



BEFORE THE NATIONAL GREEN TRIBUNAL

BENCH PUNE

Appeal 16/2023(WZ)

**OLD CROSS FISHING CANOE**

**COOPERATIVE**

**SOCIETY LTD**

**....APPELLANTS**

**V/S**

**M/s. SOUTH WEST**

**PORT LTS AND ORS.**

**.....RESPONDENTS**

**AFFIDAVIT IN REPLY ON BEHALF RESPONDENT NO. 5**

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

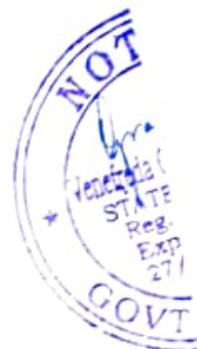
1. I say and submit that I have gone through the records of the present matter and after going through the records I am filing the present

A handwritten signature in blue ink, appearing to be 'Johnson Bedy Fernandes', written over a faint circular stamp.

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 the said Respondent has received a proposal from the Respondent No. 1 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 by facility by modernization with environment friendly equipment's 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 due to retrofitting of material handling systems with latest dust entrapment systems and barriers. The said proposal is annexed herewith and marked as "Annexure A".

3. I say and submit that the abovementioned proposal was considered in the 153<sup>rd</sup> 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.1 on the basis of the documents submitted by the Respondent No. 1. 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 Mormugao Port (referred to as the Licensor) and ABG Goa Port Pvt. L (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 SA & 6A

- 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:

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.

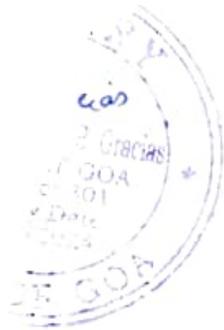
ii) The site is falling within CRZ I (b) area of Zuari River, whereas Mormugao Harbour is a declared CRZ II area.

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 ISW 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.





vi) That presently the existing facilities at berth 5A and 6A at MPT include Mobile Harbour Cranes and Grab Ship Loaders for handling of coal and ForkLifts 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 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 Ltd (SWL) 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

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



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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 I area. All the proposed activities are within the jurisdiction of MPT, so the NOC granted for the said proposal of SWL. Further, as regards environment 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 moderation 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 Ms. 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. 1 submitted the revised EIA report dated 03/07/2017. The report submitted earlier as well as the report EIA report 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 MT) 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. 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.

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

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 fit 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. 1

Considering the same on 18.08.2017 the present Respondent issued NOC to the Respondent No. 1 following due process of law. Hence it cannot be said that the NOC of the present Responder is mere paperwork as the same has arrived upon after scrutinizing relevant fact and documents on record.

Hence this affidavit.



DEPONENT  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

VERIFICATION

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best knowledge, information and belief, and has been concealed. Verified at Panaji on this 26<sup>th</sup> day of February, 2024.

IDENTIFIED BY:



DEPONENT  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

Executed Before Me  
At Calangute - Goa

Reg. No. 29/02/2024/P

Date: 26/02/2024

Veredreda C.P.P.B. Gracias  
Advocate & Notary  
Bardez-Goa

" ANNEXURE A "

075


**South West Port Limited**

1<sup>st</sup> Floor, Port Users Complex,  
Mormugao Harbour,  
Mormugao, Goa - 403 603, India  
Phone 0832-2523000, Fax: 2523006  
Website: [www.swpl.in](http://www.swpl.in)  
CIN No. : U45203GA1997PLC002369

To,  
**The Member Secretary**  
Goa Coastal Zone Management Authority (GCZMA)  
Dempo Tower, 3<sup>rd</sup> floor  
Palto, Panaji, Goa

Date: 01.02.2017

**Subject: CRZ NOC for Proposed Terminal Capacity Enhancement at Berth 5A-6A of Mormugao Port by M/s South West Port Ltd., Goa.**

Dear Sir,

South West Port Ltd. (SWPL) is currently operating two berths (Berth 5A, 6A) in Mormugao Port, Goa, and handling coal, lime stone and steel products. SWPL has proposed to enhance the port handling facility by modernization with environment friendly equipments. The enhancement shall be achieved by deploying highly mechanized and efficient material handling systems. The proposed project does not involve with land acquisition and major infrastructure developments.

