

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN BENCH, PUNE

ORIGINAL APPLICATION NO. 27 OF 2020

IN THE MATTER OF :

Roshni B. Patel

___ Applicant

Versus

Union of India & Ors.

___ Respondents

INDEX

Sr No.	Annexure	Particulars	Pg. No.
1.		Affidavit in Reply on behalf of Respondent No. 7	1-33
2.	"A"	Copy of order dated 30.01.2015 passed by MoEF.	34-37
3.	"B"	Copy of memorandum dated 07.02.2015	38-40
4.	"C"	Copy of lease agreement dated 19.02.2015	41-46
5.	"D"	Copy of possession certificate dated 19.02.2015.	47-49
6.	"E"	Copy of Village Form No. 6 and Village Form No. 7/12.	50-51
7.	"F"	Copy of letter dated 11.05.2016 issued by the answering respondent	52
8.	"G"	Copy of letter dated 11.05.2016 issued by the Institute of Remote Sensing, Chennai.	53
9.	"H"	Copy of receipt issued by the Institute of Remote Sensing.	54
10.	"I"	Copy of letter dated 22.06.2016 issued by Government of Gujarat, Forest and Environment Department.	55-56
11.	"J"	Copy of letter dated 20.03.2017	57
12.	"K"	Copy of letter dated 01.04.2017.	58-59
13.	"L"	Copy of report dated 03.07.2018 issued by the Institute of Remote Sensing, Chennai.	60-75

14.	"M"	Copy of consent to establish dated 15.02.2017	76- 78
15.	"N"	Copy of letter dated 27.03.2019 issued by the answering respondent.	79- 81
16.	"O"	Copy of inspection notice dated 05.09.2019.	82- 83
17.	"P"	Copy of letter dated 09.09.2019 issued by the answering respondent.	84
18.	"Q"	Copy of application dt. 26.09.2020 made by answering respondent to DoEF.	85-
19.	"R"	Copy of letter dated 11.11.2020	86.
20.	"S"	Copy of Fly ash notification dated 14.09.1999 as amended from time-to-time by MoEF.	87- 107
21.	"T"	Copy of letter dated 11.10.2018 issued by the answering respondent.	108- 109
22.	"U"	Copy of letter dated 30.09.2020 issued by the answering respondent	110-
23.	"V"	Copy of letter dated 01.10.2020 issued by the Deputy Forest Officer.	111

Filed Through

Rohan A. Shah
R & R Associates,
Advocate for Respondent No. 7
809, Elite Business Icon, Besides Shapath Hexa,
Opp. Gujarat High Court, Sola,
Ahmedabad - 380060
E-mail: rohan@rnassociates.co.in, M:9978997058

Date: 17.11.2020

Place: Ahmedabad

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

ORIGINAL APPLICATION NO. 27 OF 2020

Roshni B. Patel Applicant

Versus

Union of India & Others Respondents

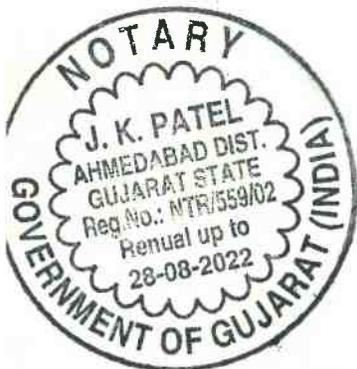
AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.7

I, Sanjay Shah, adult, and permanently residing at Surat, hereby solemnly affirm on oath and state as under:

1. I state that I am the Director in the Respondent No. 7 herein- Hazira Container Freight Station Private Limited. I am conversant with the facts and circumstances of the dispute giving rise to the present application. I state that I am duly authorized and competent to file the present Affidavit in reply on behalf of the Respondent No.7.

2. Except what is expressly admitted to be true by me, the rest of the contentions raised and averments made in the application are categorically denied as if the same are specifically set out and traversed herein. I state that I am filing the present reply to oppose the grant of interim relief, or admission of the application. I reserve my right to file a further affidavit, if required necessary.

3. Before dealing with the contents of the Petition, I crave leave to set out facts hereinbelow which are necessary for just and proper adjudication of the present application:-



Sanjay

2

- 3.1.** It is stated that the answering respondent is engaged into the business of multi cargo port related infrastructure in the Village: Hazira. For the purpose of setting up the said facility, the subject land in the Village: Hazira is the ideal location. Hazira Port located at Hazira peninsula near Surat Metropolis is well established LNG and multi-cargo port on the west coast of India. It is connected with hinterland on broad gauge railway line on Mumbai – Delhi rail corridor. Today, JNPT is the largest container port in India, however due to heavy congestion and non-availability of land near port, Hazira Port Private Limited is developing 4 contained terminals, each of 1 million TEU capacity. The container terminal being functional, the need for Container Freight Station (CFS) providing temporary storage, bonded warehouse and shipment facilities, in the vicinity of Container Terminal is obvious. Whilst the container terminal at JNPT is served by 22 CFS, there were no CFS facilities available at Hazira. Moreover, since there was no other space available for establishment of port facilities, the answering respondent thought fit for seeking diversion of the subject land.

