trees and two permanent structures which are shown in survey records. In support of this argument the Respondent has submitted Form I & XIV of Sy. No. 54/1 which clearly indicates the said property as garden.
- vii) Also, the property has faced extensive Soil erosion over the period and in order to prevent the property from erosion necessary measures were taken which includes nurturing the existent shrubbery, putting sand bags at the edge of the property and hence the level of the property appears to be at higher level due to which the inspection committee considered it to be a sand dune.
- viii) There is a small house shown in the Survey plan however the said house was extended much prior to possession of the same by the Respondent. The Respondent in support of his argument relied on a coloured copy of the plan of Sy. No. 54/1 indicating the existing house alongwith other structures.
- ix) That the Respondent has not carried out any construction of laterite stone walls and concrete tile flooring beyond the plinth area of the house structure. All the concrete structures were existing in the property prior to the possession of the same by the Respondent.
- x) The Respondent has conceded that he had put temporary shacks which he removes annually and has denied any further extension the existing house from 25 sq. m to 200 sq.m and has expanded shacks and spread all over and has destroyed a big sand dune or leveled any sand dune for erection of structure for making bar and restaurant.

The Authority noted that the Complainant remained absent. The Authority perused the written submissions made by the Respondent and the permissions attached to it and noted that the Respondent had obtained permissions from the Village Panchayat dated 04/03/1990 to open and run a Restaurant in the house No. 185 (new) in Sy. No. 54/1 as

such the structure in question existed prior to 1991 and the same was run as a Restaurant during that period of time.

Decision: After detailed discussion and due deliberation and in view of the above, the Authority decided to drop the proceedings in respect of the complaint dated 30/10/2015 filed by Goa Paryavaran Savrakshan Sangharsh Samitee against M/s. Zeebop pertaining to illegal buildings/ structures built within the CRZ/NDZ area.

Case No. 3.3:

To comply with the Order dated 08/11/2016 passed by the Hon'ble NGT, Pune in Application bearing No. 79/2016 in the matter of Aloysius Leonardo Azaredo V/s. GCZMA.

1. The Office of GCZMA was in receipt of complaint letter dated 12/04/2016 from Mr. Aloysius Azaredo, constituted attorney of Leonard Azaredo, r/o. D-26, Kunj Vihar, vakola bridge, St.Cruz (E), Mumbai 4000 55, stating that he is absolute owner of H.No. 185 (new) in Sy.No. 54/1, Utorda Village, Pereira Vaddo and had began a business in name & style "Zeebop" in the year 1990. Further the complainant stated that his father has appointed Mr. Sergio Dias as mere supervisor of said "Zeebop bar and restaurant". The complainant had earlier also sent legal notice dated 23/12/2015 for legal action against Mr. Sergio Dias for alleged illegal/unauthorised construction in NDZ area. On perusal of complaint and legal notice dated 23/12/2015 it is seen that complainant has annexed various reports of concerned Talathi and Dy.Collector wherein it is clearly recorded that there is illegal extension of house. As reports dated 17/04/2008 and 09/01/2009 of Dy.Collector & S.D.O clearly states that as per survey plan one structure which existing was only of 25 m² and alleged violator has further extended the same without taking permission from any authority hence in total violation of CRZ Notification 1991.
2. Further, on perusal of the complaint dated 12/04/2016 a Show Cause Notice dated 28/10/2016 bearing no. GCZMA/S/ILLE-COMPL/16-17/30/1601 was issued to Mr. Sergio Dias, C/o. Zeebop Bar and Restaurant, Utorda, Salcete-Goa. The respondent sought time to file reply to the said Show Cause Notice.
3. Subsequently, an application bearing no. 79/2016 (WZ) was filed before the Hon'ble National Green Tribunal, Pune by Mr. Aloysius Azaredo against massive alleged illegal constructions carried out in Sy.No. 54/1 of Village Utorda carried out by M/s. Zeebop Bar and Restaurant. Further, the said application was disposed off vide order dated 08/11/2016 with a direction to GCZMA to take decision

against the illegal construction in accordance with la within 6 weeks from the date of Order and report compliance on or before 15th January 2017.

The said matter was placed in the 146th GCZMA meeting held on 11/04/2017 wherein the Complainant remained absent and had telephonically sought for time. The Advocate for Respondent also sought for time in the matter. Accordingly, the Authority decided to grant time and take up the matter in the next meeting.

The said matter was placed in the 147th GCZMA meeting held on 18/04/2017 wherein the Authority after detailed discussion and due deliberation and in view of the above decided to take up the matter for hearing on 23/05/2017 at 4:30 p.m. and further decided to conduct an inspection of the site under reference in order to verify the violations on the site, if any and accordingly place the report of site inspection before the Authority during the personal hearing on the aforementioned date.

Further, the said matter was placed in the 150th GCZMA meeting held on 23/05/2017 wherein the Authority after detailed discussion and deliberation and in view of the above, decided to grant three weeks time to the Respondent to file his comprehensive reply in respect of the site inspection report of the Expert Members of the GCZMA and further decided to issue notice of personal hearing to the Complainant as well as the Respondent communicating the next date of personal hearing.

The same site inspection report as that recorded for M/s. Zeebop Bar & Restaurant is applicable in this matter.

The said matter was placed in the 152nd meeting held on 29/06/2017 wherein the Authority after discussion and in view of the request made by the Advocates of both the parties decided to grant time and to take up the matter for hearing on 18/07/2017 at 3:30 p.m. and accordingly to issue notice of personal hearing to the concerned parties communicating the same. Parties present took note of the same.

Accordingly, in view of the above, the matter was placed before the Authority for grant of personal hearing to the parties.

Proceedings: The Complainant, Mr. Aloysius Azaredo was absent. Adv. Ameya Kakodkar represented the Respondent, Mr. Sergio Dias, M/s. Zeebop Bar & Restaurant. Adv. Ameya Kakodkar for Respondent, Mr. Sergio Dias filed reply alongwith annexures which interalia in brief states as follows:

- i) That the complaint is basically pertaining to has business by him and alleged illegal / unauthorized construction in NDZ area in property bearing Sy. No. 54/1, Utorda.

- ii) That the property bearing Sy. No. 54/1 is a coconut plantation and he is in possession of the same as a 'Lessee' for last 25 years. The said conduct of running business in the house bearing No. 185 in the Sy.No. 54/1 is much prior to the CRZ Notification, 1991.
- iii) The Respondent submitted that the structures in the property bearing Sy. No. 54/1 includes a house, water tank, well and parking area which were owned by Mr. Azaredo and as such the property alongwith all these structures were leased to him in the year 1992.
- iv) That the Complainant had filed various Civil Suits against him and the said suits came to be dismissed in 2001 before the Civil Court. Further submitted that even the restoration applications were dismissed
- v) That the present complaint has been filed as a back door entry with malafide intentions to establish false baseless accusations.
- vi) He further pointed out to the documents at Exhibit 'A colly' which is:
 - c) NOC / Permission granted by the Village Panchayat of Calata- Majorda- Utorda dated 04/03/1990 to open and run a Restaurant in the house bearing No. 185 (new) in Sy. No. 54/1 to Mr. Leonard Azaredo.
 - d) Letter dated 24/09/1991 issued by the Village Panchayat of Calata- Majorda- Utorda to Excise Inspector, Margao pertaining to license for retails sale of IMFL / CL.
- vii) Further submitted that the said licenses were relied on by Mr. Azaredo in the Civil suits filed by him.
- viii) The said structures were existing much prior to 1970s and house tax records stand in the name of Mr. Sebastio Azaredo
 - Letter dated 14/06/2017 informing that house tax assessment Register of house bearing No. 13/ A (old) stands in the name of Mr. Sebastio Azaredo from 1974 to 1975.
- ix) The plinth of the structure under reference was more than 200 sq. m and infact the same has been specifically pleaded by Mr. Leonard Azaredo in Civil Suit bearing RCS No. 177/96 filed by him. Para 1 of the plaint in the aforementioned Civil Suit states that the structure is 231 sq. m
- x) That the structure had an electricity connection much prior to 1990.
- xi) That Mr. Leonardo Azaredo had also tried to disconnect the electricity connection in order to obstruct his business of Zeebop Restaurant and due to which the Respondent was constrained to file R.C.S Suit No. 175/94/B against the Electricity Department & ors. and the same came to be dismissed and his suit came to be decreed.