The implementation of the 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.

ToR has been granted for the project from Ministry of Environment, Forest & Climate Change (MoEFCC), New Delhi (Annexure I).

We request you to kindly consider our application for the grant of CRZ NOC/ recommendation for the proposed project for which earlier CRZ NOC was received from GCZMA through letter no. GCZMA/S/55/2000 Vasco/ 02 Dt. 03.04.2000 (Annexure II).

Your kind consideration in the regard is highly appreciated and obliged.

Thanking You,

Sincerely Yours

for South West Port Limited, Goa

(Rashmiranjan Patra)

Vice President, Strategy &amp; Planning

*Rajiv S. Patil*  
01/02/17  
**O/o. Member Secretary**  
Goa Coastal Zone Management Authority  
Dempo Tower, 3<sup>rd</sup> Floor,  
Palto Panaji Goa 403001  
Ph. : 2438511

EXTRACT OF 152<sup>nd</sup> MEETING OF THE GCZMA,  
HELD ON 29/06/2017.

MINUTES OF THE 152<sup>nd</sup> MEETING OF THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY (GCZMA) HELD ON 29/06/2017 (THURSDAY)  
AT 3:00 P.M. IN THE CONFERENCE HALL, 2<sup>ND</sup> FLOOR, SECRETARIAT,  
PORVORIM - GOA.

The 152<sup>nd</sup> meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Principal Secretary (Environment), on 29/06/2017 (Thursday) at 3:00 p.m. in the Conference Hall, 2<sup>nd</sup> 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 Director, Directorate of Fisheries, Government of  
Goa
6. Representative on behalf of Chief Engineer, Water Resources Department
7. Dr. Prabhakar Shirodkar, Expert Member (GCZMA)
8. Shri. Audhoot Bhonsule, Expert Member (GCZMA)
9. Shri. Suhas Godse, 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 151<sup>st</sup> Meeting of the GCZMA held on 15/06/2017.

The minutes of the 151<sup>st</sup> Meeting of the GCZMA held 15/06/2017 were not complete and hence the Authority decided to confirm the same in the next meeting.

**Decision:** After detailed discussion and due deliberation and on considering the site inspection report of the Expert members decided to direct the applicant to submit revised plans by superimposing the proposed construction to be carried out between 200 to 500 m on the Survey plan.

**Case No. 5.4:**

**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.
- 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.

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

**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.**

**The 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.

**Decision:** 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.

**Item No. 6 :**

**Case No. 6.1:**

**To discuss and decide with regard to the Sweeper salary to be paid from the funds of GCZMA for remaining 3 months**

The GCZMA Office was housed at 3<sup>rd</sup> Floor, Dempo Towers, Patto, Panaji – Goa on rental basis for which rent was being paid from the funds available with State Environment Impact Assessment Authority (SEIAA) and the sweeper salary was also being paid from the SEIAA funds.

The Office of the GCZMA was shifted to 1<sup>st</sup> Floor, Pandit Deendayal Upadhayy Bhavan, C/o. Planning & Statistics Department, Pundalikhagar, Porvorim. The contract of the housekeeping staff working under Planning & Statistics Department had expired and there was no sweeper available for the GCZMA. As such services of Mrs. Suvarna Kadri were occupied on the roll of GCZMA office for a limited period of 3 months and hence the salary is suppose to be paid from the funds available with the GCZMA.

The said matter was placed in the 145<sup>th</sup> Meeting held on 04/04/2017 wherein the Authority after detailed discussion and due deliberation decided to approve the proposal for payment of Salary of Sweeper from the funds of GCZMA. Accordingly, payment was done only for 3 months and now, it is proposed to approve the payments for the remaining three (3) months.

**Decision:** The Authority noted that the salary of the sweeper was paid only for 3 months and now it is proposed to release funds of the GCZMA for the remaining 3 months. As such the Authority after detailed discussion and due deliberation decided to approve the proposal for payment of Salary of Sweeper from the funds of GCZMA for the remaining 3 months.