- 3.2.** The answering respondent states that for establishing the necessary facilities for multi cargo port infrastructure, the answering respondent vide its application dated 04.01.2012 to Deputy Conservator of Forest sought diversion of 25 hectares of land on the



Handwritten signature

3

subject land under the provisions of the Forest Conservation Act, 1980. It is stated that for the purpose of diversion of 25 hectares on subject land for non-forest purpose, the answering respondent had also provided undertaking to make necessary payment towards the cost of compensatory afforestation as per Government Rules and Regulation and as per Afforestation scheme.

- 3.3.** The answering respondent states that after obtaining necessary undertakings, approvals and certificates from the answering respondent, the Ministry of Environment and Forest ("MoEF") vide letter dated 30.05.2014 granted in-principle approval for diversion of 25 hectares of subject reserved forest land to the answering respondent subject to specified terms and conditions. Upon complying with the said terms and conditions including payment of all necessary charges, the MoEF vide order dated 30.01.2015 granted final approval for diversion of 25 hectares of reserved forest land in favour of the answering respondent. Annexed hereto and marked as **Annexure - A** is a copy of order dated 30.01.2015 passed by MoEF.



- 3.4.** The answering respondent states that pursuant thereto, a memorandum dated 07.02.2015 for granting 25 hectares of subject land was issued by the Government of Gujarat, Forest and Environment Department, wherein paragraph no. 5 specifically



J.K. Patel

4

mentions about complying with Fly Ash guidelines as amended from time-to-time. Annexed hereto and marked as **Annexure - B** is a copy of memorandum dated 07.02.2015.

- 3.5.** The answering respondent states that after issuance of memorandum dated 07.02.2015 and order dated 30.01.2015, a lease agreement dated 19.02.2015 was executed between the answering respondent and the Government for Gujarat for the period till the answering respondent is using the land in question for multi cargo port infrastructure. On the very same day, the vacant and peaceful possession of the land in question was also handed over to the answering respondent by the Government for Gujarat. Annexed hereto and marked as **Annexure - C** and **Annexure - D** is a copy of lease agreement dated 19.02.2015 and a copy of possession certificate dated 19.02.2015.



- 3.6.** The answering respondent states that pursuant to the aforesaid, the Mamlatdar vide its order dated 19.12.2015 directed to mutate the name of the answering respondent into revenue record. In accordance with the said order, on 19.02.2016 the name of the answering respondent was mutated vide Mutation Entry No. 2592 into revenue record. The said mutation entry came to be certified on 12.04.2016. Annexed hereto and marked as **Annexure - E** is a copy of Village Form No. 6 and Village Form No. 7/12.

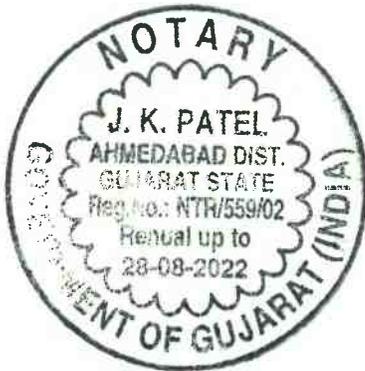


- 3.7.** The answering respondent states that for the sake of

Handwritten signature

5

abundant caution, vide its letter dated 11.05.2016 requested Director, Institute of Remote Sensing, Chennai to get the mapping done on urgent basis. In response to the said letter, the Institute of Remote Sensing vide its letter dated 11.05.2016 granted its approval and directed the answering respondent to make payment of necessary charges required for conducting the mapping. It is pertinent to note that Institute of Remote Sensing, Chennai is one of the authorized agencies by the Central Government for carrying out mapping for applicability of Coastal Regulation Zone. Annexed hereto and marked as **Annexure - F** and **Annexure - G** is a copy of letter dated 11.05.2016 issued by the answering respondent and a copy of letter dated 11.05.2016 issued by the Institute of Remote Sensing, Chennai.



- 3.8.** The answering respondent states that immediately, on 07.06.2016 and 08.06.2016 the answering respondent made payment towards necessary charges required for getting the mapping done of the allotted land in favour of the answering respondent. The receipt of the said payment was issued by the Institute of Remote Sensing on 27.12.2016. Annexed hereto and marked as **Annexure - H** is a copy of receipt issued by the Institute of Remote Sensing.



Jgm

6

3.9. The answering respondent states that on 22.06.2016, the Government of Gujarat, Forest and Environment Department vide letter directed the answering respondent to carry out mapping from authorized agencies by the Central Government for applicability of CRZ on the land in question. It is necessary to highlight that Institute of Remote Sensing, Anna University, Chennai is one of the approved agencies by the Central Government for carrying out CRZ mapping. It is stated that before the issuance of the said letter, the answering respondent had already initiated the process of mapping from the aforesaid approved agency. Annexed hereto and marked as **Annexure - I** is a copy of letter dated 22.06.2016 issued by Government of Gujarat, Forest and Environment Department.