- xii) That the Respondent has claimed to have obtained all the requisite permissions from the Excise Department, Food & Drugs department and from the Village Panchayat of Majorda- Utorda- Calata in order to run a business in name and style of Zeebop Bar & Restaurant.
- Letter dated 15/03/2017 issued by the Village Panchayat of Majorda- Utorda- Calata conveying the NOC for 'Zeebop' Hotel / Restaurant at H. No. 185, Utorda.
 - Copy of the receipt of the payment of trade tax of Zeebop Hotel for the year 2016-17.
- xiii) It is further submitted that there is any huge unauthorized construction carried out by him in the said property.
- xiv) As far as the site inspection report of the GCZMA is concerned, the Respondent has denied the observations in the said report. It is submitted that the said property is a sand dune or NDZ area. The property under reference is a garden land as certified by the survey records and the same consists of 122 coconut trees, 22 almond trees and 24 pine trees and two permanent structures which are shown in survey records. In support of this argument the Respondent has submitted Form I & XIV of Sy. No. 54/1 which clearly indicates the said property as garden.
- xv) Also, the property has faced extensive Soil erosion over the period and in order to prevent the property from erosion necessary measures were taken which includes nurturing the existent shrubbery, putting sand bags at the edge of the property and hence the level of the property appears to be at higher level due to which the inspection committee considered it to be a sand dune.
- xvi) There is a small house shown in the Survey plan however the said house was extended much prior to possession of the same by the Respondent. The Respondent in support of his argument relied on a coloured copy of the plan of Sy. No. 54/1 indicating the existing house alongwith other structures.
- xvii) That the Respondent has not carried out any construction of laterite stone walls and concrete tile flooring beyond the plinth area of the house structure. All the concrete structures were existing in the property prior to the possession of the same by the Respondent.
- xviii) The Respondent has conceded that he had put temporary shacks which he removes annually and has denied any further extension the existing house from 25 sq. m to 200 sq.m and has expanded shacks and spread all over and has destroyed a big sand dune or leveled any sand dune for erection of structure for making bar and restaurant.

The Authority noted that the Complainant is absent. The Authority perused the written submissions made by the Respondent and the permissions attached to it and noted that the Respondent had obtained permissions from the Village Panchayat dated 04/03/1990 to open and run a Restaurant in the house No. 185 (new) in Sy. No. 54/1, also, a letter dated 14/06/2017 informing that house tax assessment Register of house bearing No. 13/ A (old) stands in the name of Mr. Sebastio Azaredo from 1974 to 1975 as such the structure in question existed prior to 1991 and the same was run as a Restaurant during that period of time.

Decision: After detailed discussion and due deliberation and in view of the above, the Authority decided to drop the proceedings in respect of the complaint dated 12/04/2016 filed by Mr. Aloysius Azaredo against M/s. Zeebop pertaining to illegal / unauthorized construction in the NDZ area.

Case No. 3.4:

To discuss and decide on the letter dated 31/07/2015 received from the Ministry of Environment, Forest & Climate Change (MoEF&CC) with regard to NOC/Permission for repairs and renovation / reconstruction of the Hotel unit in Sy.No. 336/1-A of Benaulim village, Salcete Taluka, by M/s. Triumph Realty Pvt. Ltd.

Background:

1. The proposal received from M/s. Triumph Realty Pvt. Ltd was placed before the Authority on various occasions vis- a-vis complaint and the Writ Petition No. 23 of 2013 before the High Court of Bombay at Goa filed by the Benaulim Civic & Socio Forum.
2. M/s. Triumph Realty Pvt. Ltd. had filed an application for issue of NOC / permission for repair / renovation of the hotel in the plot of land under the Sy. No. 336/1-A of Benaulim Village, Salcete – Goa dated 10/11/2014 requesting to review / recall the communication dated 19/09/2014 by the Office of the GCZMA, and to decide the same along with the Show Cause Notice dated 22/05/2014.
3. Upon receipt of the same the site was re-inspected by the Expert members of the GCZMA.
4. The said matter was placed in the 115th GCZMA meeting held on 04/05/2015 wherein the Authority noted that as decided in the 99th GCZMA Meeting held on 20/2/2014, two show cause notices were issued to M/s. Triumph Realty Pvt. Ltd. in order to Show Cause as to why the Order of demolition should not be issued for the structures within 200 mts. from the HTL as well as the structures falling

between 200 – 500 mts. from the HTL. Pursuant to the issuance of the Show Cause Notice's, M/s. Triumph Reality Pvt. Ltd. had filed an application for repairs and renovation of the Hotel unit which was rejected by the Authority in its 105th meeting held on 02/07/2014.

5. The Authority noted that by way of the application filed for review of the decision of rejection of the application for repairs and renovation of the Hotel unit the applicant has failed to place any new sufficient material on records before the Authority in order to re-consider / review the earlier decision of the Authority to reject the application. The Authority also noted that M/s. Triumph Reality Pvt. Ltd. has not complied with the directions issued earlier. The Authority on considering the above facts, decided to reject the application filed by M/s. Triumph Reality Pvt. Ltd. to review the earlier decision of the Authority.

Now, in this regard, the Office of the GCZMA is in receipt of a copy of letter bearing No. 19-61/2015-IA.III dated 31/07/2015 from the Ministry of Environment, Forests & Climate Change (MoEF & CC), Government of India addressed to M/s. Triumph Reality Pvt. Ltd., wherein it is stated that:

- 1) The project proponent should complete their repair, maintenance and renovation works in 19 approved structures which are also in accordance with the permission granted by local authorities because there is no requirement of any permission under the CRZ Notification for such repairs and maintenance.
- 2) The 4 structures which are proposed to be reconstructed on the same ground coverage are required to be posed to the competent authority as prescribed under CRZ Notification, 2011 for permission for construction.

It is pertinent to note that subsequent to this letter, an application dated 03/09/2015 seeking for the approval / NOC for reconstruction of balance 4 structures on existing ground coverage at 336/1-A of Benaolim Salcete - Goa received from M/s. Triumph Reality Pvt. Ltd.

The matter was placed for kind perusal and decision of the Authority with regard to the letter dated 31/07/2015 of the MoEF & CC and an application dated 03/09/2015 received from M/s. Triumph Reality Pvt. Ltd.

The Authority perused the letter dated 31/07/2015 of MoEF & CC so also, the decision of the Authority taken in its 115th GCZMA meeting held on 04/05/2015 wherein the application of M/s. Triumph Reality Pvt. Ltd. was rejected to review the earlier decision of the Authority (i.e. decision taken in the 105th GCZMA meeting) for rejection of their application for NOC / permission for repair / renovation of the hotel in the plot of land

under the Sy. No. 336/1-A of Benaullim Village, Salcete – Goa. He further informed that, M/s. Triumph Reality Pvt. Ltd. had failed to place any new sufficient material on records before the Authority in order to re-consider / review the earlier decision of the Authority. The Member Secretary informed that the said project was inspected on numerous occasions i.e. by Inquiry Committee and by the Expert Members of GCZMA, Shri. Ragunath Dhume, Dr. Savita Kerkar and Dr. Antonio Mascarenhas, wherein during one of the site inspection dated 02/12/2014 conducted by the Expert Members of GCZMA, M/s. Triumph Reality Pvt. Ltd. had also agreed to remove the two frontal structures within 200 mts (0-200 m) from HTL and restore the dune however no such affidavit has been filed by M/s. Triumph Reality Pvt. Ltd.