3.10. The answering respondent states that similarly, on 20.03.2017, the Respondent No. 5 vide its letter to the answering respondent directed to carry out mapping from authorized agencies in order to ascertain whether the land in question falls within the vicinity of Coastal Regulation Zone. In response thereto, the answering respondent vide its letter dated 01.04.2017 informed the Respondent No. 5 that the process of mapping has already been undertaken by the answering respondent with the authorized agency and shall share the report as and when available. Annexed hereto and marked as **Annexure - J** and **Annexure - K** is a copy of letter dated 20.03.2017 and a copy of letter dated 01.04.2017.



Handwritten signature

7

3.11. The answering respondent states that on 03.07.2018, the Institute of Remote Sensing issued a report concluding that the allotted land is falling completely outside the CRZ area as per NCSCM Map (Sheet No. F/43 M 12/NE). The relevant portion of the report is mentioned hereinbelow for ready reference (pg. no. 12 & 13):



"In conclusion

The project site is located in Hazira Village, slightly off the bank of Hazira. The land use is predominantly rural Industrial area. The sea front is 2.5 km on the west of the project site. Hazira Bird Sanctuary is about 4.5 km away from the site. Tapti River meets the sea of about 9km from the site. The details are present in the map. The nearest distance of the site from the Tapti River is about 900m. NH6 runs on its eastern side of the site leading to Essar group industries i.e. Respondent No. 8.

According to this, the proposed project site is falling completely outside the CRZ area as per NCSCM Map (Sheet No. F/43 M 12/NE).

The mangroves vegetation are seen on the western side of the project at the distance of about 303m from mangrove buffer. However, the project site is not affected by the mangrove vegetation."

Annexed hereto and marked as **Annexure - L** is a copy of report dated 03.07.2018 issued by the Institute of Remote Sensing, Chennai.

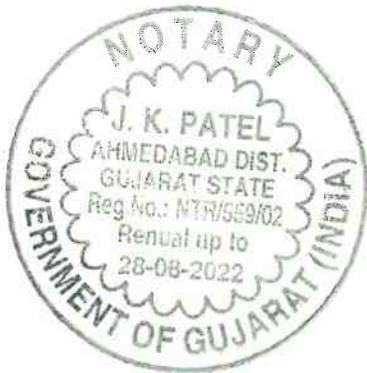


JSM

8

3.12. The answering respondent states that, in the meantime, in accordance with the statutory mandate as prescribed under the Environment (Protection) Act, 1986 r/w provisions of The Water Act, 1974 and the Air Act, 1981, the State Pollution Control Board are empowered to enter and inspect the premises at all reasonable times in order to perform their duties as enshrined under the aforesaid Acts. In accordance thereto, on 19.07.2016 the Gujarat Pollution Control Board i.e. the Respondent No. 5 inspected the premises of the answering respondent. Accordingly, a report was issued on 22.07.2016 wherein it was stated by the Respondent No. 5 that *"looking to the site location there may be applicability of CRZ Notification - 2011. Instruction given to contacted person unit shall obtain necessary permission under effective rules/notification from the concerned department before the starting commercial activity. Unit has obtained permission for developing such activities from MoEF and CC,GoI."* It is necessary to highlight that after the said report, the report from Institute of Remote Sensing was issued wherein it was concluded that the site of the Respondent No. 7 falls completely outside the Coastal Regulation Zone.

3.13. The answering respondent states that thereafter in order to start with the construction activities it is mandatory for the answering respondent to obtain consent to establish under the provisions of the Water Act, 1974 and the Air Act, 1981 from the Respondent



J.K.P.

9

No. 5. Accordingly, the answering respondent obtained the said consent to establish dated 15.02.2017 from the Respondent No. 5 for setting up industrial activity for dry cargo handling to the tune of 85,000 MT/Month. Annexed hereto and marked as **Annexure - M** is a copy of consent to establish dated 15.02.2017

3.14. The answering respondent states that thereafter, again on 27.09.2018 the Respondent No. 5 inspected the site of the answering respondent. On 04.10.2018 it was observed by the Respondent No. 5 that the no industrial activity has been commenced only land levelling activity and construction of boundary wall has been observed.

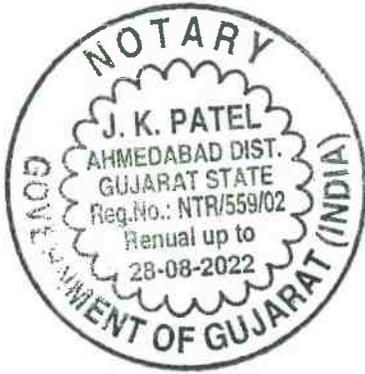
3.15. The answering respondent states that as a matter of procedure, the answering respondent vide its letter dated 27.03.2019 filed a compliance report with the Deputy Conservator of Forest. According to the said report, the answering respondent informed that the site of the answering respondent is falling completely outside the CRZ area. Along with the said report, the answering respondent also annexed the report dated 03.07.2018 by Institute of Remote Sensing. Annexed hereto and marked as **Annexure - N** is a copy of letter dated 27.03.2019 issued by the answering respondent.