The Authority in its 120th meeting held on 11/09/2015 and 121st meeting held on 13/10/2015 discussed and decided the matter. The Authority after detailed discussion and due deliberation and on considering the letter dated 31/07/2015 received from MoEF & CC decided to reiterate its earlier decision and reject the application for NOC / permission for reconstruction of 4 structures in the property bearing Sy. No. 336/1-A of Benaullim Village, Salcete – Goa dated 03/09/2015 submitted by M/s. Triumph Reality Pvt. Ltd. as there is no new sufficient material placed on record including approved plans which proves the existence of structure at site and further decided to direct the applicant, M/s. Triumph Reality Pvt. Ltd. not to carry out any work at site with regard to those structures. The Authority further decided to refer the said matter with detailed representation with regard to the applications for NOC / permission for repair / renovation / reconstruction / maintenance of the hotel in the plot of land under the Sy. No. 336/1-A of Benaullim Village, Salcete – Goa received from M/s. Triumph Reality Pvt. Ltd. vis-à-vis the complaints / Court directions pertaining to the said structures to the Ministry of Environment & Forests & Climate Change (MoEF & CC), Government of India for its perusal and seeking clarification as to whether in all such similarly placed cases, the owner / occupier is not required to seek any permission under the CRZ Notification and the GCZMA has no such legal responsibility?

A joint meeting of the MOEF & CC and MS, GCZMA and the TRPL was held on 18th December, 2015 and the minutes of the said meeting held on 4th January, 2016. It was decided in the said meeting to appoint Structural Engineer to examine whether the construction is carried out afresh without obtaining the approval of GCZMA and not the repair and maintenance of existing structures. Further it was also decided to request NCSCM to provide satellite imagery of property from 1991 to 2015 and the MOEF & CC will rely on the Order passed by the Hon Supreme Court relating to reconstruction / repair and new construction.

Thereafter the GCZMA passed an order dated 04/08/2016 for execution of its order dated 17/11/ 2015 for demolition of entire structures .

Pursuant to this order of execution dated 04/08/2016, TRPL approached The Hon High Court in WP No 972 of 2016. The Hon High Court vide order dated 13th October, 2016 stating that the GCZMA should review its decision of demolition as well as asked the MOEF & CC should also decide the matter in 20 days.

The MOEF&CC vide letter dated 07/11/2016 forwarded the report of the NCSCM.

The MoEF vide letter dated 31/07/2015 has informed M/s Triumph Realty Pvt. Ltd. with a copy to the Member Secretary that the 19 approved structures do not require any permission under CRZ Notification for repair and maintenance. Further in the said letter with regard to the four remaining structures which are proposed to be reconstructed on the same ground coverage specific permission from GCZMA is required.

NCSCM has prepared a report which will be circulated during the meeting. The NCSCM had constituted a committee comprising of Dr. Srinivasalu, Professor of Coastal Environment, Anna University, Dr. R Senthvil, Professor of Structural Engineering Member, Dr. V K Stalin, Prof. of Soil Mechanics and Foundation Engineering, Member and Dr. Manik Mahapatra, Remote Sensing and GIS Member Secretary. The said committee conducted an inspection on 08/07/2016 and the salient features of the report are as follows:

- 1) That the plot area is 36,000 sq.mts and FAR area is 10,0064.77 sq.mts
- 2) There are 23 individual buildings with constructed area of 5947 sq.mts. with ground coverage area of 6842 sq.mts.
- 3) The report further states that repair and renovation works have been undertaken only over the existing plinth area of each building in 19 blocks.
- 4) The satellite imaginary taken by the NCSCM during 2001-2015 confirmed that new constructions have been undertaken except construction of few walls.
- 5) Four other structures RV 1, RV 3, SPA and arrival lobby area has been stopped for want of permission from the Village Panchayat as per the recommendation of MoEF & CC.

The MoEF in its letter dated 07/11/2016 at para 4 stated as follows:

- 1) The GCZMA will place on record if any available with them regarding the change in land use on the Sy. No. 336/1-A i.e. change of status from residential to beach hotel.
- 2) The GCZMA will provide status of demarcation of HTL / NDZ in the area / plot under reference as per the approved CZMP.

- 3) The MoEF has requested the GCZMA to examine the proposal afresh by considering the report sent by NCSCM and recommendations to be communicated to the Ministry for further action in the matter.

Now, the Office of the GCZMA is in receipt of the Representation from M/s. Triumph Realty Pvt. Ltd. with a request for grant of approval of four structures referred in the MoEF letter dated 31/07/2015 and 07/11/2016 in the light of the NCSCM report forwarded by the MoEF.

The said matter was placed in the 143rd GCZMA meeting held on 07/03/2017 wherein Mr. Rajesh Rastogi representing M/s. Triumph Realty Pvt. Ltd. submitted that the Writ Petition pending before the Hon'ble High Court of Bombay at Goa has been dismissed with no specific directions and requested the Authority to kindly take a decision on the letters dated 31/07/2015 and 07/11/2016 received from the MoEF which states that 19 approved structures do not require any permission under CRZ Notification for repair and maintenance, however, with respect to the four remaining structures which are proposed to be reconstructed on the same ground coverage specific permission from GCZMA is required and in this regard the NCSCM has also issued a letter to the GCZMA to consider the report prepared by them and also to consider the repair and renovation of the 4 structures in question. He further submitted that the 4 structures under reference are untouched and no repairs / renovation of any nature has been carried out.

The Authority after detailed discussion and due deliberation decided to re-inspect the site in question and to take up the matter thereafter.

Accordingly, in view of the above site inspection was conducted on 24/04/2017. The observations recorded during the site inspection are as follows:

- i. The site is an elongated plot of land with 36,000 sq. m . area, which is starting from the main road towards east and extends westwards towards the sea. The plot is tapering towards the eastern side.
- ii. Part of the western side of the plot is falling within 200 m from the HTL, the mid portion is falling within 200 – 500 m zone and a small tapering portion is falling outside the 500 m line from the HTL.
- iii. Most of the constructed structures could be seen in the plot area lying within 200-500m zone and the whole plot area is covered with a compound wall with an entrance gate lying towards the eastern side opposite to the main, public road.
- iv. Upon entering the site through the main gate, the existing deep depression on land towards the left side with vegetation in it is seen filled with earth.

Towards the right side, the existing sand bed on land is overlapped by mud layer. No existing structures could be seen in this portion of the plot area.

- v. Mr. Rastogi explained that towards the right side upon entering the gate there would be two G+1 structures (Type 4 A); towards the left where the hollow land is partially earth filled there will be one G+1 structure (Type 7) for Spa, which is proposed with a basement.
- vi. Behind the proposed Spa and lying towards the middle portion, the fourth G+1 structure (Type 1) would be constructed. All these 4 structures are indicated in the site plan shown by Mr. Rastogi and are falling within 200 – 500 m zone.
- vii. Mr. Rastogi explained that the said 4 structures would be constructed on the coverage area of the earlier structures, so he tried to explain about the plinth of the earlier existing structures.
- viii. However, nothing could be seen at site as the site was levelled with mud. He says that since he wanted to reconstruct, he already removed the existing structures.
- ix. He then showed a Xerox copy of the site plan wherein the structures are indicated.
- x. Rest of the structures falling behind the proposed 4 structures are mostly in incomplete state and are in two rows, one row towards right and the other row towards left, extending westwards.

Conclusion & Recommendation:

- i) The proposed 4 structures are falling within 200-500 m zone of the CRZ III area.
- ii) The CRZ Notification, 2011 permits construction of only G+1 structures within 9 m height, with a coverage area of 33% or less and FAR of 33% or less.
- iii) The CRZ Notification 2011 also permits a basement with open stilt parking, provided the Water Resources Department grants permission.
- iv) So, the project proponent may be asked to produce the NOC from WRD.
- v) The proponent should also submit the revised plan for the proposed 4 structures for granting approval, if required.
- vi) Since the project is a hotel project, after receiving the NOC from the WRD, the Authority may decide whether the approval can be granted by GCZMA or the matter should be referred to MoEF for final approval.
- vii) This may be discussed in the Board meeting.

The said matter was placed in the 151st GCZMA meeting held on 15/06/2017 wherein the Authority after detailed discussion and deliberation decided to conduct re-inspection on 22/06/2017 of the said structure and also decided to file affidavit before Hon'ble NGT since the inspection could not take place on 28th of April 2017, and decided to call the both the parties before authority for personal hearing.