3.16. The answering respondent states that again on 05.09.2019, the Respondent No. 5 inspected the site of the answering respondent in pursuant to the complaint



J.K. Patel

10



filed by the Applicant. The said inspection was with a specific agenda regarding violation of Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 for using fly ash for land levelling and also regarding violation of CRZ notification, 2011. Annexed hereto and marked as **Annexure - O** is a copy of inspection notice dated 05.09.2019.

3.17. The answering respondent states that in response to the inspection dated 05.09.2019, the answering respondent vide its letter dated 09.09.2019 to the Respondent No. 5 clarified 2 aspects i) Since the land is in low lying area and needs adequate filling so as to raise its level to the adjoining road level of National Highway 6, the fly ash generated from M/s Essar Steel India Limited and M/s Reliance Industries Limited was obtained for reclamation of land as mandated vide Clause 7 of Fly Ash Notification S.O 763(E) dated 14.09.1999 as amended from time-to-time by MoEF ii) It was also clarified that the project site was not within the vicinity of Coastal Regulation Zone. Annexed hereto and marked as **Annexure - P** is a copy of letter dated 09.09.2019 issued by the answering respondent.

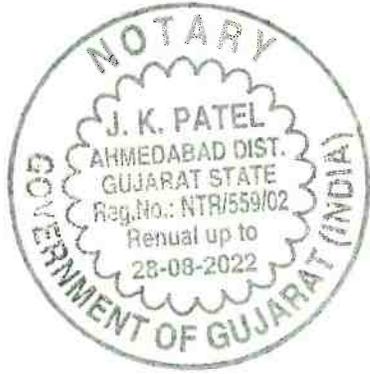
3.18. The answering respondent states that an application dated 26.09.2020 was addressed to Director of Environment & Forest, GoG & Member Secretary, GCZMA enclosing the report of Institute of Remote Sensing, Chennai for necessary validation. Annexed



JSM

11

hereto and marked as **Annexure - Q** is a copy of application dt. 26.09.2020 made by answering respondent to DoEF.



3.19. The answering respondent states that in reference to the said application dated 26.09.2020, the Director of Environment & Forest, GoG & Member Secretary, GCZMA vide letter dated 11.11.2020 clarified that the subject land allotted to the answering respondent falls outside the Coastal Regulation Zone applicability. Annexed hereto and marked as **Annexure - R** is a copy of letter dated 11.11.2020.

3.20. The answering respondent states that the answering respondent has obtained necessary approvals, clearances and certificates from the competent authority. Moreover, the action of the answering respondent of procuring fly ash for land levelling activity is in accordance with the Fly ash notification issued by MoEF. Therefore, the answering respondent has not committed any violation of any notifications, circulars and statutory provisions of the Act.

4. Before dealing with the contents of the Petition, I further crave leave to raise the following preliminary objections regarding maintainability of the present application:-

4.1. The answering respondent submits that the present application suffers from inordinate delay on the part of the applicant. It is submitted that as per section 14 of the National Green Tribunal Act, 2010 the application for adjudicating the dispute shall not be entertained

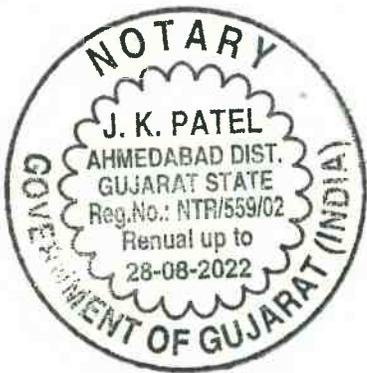


Handwritten signature

12

unless it is made within a period of six months from the date on which the cause of action for such dispute arose. It is submitted that the representation was filed by the applicant on 19.08.2019 and on basis of the said representation last inspection was conducted by the Respondent No. 5 and report was prepared on 12.09.2019. In view thereof, the cause of action arose on 19.08.2019 and therefore the Applicant ought to have filed the present application on or before 18.02.2020 well before nationwide lockdown w.e.f. 24.03.2020. However, the present application has been filed by the applicant on 15.06.2020 before this Hon'ble Tribunal. Without prejudice to what is stated hereinabove, as averred by the applicant, the representation dated 10.01.2020 cannot be considered to be a date when cause of action arose as similar set of grievances had already been raised by the applicant vide earlier representation dated 19.08.2019 and therefore, the cause of action has arisen on 19.08.2019 and hence the present application filed by the applicant is beyond the stipulated period under section 14 of the National Green Tribunal Act, 2010. Hence the present application is to be rejected at the threshold.

- 4.2.** The answering respondent submits that the applicant has no locus standi to file the present application before this Hon'ble Court. It is submitted that as per section 18 (2) of the National Green Tribunal Act, 2010, the following person/entities can file application before this Hon'ble Tribunal:

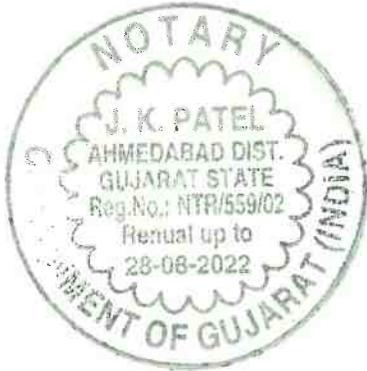


J.K.P.

13

"18. Application or appeal to Tribunal

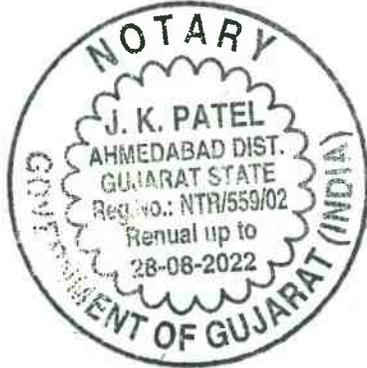
- (1)
- (2) *Without prejudice to the provisions contained in Section 16, an application for grant of relief or compensation or settlement of dispute may be made to the tribunal by:-*
- a) *the person, who has sustained injury; or*
 - b) *the owner of property to which the damage has been caused; or*
 - c) *where the death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or*
 - d) *any agent duly authorized by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or*
 - e) *any person aggrieved, including any representative body or organization; or*
 - f) *the Central Government or the State Government or a Union Territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for time being in force."*



J. K. Patel

It is submitted that the applicant claims to be an

14



environmental scientist however nowhere in the entire application it has been mentioned how the present applicant has been affected by the action/conduct of the answering respondent. It is further submitted that as an environmental scientist the applicant does not fall within any of the aforesaid categories as prescribed under section 18 of the National Green Tribunal Act, 2010. Therefore, the present application by the application is to be rejected at limine.

5. Without prejudice to the rights of the answering respondent to raise the aforementioned preliminary objections, I would deal with the contents of the Petition, para-wise, as under

5.1. With reference to para 1 and 2 of the application, the contents thereof are formal in nature and hence, no comments are hereby warranted.

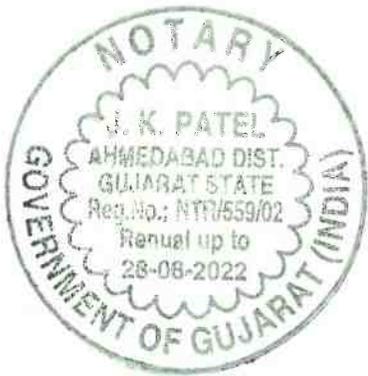
5.2. With reference to paras 3 and 4 of the application, the contents thereof are denied and disputed in toto. It is denied that the answering respondent has committed any violation of CRZ notification, 2011 and CRZ notification, 2019 issued under sub-section (1) of section and clause (v) of subsection 2 of section 3 of the Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act 1974, Air Prevention and Control of Pollution Act, 1981, Fly Ash Notification, 1999 (amended) and Hazardous and Other wastes (Management and Transboundary Movement) Rules, 2016 by illegally disposing hazardous wastes comprising of ETP sludge, lime



Jgm

15

waste, Corex plant slag, fly ash taking place on the forest land bearing Survey No. 434, Taluka: Choryasi, District: Surat, Gujarat ("land in question") falling within CRZ area without obtaining CRZ clearance or consent to operate for undertaking the said activity. It is submitted that the answering respondent has not committed breach of any notifications and statutory provisions of the Act and Rules framed thereunder. The actions of the answering respondent are in accordance with the notification issued by the MoEF and in compliance with the guidelines and orders passed by the competent authority. The said compliance by the answering respondent is elaborated in detail while dealing with the foregoing paragraphs.



FACTS OF THE CASE

- 5.3.** With reference to Para 1 of the application, the contents thereof are factual in nature and the statements inconsistent or contrary therewith are denied.
- 5.4.** With reference to para 2 of the application, the contents thereof are denied completely. It is denied that the 25 hectares of land for which Forest clearance was granted by MoEF falls within Coastal Regulation Zone area categorized as CRZ- as it is between High Tide Line and Low Tide Line area and the forest clearance was obtained concealing the said facts and by providing misleading information to MoEF. It is



J.K.P.

16

submitted that the land in question was granted in favour of the answering respondent vide order dated 30.01.2015 by the MoEF was a degraded land falling in category of reserve forest land. The said land completely falls outside the area of Coastal Regulation Zone. The fact that the land in question is not within the coastal regulation zone area is evident from on the basis of i) the report dated 03.07.2018 issued by the Institute of Remote Sensing, Chennai concluding the fact that the land in question falls completely outside the CRZ area, and ii) the letter dated 11.11.2020 issued by the Director of Environment & Forest, GoG & Member Secretary, GCZMA wherein it is clarified that the land allotted to the answering respondent falls outside the CRZ applicability. On the basis of the aforesaid aspects, it is evident that the land in question allotted to the answering respondent falls completely outside the CRZ area and therefore, the answering respondent has not concealed any facts or provided misleading information for obtaining forest clearance from MoEF.