Accordingly, the site was re-inspected by the Expert Members of the GCZMA. The observations recorded during the site inspection are as follows:

- i) As seen in our last inspection dt. 24/4/2017, all the 19 structures existed on site as on 22/6/2017, the day of present inspection. No extra structure was seen constructed at site.
- i) Also, as mentioned in our report of site inspection dt. 24/4/2017, the site is an elongated plot of land with 36,000 sq. m. area, with Sy. No. 336/1-A, which is starting from the main road towards east and extends westwards towards the sea. The plot is tapering towards the eastern side.
- ii) Part of the western side of the plot is falling within 0-200m from the HTL, the mid portion is falling within 200-500m zone and a small tapering portion is falling outside the 500m line from the HTL.
- iii) As per the survey plan, prepared by DSLR upon request by Member Secretary, GCZMA dt. 27/1/2014, attached to the file indicates that of the total 19 structures existing at site, the two structures towards the beach side and part of the other 2 more structures which are away are falling within 200 m from the HTL and are in NDZ area.
- iv) The remaining part of those 2 structures and rest 15 structures (almost 17 structures in total) are falling within 200-500m from the HTL of the Arabian Sea at Benaulim.
- v) The four structures for which the permission is sought by the proponent are also within 500 m from the HTL of the Arabian Sea.
- vi) No old existing structures could be seen at site, where 4 structures are proposed to be constructed as the proponent has dismantled and leveled the said old structures.
- vii) The Report prepared by the NCSCM No. NCSCM/CZMA/Goa/16-1040, dated 28/7/2016 indicates that no new construction has been undertaken by M/s Triumph Reality Pvt. Ltd. except for the construction of few walls in existing 19 buildings and fire fighting sumps.
- viii) Also, it is implied from the NCSCM report that all the structures are existing since 2001 as per the satellite imagery taken by them for the period from 2001 to 2015 to verify any new construction carried out by the proponent.
- ix) For repair and renovation, the proponent had earlier obtained the permissions from BDO and VP of Benaulim.
- x) The letter from the Joint Secretary, MoEF, dt. 31/7/2015 indicates that no permission from GCZMA is required for repair, maintenance and renovation of structures in CRZ area.
- xi) The Complainants on site pointed out that although there is a Stop Work Order, the works are going on in full swing.
- xii) However, it was seen during the site inspection that the finishing works like fixing windows, underground cables of lighting, plumbing lines, plant rooms and leveling of earth are going on.

- xiii) Swimming pool is already in completion stage. The proponent says that they have only given the facelift to it after getting the property through auction sale from the Bank.
- xiv) The Compound wall at the main entrance is being repaired for its exposure.
- xv) New Guard House is also constructed at the entrance of the Complex.
- xvi) The Complainants also explained that the structures are erected on sand dunes in CRZ I area. However it could not be ascertained by the Inspection Team at the time of site inspection because the constructions have already come up on site much earlier. Probably, the site inspection report of the then Expert Members and the Inquiry Committee report may be able to throw some light on this.

Conclusion & Recommendation

- i) It was seen during the site inspection that the finishing works of the structures were going on but the proponent says that the work is not pertaining to any new construction and also claimed that they have not violated any Stop Order of 1/4/2014 as alleged by the Complainant.
- ii) As per the site inspection, the present scenario is that there are 2 structures within 200m of the HTL in NDZ and 17 structures within 200-500m zone.
- iii) Within 0-200m, no new construction is permissible, except on the existing plinth of the old existing structure (prior to 1991) as per CRZ Regulation, whereas within 200-500m, the construction of new G+1 structures are permissible with 33% coverage and FAR and height not exceeding 9m with proper permissions from GCZMA, TCP and the Village Panchayat.
- iv) However, there is no record to indicate that the structures were existing prior to 1991. The NCSCM report gives an understanding that the said structures were existing in 2001 based on their satellite imagery. This does not suggest that the structures also existed since 1991.
- v) All these constructions were not done initially by the present party who has bought it on auction sale from the Bank.
- vi) Therefore, all these structures did not exist prior to 1991. The construction of new structures within 200m NDZ area as well as within 200-500m permissible zone without GCZMA permission is a violation. So, the 2 structures within NDZ thus become illegal structures and cannot sustain but demand demolition.
- vii) Besides this, the Respondent is asking for a NOC for construction of 4 more structures within the 200 – 500m zone which is permissible, provided it satisfies the above mentioned CRZ Regulations.
- viii) Now, the present owner is asking for the reconstruction of 4 structures, which are within the permissible limit (200 – 500m zone) as per the CRZ Regulation.
- ix) Moreover, the MoEF cannot deprive the State Authority (GCZMA) from exercising its assigned mandatory right in CRZ area by saying, "no permission is required from GCZMA for carrying out repair & renovation of structures in CRZ area". This is a very serious point as it will set up precedence and lead to violations in CRZ areas in future under the banner of "Repair & Renovation". In order to protect CRZ areas, the GCZMA should seek clarification from MoEF as regards this point.
- x) Ultimately, as the proposed 4 structures for which NOC is requested form part of the full project with 23 structures at site, and since the area of the plot is 36,000 sq. m., the GCZMA may decide to send this proposal to MoEF for approval as per the CRZ Regulation.

- xi) Authority may deliberate and also hear the parties before deciding to dispose of this case.

The matter was placed for the 152nd GCZMA meeting held on 29/06/2017 wherein the Authority after detailed discussion and due deliberation and in view of the request of M/s. Triumph Reality decided to grant another opportunity of personal hearing to the concerned parties and to take up the matter for hearing on 11/07/2017 at 3:30 p.m. and accordingly to issue notice of personal hearing to the parties communicating the same.

However, the hearing could not take place on 11/07/2017.

In view of the above, the matter was now placed for personal hearing to the concerned parties.

Proceedings: Mr. Rajesh Rustagi remained present for the personal hearing on behalf of M/s Triumph realty Pvt Ltd, Mr. Abhijit Prabhudessai remained present on behalf of Benaulim Civic and Social Forum along with Mrs. Judith Almeida on behalf of complainant.

Mr. Rustagi on behalf of M/s Triumph realty Pvt Ltd. briefly submitted as under:-

1. The subject matter property was purchased in auction proceedings from State Bank of India by them and a sale certificate dated 18/3/11 was issued to them. The said auction was pursuant recovery for default under Securitization and Reconstruction of Financial Assets and enforcement of Security Interest ACT, 2002.
2. There were existing structures in the property which required urgent repairs. The applicant/ respondent hence only applied for repair/maintenance from local Panchayat ie. Village Panchayat Benaulim.
3. that the said project was approved by the Goa State Committee on Environment and Margao planning and Development authority as early as 1998 and a copy of the approved plan of 1996 is also certified by Member Secretary Goa State Pollution Control board.
4. That they have placed on record various documents on record pertaining to 23 structures to prove the same existed before the acquisition under SARFASI.
5. The repairs/renovation were carried out in terms of license obtained from Village Panchayat Benaulim. The additional Director of Panchayat dated 24/09/2015 after hearing and confirmed that they are carrying out repair activities and licence was renewed.
6. The request for repairs vide applications dated 17/1/2014 and 27/1/2014 was rejected by GCZMA on the ground that it did not have powers to grant ex-post facto approvals.

7. The MoEF vide letter dated 31/7/2015 has clarified that for 19 approved structures which are in accordance with permission granted by local authorities there is no requirement of any permission under CRZ notification for repairs and maintenance.

8. The MOEF in the said letter stated that 4 structures which are proposed to be reconstructed on same ground coverage permission may be obtained from competent authority for said reconstruction. i.e GCZMA.

9. Pursuant to letter dated 31/7/2015 of the MOEF, the GCZMA referred the issue to MOEF as to whether in all such similarly placed cases, the owner/occupier is not required to seek permission under the Notification.

10. The GCZMA without waiting for reply issued demolition order dated 17/11/2015.

11. The matter was discussed in Ministry's meeting held on 18/12/2015 wherein the GCZMA was represented by Member Secretary of GCZMA.

12. The MOEF had directed to depute an expert/institution to prove verify the claim of GCZMA and Project proponent. The Ministry request the NCSCM to provide the satellite imagery of the property for the period of 1991 to 2015.

13. The NCSCM has submitted its report that there is no new construction done by the project proponent.

14. The report of the NCSCM is of expert team and cannot be ignored by the GCZMA.

15. The order of the GCZMA is required to be reviewed and permission may be granted to reconstruct 4 structures.

Mr. Abhijit Prabhudessai along with Mrs. Judith Almeida remained present on behalf of Benaulim Civic and Social Forum (Complainant) briefly submitted as under:-

1. They have submitted brief submission vide letter dated 24/4/2017 which intend rely upon.

2. That 18 commercial structures were first constructed after 1994 without any permission mandated as per Notification 1991. The complainant relied upon Map and report of RSI (Remote sensing instruments, Hyderabad) which was submitted by GCZMA before the Hon'ble High Court.

3. The Panchayat has given false assurance to the Hon'ble High court vide letter dated 22/09/2011 that the beach resort has been partly demolished and party has undertaken demolish. That TRPL has misled the village Panchayat who has given illegal house

numbers by partition to the original structures after 1995 or 1996 thus attempted to give legal status to illegal structures. The complainant disputed the approved plan of TRPL and stated that the same is not authentic document.

4.all the structures were demolished by TRPL somewhere in March /April 2012. The complainant relied upon their complaints of the year 2012 and photographs indicating that the new construction was carried out.

5. The new construction is in violation of CRZ notification 2011 being done without any permission from GCZMA interms of CRZ Notification 2011.

6. The MOEF has misused their powers and letter dated 31/7/2015 are illegal and without any jurisdiction. The report of NCSCM is unreliable and at the behest of TRPL

7. That the TRPL has exhausted all the remedy against demolition order of GCZMA before the Hon'ble High Court of Bombay at Goa and failed miserably as all the petitions have been dismissed.

8. The complainant relied upon all the all the inspection reports earlier given by expert member GCZMA. Further relied upon citation of Hon'ble High court of Bombay at Goa 2002 (1) GLT 141` wherein it is specifically spelt out that a quasi-judicial body has no power to review/recall its own order unless specifically provided under the legislation.

8. That the order of GCZMA is proper and needs to be executed at the earliest.

Decision: The Authority heard the parties at length, after considering the letters of the MOEF dated 31/7//2015 and 7/11/2016 and the report of National Centre for Sustainable Coastal Management, Chennai a recognised agency under MOEF which clearly indicated that there is no new construction in property and TRPL has done only repair and maintenance of structure, the authority after due deliberation and discussion decided to partly review its demolition order dated 17/11/2015. The authority further noted that as no construction can be allowed in the NO Development Zone (NDZ) decided to execute the demolition of two structures in the NDZ area (Sy no.336/1-A, Benaulim village) along with landscaping work creeper walls built in the area.

The authority after due deliberation and discussion decided to grant permission/ N.O.C to TRPL for reconstruction of 4 structures within 200-500mts as per plan by the project proponent.

Case No. 3.5:

To Comply with the Order dated 18/03/2016 of the Hon'ble National Green Tribunal at Pune in Appeal No. 06/2016 filed by Mr. Kashinath Shetye V/s. Madan Narayan Sawant & ors with regard to the alleged illegal construction of a Bungalow / commercial establishment by cutting mangroves located in the property bearing Chalta No. 10 and 11 of P.T.Sheet No. 12 at Ribandar, Tiswadi – Goa.

Brief Summary:

- Complaint received from Mr. Kashinath Shetye & Dr. Ketan Govekar with regard to alleged illegal construction of a structure / Bungalow / commercial establishment by cutting mangroves located in the property bearing Chalta No. 10 and 11 of P.T.Sheet No. 12 at Ribandar, Tiswadi – Goa.
- Accordingly, a Show Cause Notice was issued to Mr. Madan Narayan Sawant which was replied to alongwith relevant documents in support of his case.
- Further, the site under reference was also inspected by the Technical Officer of GCZMA alongwith the junior Scientific Assistant of GCZMA.
- Based on the reply as well as the site inspection report it was noted that the construction of bungalow has been done after obtaining requisite permissions from the concerned authorities and that there is no violation of the permission issued by the GCZMA and that there is no evidence of cutting of mangroves seen at the site.
- Accordingly, in view of the above, a letter was issued to Mr. Kashinath Shetye informing that no action is warranted in the matter and as such cannot proceed ahead with the complaint filed by him.
- However, the said Order / letter was challenged before the Hon'ble NGT, Pune vide Appeal bearing No. 06/2016 by Mr. Kashinath Shetye & Ors. The said Appeal bearing No. 06/2016 was disposed of by the Hon'ble NGT at Pune vide Order dated 18/03/2016 thereby quashing and setting aside the Order dated 15/12/2015 issued by the GCZMA and remanded the matter back to the GCZMA with a direction to hear the concerned parties and take decision in the matter in accordance with law within a period of four months.
- The matter was placed in the 132nd GCZMA meeting held on 06/07/2016 wherein the Authority after detailed discussion and due deliberation decided to conduct re-inspection of the site under reference through its Expert Member of the GCZMA.
- Accordingly, site inspection was conducted by Shri. Ragunath Dhume and Dr. Antonio Mascarenhas on 15/07/2016. The site inspection report submitted by Dr. Antonio Mascarenhas is as follows:
- The property belongs to M Sawant who has built a G+1 residential house in the plot.

- The property is located on the bank of Chimbel tidal creek, on the river side of the existing road; the house lies about 10-12 metres from the bank (HTL).
- The creek bank is marked by a concrete retaining wall apparently built by WRD some years ago; the need for such a thick and high concrete wall is not known; some scattered mangroves are noticed.
- The owner has obtained approvals from the erstwhile GCZMA based on which the house has been constructed. However, the area is classified by GCZMA as CRZ II whereas the CZMP 1996 for Goa has classified this area (Ribandar) as CRZ III.

The said matter was placed in the 133rd GCZMA meeting held on 20/07/2016 wherein the Authority after detailed discussion and due deliberation and upon considering the site inspection report dated 15/07/2016 and also on considering the aforementioned observations wherein there are alleged discrepancies in the categorization of the CRZ areas and as such the Authority decided to grant the concerned parties an opportunity to personal hearing on the issues before the Authority in its next meeting and only then to arrive at a decision.

The said matter was taken up for hearing in the 2nd Meeting of the Committee to decide on CRZ matters wherein:

Mr. Kashinath Jairam Shetye was present in person. Mr. Madan Sawant was present alongwith his Advocate Jitendra Supekar.

Mr. Kashinath Jairam Shetye filed his written submissions.

Mr. Kashinath J. Shetye denied the contents of the reply filed by the Respondent. He stated that the NOC issued by the GCZMA was conditional with directions to the NGPDA wherein the project was approved from CRZ angle with a recommendation that the project proponent should maintain maximum setback and this should be ensured while approving the plan. However, the structure is not ensured nor the plan was approved by the GCZMA and based on this fact the NOC should be withdrawn and the setback should be maintained forthwith. He further stated that permissible coverage is 251.20 sq.m total built up area is 207.29 sq. m but in actual coverage is 334.54 sq.m Stilt parking is covered for rooms to stay. The walls of the Stilt parking are built without obtaining necessary approvals and are used for residential as well as commercial purpose as carpentary workshop.

He further stated that amalgamation of plot of Chalta No. 10 and 11 in P.T.S. No. 12 is illegal as per the Judgment of Suresh estates all the boundaries are freezed as per CRZ Notification, 19/02/1991. The Building / Bungalow has been built after the amalgamation on the Seaward side and there is no road between the building and the

creek and no set back is left and the bungalow is in setback area of River Mandovi and no setback has been shown on the plan. The Google images of 2004 and 2015 shows there is existence of the mangroves in that area and the building is in NDZ Setback area. He also stated that the mangroves have been cut.