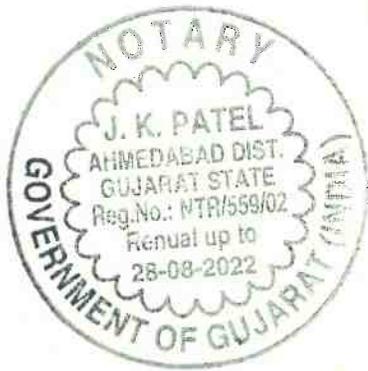
- 5.5.** With reference to para 3 of the application, the contents thereof are denied in toto. It is submitted that the allegation of the applicant that the answering respondent were required to obtain CRZ clearance as the portion of land is within CRZ area and the activity undertaken was regulated one as per CRZ notification, 2011 is absolutely sham, bogus and illusory. The present application filed by the applicant is nothing but



J. K. Patel

17

an arm-twisting technique to extort money from the answering respondent. The present application has been filed by the applicant without producing any concrete evidence demonstrating that the subject land is within the CRZ area and the answering respondent is governed by the CRZ notification, 2011. Therefore, the present application is required to be dismissed with heavy cost.



5.6. With reference to para 4 and 5 of the application, the contents thereof are not concerning the answering respondent and hence no comments are hereby warranted. Any statements inconsistent or contrary therewith are denied.

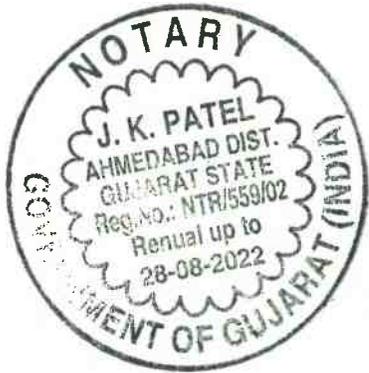
5.7. With reference to para 6, 7, 10, 12 and 13 of the application, the contents thereof are denied in toto. It is submitted that the allegations regarding illegally dumping of hazardous wastes on their land as well as in an area of 1 hectare adjoining forest land is completely on the basis of assumption and presumption and without any concrete evidence to substantiate the same. It is submitted that first and foremost, as stated hereinabove, that the land in question allotted to the answering respondent does not fall within the CRZ area. Secondly, it is important to note that the land allotted to the answering respondent by the MoEF was a low lying area and needs adequate filling so as to raise its height up to the adjoining National Highway 6 & Economic Corridor 1 (EC1)



[Handwritten signature]

18

(commonly referred to as NH6) level. In order to do so, the answering respondent procured fly ash for land reclamation/land levelling as mandated by the notification dated 14.09.1999 issued by the MoEF which has been amended from time to time for utilization of Fly Ash from Coal or Lignite based thermal power plants. As per Clause 7 of said notification only fly ash is mandatory for compaction and reclamation of low-lying areas which are within 300 kilometers radius of coal or lignite based thermal power plant. Clause no. 7 of Fly Ash Notification dt. 14.09.1999 is reproduced hereunder:



"No agency, person or organization shall within radius of three hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities..."

Consequently, the answering respondent in compliance of the said notification had no choice but to procure and use only fly ash for compaction and reclamation/levelling of the land in question procured from thermal power plants of M/s Essar Steel India Ltd. & M/s Reliance Industries Ltd. It is emphasized that fly ash is not a hazardous waste and hence has been excluded from the category of hazardous wastes as per



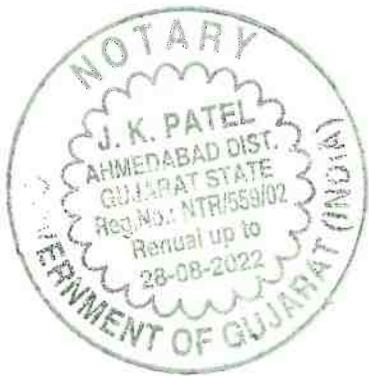
Jam

19

Hazardous and Other Wastes (Management & Transboundary) Rules, 2016. The Note to Schedule I of the Hazardous Waste Rules, 2016 is produced hereunder:

"Note: The high volume low effect wastes such as fly ash, phosphogypsum, red mud, jarosite, slags from pyrometallurgical operations, mine tailings and ore beneficiation rejects are excluded from the category of hazardous wastes. Separate guidelines on the management of these wastes shall be issued by Central Pollution Control Board."