He further stated that based on the CZMP 1996 Ribandar area falls under CRZ – III zone and incase of existence of mangroves it falls under CRZ – I Zone and as per the letter issued by the MoEF dated 03/12/2001 to the Chief Secretary, Govt. of Goa with regard to proposal for reclassification of CRZ stretches of Goa wherein it was proposed for reclassification of the entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) – Map No. 4 and 5. He further relied on the Judgment passed in the matter of Carlos Noronha in W.P. No. 519 of 2007 with M.C.A. No. 617/09 with Writ Petitions No. 420 & 474 of 2007. He also pointed out the Page No. 54 of the RSI Report on identification and delineation of structures / dwelling units along rivers, creeks and estuaries upto the tidal point experienced towards land which reveals that at prior to 1991, there existed 29 structures in that area i.e. Chimbél Village and after 1991, 15 new structures were observed.

Adv. Jitendra Supekar stated that as far as the letter dated 03/12/2001 issued by the MoEF to the Chief Secretary, Govt. of Goa regarding reclassification of CRZ stretches of Goa wherein it was proposed for reclassification of the entire stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) – Map No. 4 and 5 is concerned there was another letter issued by the MoEF dated 05/01/2012 wherein modifications to the Order dated 03/12/2001 were issued in which the areas to be reclassified as CRZ –III are included and there is no mention of the stretch of land at Ribandar (within Panjim Municipality limits along the Mandovi River) – Map No. 4 and 5 and as such the contention of the complainant that Ribandar is being classified as CRZ – III cannot be taken in to consideration.

Further, as far as the cutting of mangroves is concerned, there is no mangrove cutting carried out by the Respondent and the same was also in question with respect to the retaining wall build by the WRD.

Shri. Ragnath Dhume who inspected the said site in question stated that it is not known at which point of time the mangroves are being cut and who exactly has carried out such activity.

The Committee heard the parties at length.

The Committee noted that the permission has been granted by the GCZMA to Mr. Madan Sawant however, the plans have not been approved by the GCZMA and it is not known that whether the adequate setback as required under the CRZ Notification and other applicable laws has been left by the project proponent. Also, it is to be verified whether the NGPDA approval is in violation of CRZ or not.

The Committee after detailed discussion and due deliberation and on considering the oral as well the written submissions made by both the parties decided:

- 1) To direct an Expert Member to examine the plan as approved by the NGPDA in the instant matter in the light of provisions of CRZ Notification as applicable at the time of approval of plan.
- 2) Further, the in site condition should be checked in the light of the above.
- 3) The Respondent is directed to provide a copy of approved plan alongwith original for matching the same.
- 4) The representative from NGPDA with said approved plan should also be called for inspection in presence of both the parties.
- 5) The Committee further granted 4 weeks time to Mr. Madan Sawant to provide all the necessary details / information which includes the plan approved by the NGPDA in light of CRZ Notification and to hear the parties thereafter.

It is pertinent to note that a Miscellaneous Application bearing No. 427/2016 in Appeal No. 6/2016 was filed Mr. Kashinath Shetye seeking implementation of the Original directions issued by the Hon'ble NGT in Appeal No. 6/2016.

Further, the said M.A. No. 427/2016 was disposed of by the Hon'ble NGT with direction to the GCZMA to hear the parties concerned on 15/02/2017 and to dispose of the matter within a period of two weeks thereafter and further directed GCZMA to file compliance report on 08/03/2017.

The said matter was placed in the 140th GCZMA meeting held on 15/02/2017 for personal hearing in the matter wherein after detailed discussion and due deliberation and on considering the written as well as oral submissions made by the parties, the Authority decided to re-inspect the site in view of the submissions made by Adv. Jitendra Supekar on behalf of the Respondent so as to verify whether there is a authorised structure existing in line of his structure.

Accordingly, the Expert Members of the GCZMA visited the aforementioned site for the purpose of verification. The observations submitted by the Expert Members are as follows:

- i) Existing new concrete retaining wall on the bank of the waterbody reportedly constructed by WRD, Govt. of Goa.
- ii) Distance between the retaining wall and the building is measured to be 12.8 m.
- iii) One coconut tree, approx. 40 years old is present in the set back area about 1 m from the retaining wall.

- iv) No mangrove plants are observed opposite the retaining wall of the plot, though adjacent plots have mangroves.
- v) Width of the back water basin is about 34 m, based on DSLR map.
- vi) There is no authorized structure between the water body and the building.
- vii) Google map of 2003 shows no building in the plot.

Conclusions & recommendations:

- i) there may have been an earlier laterite retaining wall similar to that seen in the neighbourhood plot.
- ii) since there is no authorized structure in the NDZ between the building and the water body, the GCZMA Authority may have to seek 'reference-authorized structures' in the neighbourhood to ascertain permissibility of the structure.
- iii) such authorised structures need to be identified and verified.

The said matter was placed in the 143rd meeting of the GCZMA held on 07/03/2017 wherein the Authority after detailed discussion and due deliberation and in view of the above, decided to direct the Directorate of Settlement and Land records (DSLRL) to conduct a survey of the said site in order to ascertain whether there exists a authorized structure beyond the structure / house of Mr. Madan Sawant.

The Authority is now in receipt of a plan from the DSLRL depicting the location of the structure of Mr. Madan Sawant.

The said matter was placed in the 150th GCZMA meeting held on 23/05/2017 wherein the Authority after detailed discussion and due deliberation and upon perusal of the DSLRL Plan decided to seek a detailed report from the Chief Town Planner, Town & Country Planning Department with respect to the structure / bungalow / commercial establishment carried out by Mr. Madan Sawant in the property bearing Chalta No. 10 and 11 of P.T.Sheet No. 12 at Ribandar, Tiswadi – Goa.

Accordingly, a letter dated 25/05/2017 was issued to the Chief Town Planner requesting to submit a detailed report in the matter and the same was replied by the TCP informing that the said matter comes under the jurisdiction of the NGPDA.

Subsequently, a letter was issued to the NGPDA requesting to verify whether the said construction is done as per the plan approved by the GCZMA or otherwise.

Now, in this regard, a report has been received from the NGPDA wherein the findings are given herebelow:

1. Shri. Madan Sawant has carried out alteration in the building approved by this Authority after obtaining part completion certificate from the NGPDA and part occupancy certificate from the CCP of Panjim. Shri. Madan Sawant has converted stilt floor (Parking) by way of construction of rooms (total 5 numbers) in stilt floor, out of which 3 rooms is having independent entry and exit from outside and 2 rooms is having entry and exit attached to the dwelling unit and also as well from outside thus carried out change of use of stilt floor approved from parking to residential use. No commercial activity is found running in the premises converted from stilt floor to rooms.
2. The compound wall and the three numbers of gate towards main roadside constructed is illegal and without prior permission from the Authority.
3. Kitchen Balcony on first floor and bed room balcony on second floor is found constructed with additional floor area approximately 0.70 m² and 2.00 m² respectively and covered the same with sliding window panels. As also the Balcony (1.45 m² of drawing room on second floor is constructed with additional floor area which admeasure total 2.70 x 2 = 4.20 m²) and converted the same into open terrace.
4. Shri. Madan Sawant has submitted this Authority a revised plan showing built addition and alteration carried out in the building for development permission which is under process.

The said matter was placed in the 151st meeting held on 15/06/2017 wherein the Authority after detailed discussion and due deliberation and on considering the submissions made by the parties decided to re-inspect the site in order to verify the imaginary line drawn from an existing authorized structure prior to 1991 parallel to HTL.

Accordingly, the re-inspection was carried out by the Expert members along with DSLR on 27/06/2017. The observations recorded during the site inspection are as follows:

- i) The house of Mr. Madan Sawant is along the bank of tidally influenced Chimbil Creek at Ribandar.
- ii) The house is within 13 m (12.7m) from the bank of the Creek and in CRZ II area.
- iii) Mr. Madan Sawant has constructed the house after the NOC was issued by GCZMA (No. GCZMA/N/1/07/13/2675, dated 6/7/2007).
- iv) As seen from the records, the plan put up by Madan Sawant to GCZMA for approval was a G+1 structure, whereas the construction presently existing at

site is a G+2 structure, which is in contravention to the approval accorded by GCZMA.

- v) So, the DSLR representative was requested to measure the plinth area of the house to verify the excess built-up area, which he will be calculating and submitting to GCZMA.
- vi) In the abutting/adjoining plot on the southern side of the house there is a structure - Shourya Hotel, whereas towards the northern side, abutting/adjoining the house there is a public tar road passing through the adjoining plot. Beyond the road is one old house which is in the other plot. This is also clearly evident in the DSLR PT Sheet No. 12/CH No.10, 11 of Panaji City, dated 17/3/2017.

Conclusion & Recommendation

- i) As per the CRZ Notification, for drawing an imaginary line, the building to be constructed will be restricted to the single plot (plot boundary as on 19/2/1991) immediately abutting/adjoining the existing authorized structures (buildings of permanent nature existing prior to 1991 and constructed as per building regulations and byelaws) between which the imaginary line is drawn.
- ii) Site inspection showed that there are no authorized structures existing prior to 1991 in either of the abutting/adjoining plots with reference to the plot in which Mr. Madan Sawant's house has been constructed.
- iii) In the abutting/adjoining plot towards south of Madan Sawant's house is the Shourya Hotel but the construction is not prior to 1991.
- iv) Similarly in the abutting/adjoining plot towards north, there is a road and by the side of the road in the next plot there is a house, but this house cannot be considered as an authorized structure for drawing an imaginary line as per the CRZ Notification as it is not in the abutting/adjoining plot.
- v) Under the circumstances, it is not possible to draw an imaginary line as both the plots abutting/adjoining Mr. Madan Sawant's plot/house do not have a pre-1991 authorized structure.
- vi) Moreover, the site inspection report of NGPDA, dt. 12/6/2017 indicates that Mr. Madan Sawant has converted the stilt parking into 5 rooms of which 3 rooms have independent entry and exit from outside, whereas 2 rooms are having entry and exit from inside, which is attached to the dwelling unit. Thus, he has carried out a change of use in CRZ area making it a G+2 structure from the approved G+1 structure.
- vii) The conversion of the approved G+1 structure to G+2 structure may be seen as a CRZ violation.

- viii) The Authority may deliberate for a decision in the matter before disposing the case.

In view of the above, the matter was placed for discussion and decision in the matter.

The Authority noted that the permission granted by the GCZMA to Mr. Madan Sawant was as per the local building bye laws and accordingly, the construction of the bungalow was carried out as per the plans approved by the local authorities.

The Authority had granted permission for construction. No plan at the time of granting permission was approved by the Authority, Shri. Madan Sawant therefore, constructed the residential premises as per local building bye laws of CRZ – II then in force.

Decision: The Authority after detailed discussion and due deliberation and in view of the above decided to seek legal opinion in the matter as to whether revised permission / approval is required to be granted by the GCZMA as per the plans approved by the local authorities. Accordingly, the file was moved to the Law Department seeking legal opinion in the matter.

Subsequently, the draft minutes were sent for approval to the Principal Secretary / Chairman (GCZMA) during which time the Chairman, GCZMA made necessary changes in the decision taken by the Authority stating to issue demolition orders in respect of the structure / floors constructed in violation of the building plan submitted by the Respondent at the time of seeking GCZMA permission for construction of residence. Further, the Deputy Collector of Tiswadi to verify compliance and report by 30/09/2017.

ADDITIONAL AGENDA:

Case No. 2.4:

N.O.C/ Permission for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem Taluka by Water Resources Department, Government of Goa.

Background: The GCZMA is in receipt of a proposal from the Water Resources Department for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem – Goa. The Applicant has submitted the Order dated 14/03/2016 issued by Directorate of Education for carrying out the said work. The name of the Government of Goa, Directorate of Education is reflected in Form I & XIV.

Project details:

Area of the plot: 4100.00 sq.m

Existing gross floor areas: 188.0 sq.m

Proposed ground floor area: 340.67 sq.m
 Net area for FAR (Ground floor) : 261.00 sq.m
 Proposed First floor area: 335.57 sq.m
 Net area for FAR (First floor): 261.63 sq.m
 Proposed Second floor area: 322.88 sq.m
 Net area for FAR (second floor): 280.41 sq.m
 Proposed total area for FAR : 803.04 Sq.m
 Existin area for FAR: 188 sq.m
 FAR Consumed : 24.17%

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed site falls within 0-200m from the HTL.
- ii) The said project is on the landward side of the hillock across the public road.
- iii) The proposed plan shows a G+2 structure which is not permitted in CRZ area.
- iv) The height of the building would be 12.37m which is also not permitted in CRZ area.

Conclusion & Recommendation

- i) The proposal is not satisfying the CRZ regulations though it is for a good cause of public interest.
- ii) No other cause of use is indicated in the plan and the project has been approved by the World Bank.
- iii) The proposed building would be on the landward side of the hillock and the height of the building would be covered by the hill facing.
- iv) Since it is a CRZ area (0-200m from HTL), only a ground structure is permissible, with 33% occupancy of land and height not exceeding 9m.
- v) Since the project is by the Govt. and of public interest, the applicant with the Architect may be called during the Board meeting for a dialogue before taking any decision.

The said matter was placed in the 146th meeting held on 11/04/2017 wherein Mr. Badami, representing Water Resources Department informed that it is a project funded by World Bank and the projects under World bank has certain norms wherein in one of the conditions for construction of Multipurpose Cyclone Shelter a G+2 structure is compulsory and the same is for life security during disasters.

The Authority perused the Agenda note and site inspection report and in view of the above noted that the said proposal is for construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem and is in public interest.

Further, noted that for construction of such multipurpose shelter World Bank has certain norms and the proposal is as per the said norms.

The Authority further noted that the said proposal can be considered as per the provision under para 8 III A. (iii) (j) of the CRZ Notification, 2011, as amended which is in respect of permissible activities in NDZ in CRZ –III areas and is as follows:

- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;

After detailed discussion and due deliberation and in view of the above the Authority decided to approve the said proposal for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem – Goa in terms of the CRZ Notification, 2011, as amended.

The office of the GCZMA prior to issuing the NOC had directed the representative of WRD to provide the copy of World bank norms highlighting the conditions for construction of Multipurpose Cyclone Shelter stating that a G+2 structure is compulsory and the same is for life security during disasters.

However, the WRD was not able to produce any such provision and thus were directed to submit revised plans restricting the height to 9m.

Accordingly, the Water Resources Department submitted revised plans for construction of cyclone shelter maintaining the height to 9m.

Decision: After detailed discussion and due deliberation and in view of the above and on perusal of the revised plans maintaining the height of the structure to 9m, the Authority decided to approve the said proposal for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem – Goa in terms of the CRZ Notification, 2011, as amended.

Item No. 4:

Case No. 4.1:

N.O.C/ Permission for proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port by M/s. South West Port Ltd., Goa.

Background: The GCZMA is in receipt of a proposal from M/s. South West Port Ltd. (SWPL) seeking NOC/ Permission for proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port. In the said proposal / application it is further stated that the said proposal is for enhancing the port handling facility by modernization with environment friendly equipments and the same shall be achieved by deploying highly mechanized and efficient material handling systems and the implementation of the said project will lead to increase in port efficiency, better utilization of existing resources and

overall net reduction in pollution level due to retrofitting of material handling systems with latest dust entrapment systems and barriers.

Documents submitted by the Applicant:

- NOC dated 03/04/2000 issued by the GCZMA for development and modernization of the existing berth Nos. 4, 5 & 6 of Mormugao Port Trust which are now known as Multipurpose General cargo Berths No. 5A & 6A.
- License Agreement dated 11/04/1999 between the Board of Trustees of Mormugao Port (referred to as the Licensor) and ABG Goa Port Pvt. Ltd. (referred to as the Licensee).
- Copy of Certificate of Change of Name from ABG Goa Port Pvt. Ltd. to South West Port Limited.
- A letter dated 19/06/2015 issued by the MoEF & CC.
- Copy of EIA report and Pollution Mitigation Measures.
- Copy of demarcation of HTL, LTL and CRZ for proposed expansion at Berth 5A & 6A.
- The name of Mormugao Port Trust is reflected in Form D for Chalta No. 1 of P.T.S No. 7, Vasco City.