It is pertinent to note that reclamation of low-lying area has many advantages such as, conservation of top soil, prevention of water logging etc. Therefore, one of the effective utilization of fly ash, which is produced in exorbitant quantities, is by compaction and reclamation/levelling of low lying areas. Moreover, it is also necessary to highlight that the issue of dumping of hazardous waste does not pertain to the answering respondent. The answering respondent has neither utilized nor procured nor even allowed illegal disposal of lime waste, ETP sludge, granulated slag, flue dust, ESP/bad filter dust, BF sludge, Tar sludge, BOF slag, BOF sludge and fines. Such allegations are made with a mala-fide intention of extorting money from the answering respondent. In view thereof, it is clear that the activity carried out by the answering respondent is not in violation of any Hazardous and Other Wastes (Management and Transboundary Movement) Rules,

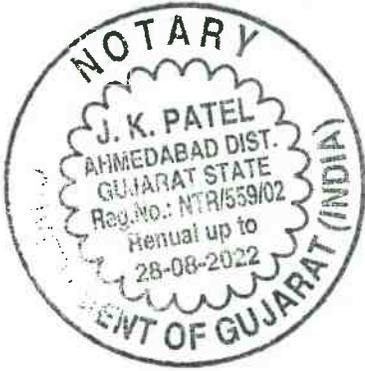


Jgm

20

2016 and CRZ Notification, 2011. Annexed hereto and marked as **Annexure - S** is a copy of Fly ash notification dated 14.09.1999 as amended from time-to-time by MoEF.

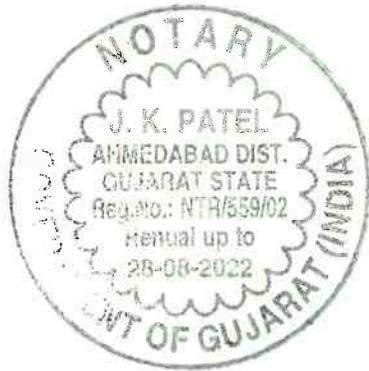
- 5.8.** With reference to para 8 of the application, the contents thereof are denied in toto. It is reiterated that the answering respondent had already undertaken the procedure for ascertaining whether the land in question falls within the CRZ area of not. Accordingly, upon the request of the answering respondent, the report dated 03.07.2018 issued by the Institute of Remote Sensing as well as the letter dated 11.11.2020 issued by the Director of Environment & Forest, GoG & Member Secretary, GCZMA concluded that the site of the answering respondent completely falls outside the CRZ area and therefore, the CRZ notification, 2011 is not applicable to land in question allotted to the answering respondent. Further, the answering respondent is/was not required to obtain consent to operate ("CTO") as CTO is generally obtained by the industry or any corporate body on or before the commencement of any production activity in accordance with the provisions of the applicable laws. As per the report dated 04.10.2018, the Respondent No. 5 had categorically stated that no industrial activity or industrial production has commenced on the land in question. Only land levelling activity is being observed. Moreover, the answering respondent vide its letter



Yam

21

dated 11.10.2018 informed the Respondent No. 5 that completion of the land levelling activity shall further take a period of 1 to 1.5 years. It is necessary to mention that the said land levelling activity had completed in the month of April-May, 2020 which has been carried out in compliance of the notification dated 14.09.1999. Therefore, under no circumstances whatsoever, it can be stated that the answering respondent has caused irreversible impact to the coastal vegetation, ecology and natural coastal areas as the land in question is not within the area of CRZ. Annexed hereto and marked as **Annexure - T** is a copy of letter dated 11.10.2018 issued by the answering respondent.



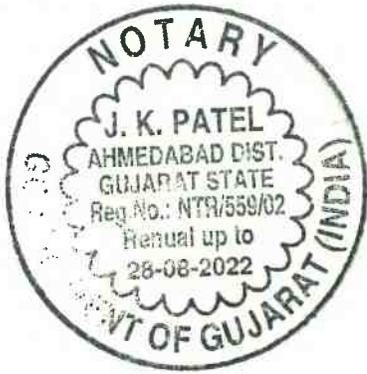
- 5.9.** With reference to para 9 of the application, the contents thereof are denied and disputed. It is reiterated that before the inspection report dated 22.07.2016 was issued by the Respondent No. 5, the answering respondent had already undertaken the process of mapping from the authorized agency vide its letter dated 11.05.2016. Pursuant to the said approval from the Institute of Remote Sensing, the necessary charges were also paid by the answering respondent. On 03.07.2018, the Institute of Remote Sensing issued a report specifically concluding that the land in question allotted to the answering respondent falls completely outside the CRZ area. Consequently, no clearance was required to be taken by the answering respondent from



Yash

22

the competent authority. The said report was also communicated by the answering respondent vide its letter dated 09.09.2019 to the Respondent No. 5 pursuant to the inspection visit dated 05.09.2019 of the Respondent No. 5. It is thereafter, since it has been clear that the land in question allotted in favour of the answering respondent does not fall within the CRZ area, none of the authorities thought it fit to raise any objection regarding the use of the land in question by the answering respondent. Without prejudice to what is stated hereinabove, the words "there may be applicability of CRZ, 2011" were used in the report dated 22.07.2016 by the Respondent No.5. Therefore, the Respondent No. 5 was also not clear regarding applicability of CRZ area on the land in question. The said ambiguity was subsequently cleared vide report dated 03.07.2018 of the Institute of Remote Sensing concluding that the site of the answering respondent falls outside the CRZ area and now the same is also clarified vide letter dated 11.11.2020 by the Director of Environment & Forest, GoG & Member Secretary, GCZMA.