Site inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Prof. Suhas Godse. The observations recorded during the site inspection are as follows:

- i) The site proposed for modernization envisages two berths 5A and 6A and their surrounding areas within the Mormugao Port, which is located at the mouth of Zuari Estuary.
- ii) The site is falling with CRZ I (b) area of Zuari River, whereas Mormugao Harbour is a declared CRZ II area.
- iii) The two berths, 5A and 6A are handling Cargos like coal, limestone and steel products. Berth 5A is used for export of steel slabs and steel coils, whereas berth 6A is used for import of coal and limestone.
- iv) Both the berths are operated by South West Port Ltd, which is a company under JSW Infrastructure Ltd (JSWIL) group.
- v) Presently, the main user of port facility is JSW Steel Limited, Vijayanagar, for which, the MPT is importing about 5.5 million tons of coal, 1 million ton of lime stone and is exporting about 1 million ton of finished steel products.

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- vi) The presently existing facilities at berth 5A and 6A at MPT include Mobile Harbour Cranes and Grab Ship Loaders for handling of coal and Fork Lifts for steel products.
- vii) The coal regularly imported from Australia by ships is taken by the grab and then it is put into the hopper; from there it is put onto the conveyor belt and then from the belt it goes to the Rail Wagon and then it goes to the stack yard for storage. Coal is seen stacked at many places within the stack yard, which is covered with tarpaulin to prevent from creating dust pollution.
- viii) As seen from the site during the site inspection, the coal transported by flat conveyor belt shows spillage of coal at many places all along the conveyor. The dust emissions were also evident during the transport of coal by open conveyor. To minimize this, the wind shields are erected with green belt around the shields.
- ix) As the demand for coal and other products is increasing at JSW Steel plant in Vijayanagar, the South West Port Ltd (SWPL) is proposing to deploy highly mechanized and efficient environment friendly material handling system at both the Berths to increase the cargo handling capacity to meet the demand.
- x) This will enhance the capacity of coal imports to 13 – 14 MTPA of bulk (coal, iron ore, lime stone dolomite, bauxite, mineral ores and other miscellaneous cargo) and about 2 MTPA of unutilized cargo (steel bars, coils, flats and plates and other steel products).
- xi) The enhancement in handling capacity will be achieved by increasing the operational efficiency of the existing mechanized material handling system and equipments by enhancing the existing conveyor belt speed and improving the rake loading turnaround time.
- xii) Presently, the width of the conveyor belt is 1800 mm and speed of movement is 3.4 m/sec. In modernization plan, the flat conveyor belt is proposed to be replaced by a Closed Loop Pipe Conveyor of 2000 mm width and the speed will be increased to 4.6 m/sec by change of gear and motor.
- xiii) There are Blooming machines deployed at both the berths for sweeping the floor for any kind of dust left from coal.

Conclusion and Recommendation

- i) The proposed terminal capacity enhancement by modernization at berth 5A and 6A is within the Mormugao Port Premises.

- ii) The proposed modernization will be done by replacing the existing old facility by the new equipment in its place.
- iii) This will not involve utilization of any additional space on land or in the water front area.
- iv) Also, there will be no construction of any kind involved in the proposed project.
- v) The proposed modernization, besides enhancing the terminal handling capacity, is expected to reduce the pollution load particularly from handling of coal and other mineral products at the said berths.
- vi) Earlier, the GCZMA had issued NOC (No. GCZMA/s/55/2000/Vasco/02, dated 3/4/2000) to MPT for development and modernization of berths 4, 5 and 6 which involved utilization of water front areas as well as foreshore facilities. This NOC was issued based on Clause 3 (2) ii of CRZ Notification 1991 and 2011.
- vii) The present proposal involving installation of modern, environment friendly equipment for enhancing the handling capacity of the cargo does not involve any extra space on land or in water front area or any kind of construction within the CRZ area.
- viii) The proposed modernization plan also appears to reduce pollution to a large extent as well as it will be environmental friendly.
- ix) The berths 5A and 6A lie in CRZ I (b), whereas, Mormugao is classified as a CRZ II area.
- x) All the proposed activities are within the jurisdiction of MPT, so the NOC can be granted for the said proposal of SWL.
- xi) Further, as regards environmental /atmospheric pollution of any kind, it is a subject matter to be dealt by GSPCB, so, a guidance may be sought from this competent authority.
- xii) This may be deliberated in the Authority meeting for a decision.

The matter was placed in the 152nd GCZMA meeting held on 29/06/2017 wherein:-

The Authority noted that the said proposal is basically for enhancement of the capacity and modernization of the two berths at 5A and 6A i.e. to deploy highly mechanized and efficient environment friendly material handling system at both the Berths to increase the cargo handling capacity to meet the demand.

Member Secretary informed the Authority that already there was a public hearing held in the matter in respect of the coal mining berths and during the public hearing there were

certain issues raised which are required to be incorporated in the EIA studies carried out by M/s. South West Port Ltd., Goa.

Representative on behalf of M/s. South West Port Ltd., Goa was present he informed the Authority that the said project is for modernization and for enhancing the Infrastructure of equipments. Also, no new foundation will be laid and there will be no extension of jetty. He also stated that they will do the necessary revisions to be done in the EIA report as well as in the proposal.

The Authority after detailed discussion and due deliberation and in view of the above decided to direct the applicant to revise the EIA report as per the public hearing conducted in the matter and to approach the Authority thereafter.

The Applicant accordingly submitted the revised EIA report dated 03/07/2017. The report submitted earlier as well as the report EIA report submitted on 03/07/2017 were forwarded to the Expert members of the GCZMA for their comments.

Dr. Prabhakar Shirodkar, submitted his comments which are as follows:

As per the EIA report, the probable Impact that could be associated during the construction phase is the water which will be required for construction. As indicated in the EIA Report, the project proponent will not be abstracting water from surface or any ground water body within the CRZ area for the purpose.

- i) No labour camps will be erected within the project site (CRZ area: 100m from the bank of Zuari River at MPT) for the labour force which will be employed for the upgradation work.
- ii) No new sewerage facilities will be set up within the project area (CRZ area). The labour force will use the existing sewerage facilities of MPT, which has additional handling capacity.
- iii) The Project Proponent says that there will be no acquisition of land, neither will there be any clearing of terrestrial vegetation within the project site, so no impact is envisaged on terrestrial ecology.
- iv) Proposed project involves no construction of any structure, but only installation of material handling system on the Jetty. There will be no dredging, reclamation or construction in the sea also, so no impact is envisaged on marine biology within the CRZ area.
- v) Even on land, there will be no change of land use, as no construction will be involved at site.
- vi) Suitable mitigation measures have been suggested and are detailed in the EIA report for mitigating any kind of impacts arising during the operational phase

of the project which the Project Proponent should follow to keep the environment within the CRZ area clean and free from any kind of pollution.

Considering the above mentioned points, it is found that the NOC can be issued to MPT for their proposed upgradation facility. As regards pollution aspect, it is within the purview of GSPCB, who may be requested to look into the matter.

In view of the above the matter was placed for discussion and decision in the matter.

The Authority perused the Agenda Item noted that as directed by the Authority, M/s. South West Port Ltd. has submitted their revised EIA report dated 03/07/2017 and Dr. Prabhakar Shirodkar, Expert Member (GCZMA) has submitted his comments in respect of the same.

Also, other Expert members were requested to submit their comments wherein Eng. Audhoot Bhonsule submitted that he had not visited the said site and is unaware of the ground realities as such cannot comment on it.

Prof. Suhas Godse submitted that he had visited the said site and has gone through the comments submitted by Dr. Prabhakar Shirodkar and agrees with the same.

Decision: The Authority after detailed discussion and due deliberation and in view of the above decided to approve the said proposal for proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port in terms of the CRZ Notification , 2011, as amended and subject to the condition that operation and handling should be done in closed shed.

Item No. 5: Any other item with permission of chair

Sd/-

(Member Secretary)

Goa Coastal Zone Management Authority