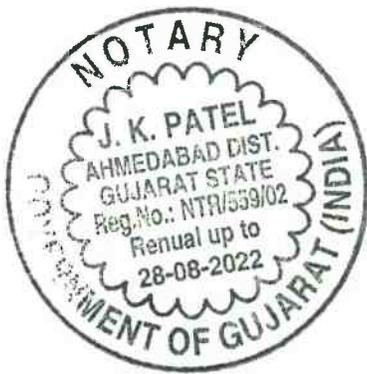
5.10. With reference to para 11 of the application, the contents thereof are denied and disputed. It is submitted that the applicant has made false and frivolous statement stating that the inspection report dated 04.10.2018 has specifically mentioned that CTO has not been obtained though land levelling activity and construction of boundary wall was observed on the



J. K. Patel

23

site. It is reiterated the CTO is obtained on or before the commencement of production activity. In the said report, the Respondent No. 5 has clearly stipulated that there is no initiation of any industrial activity. Therefore, there was no purpose of obtaining any CTO. Moreover, there was no need to seeking any permission or approval as the land in question did not fall under CRZ area which is evident from the report dated 03.07.2018 which was subsequently brought to the notice of the Respondent No. 5. In light of such facts and circumstances since there was no violation by the answering respondent, the Respondent No. 5 had no need to restrain the answering respondent from carrying out construction on the land in question.



- 5.11.** With reference to para 14 of the application, the contents thereof are denied in toto. It is categorically denied that adjoining the answering respondent's land is a natural habitat of White Rumped Vulture, Long-billed Vulture, Eurasian Griffon Vulture a Schedule I species under the Wildlife Protection Act, 1972. It is submitted that the habitat of the vultures is more than 4 kms from the land in question. Till date none of the aforesaid species of vultures have ever visited the land in question after it was allotted to the answering respondent. The said clarification vide letter dated 30.09.2020 was sought by the answering respondent from Deputy Forest Officer, Surat Forest Department. In response thereto, the Deputy Forest Officer vide letter dated 01.10.2020 has clarified that none of the



J.K.P.

24

notified vultures have ever visited the land in question. Further, the report on which the applicant is relying, nowhere in the said report it is stated that it is because of the construction or the land levelling activity carried out by the answering respondent there is decline in population of the aforesaid species of vulture. Therefore, no reliance can be placed on such reports which are vague and no useful for just and fair adjudication of the subject matter. Annexed hereto and marked as **Annexure - U and Annexure - V** is a copy of letter dated 30.09.2020 issued by the answering respondent and a copy of letter dated 01.10.2020 issued by the Deputy Forest Officer.



5.12. With reference to para 15 and 16 of the application, the contents thereof are factual in nature and hence no comments are warranted. Any statements inconsistent or contrary therewith are denied.

5.13. With reference to para 17 and 20 of the application, the contents thereof are denied in toto. It is submitted that after the inspection of the Respondent No 5 on 05.09.2019, the answering respondent vide its letter dated 09.09.2019 specifically informed the Respondent No. 5 that since the subject land is a low lying area and needs adequate filling so as to raise its height up to the adjoining National Highway 6 & Economic Corridor level, the answering respondent had procured fly ash for the purpose of compaction and reclamation of the land in question. The said procurement of the fly ash



J.K.M

25

was in accordance with the notification dated 14.09.1999 issued by MoEF. Moreover, it was also informed that the land in question falls completely outside the CRZ area. In view thereof, there was no requirement of any permission from any competent authority as CRZ notification, 2011 was not applicable.

5.14. With reference to para 18 to 19 of the application are not concerning the answering respondent and hence no comments are hereby warranted. Any statements inconsistent or contrary therewith are denied.

5.15. With reference to para 21(A) of the application, the contents thereof is denied in toto. It is reiterated that on 11.05.2016 the answering respondent vide its letter dated 11.05.2016 requested Director, Institute of Remote Sensing to get the mapping done on urgent basis. In response to the said letter, the Institute of Remote Sensing vide its letter dated 11.05.2016 granted its approval and directed the answering respondent to make payment of necessary charges required for conducting the mapping. It is pertinent to note that Institute of Remote Sensing is one of the authorized agencies by the Central Government for carrying out mapping for applicability of Coastal Regulation Zone. Thereafter, on 22.06.2016, the Government of Gujarat, Forest and Environment Department vide letter directed the answering respondent to carry out mapping from authorized agencies by the Central Government for applicability of CRZ on the land in question. It is stated that before the



J.K.P.

26

issuance of the said letter, the answering respondent had already initiated the process of mapping from the aforesaid approved agency. Similarly, on 20.03.2017, the Respondent No. 5 vide its letter to the answering respondent directed to carry out mapping from authorized agencies in order to ascertain whether the land in question falls within the vicinity of Coastal Regulation Zone. In response thereto, the answering respondent vide its letter dated 01.04.2017 informed the Respondent No. 5 that the process of mapping has already been undertaken by the answering respondent with the authorized agency and shall share the report as and when available. Eventually, on 03.07.2018, the Institute of Remote Sensing issued a report concluding that the allotted land is falling completely outside the CRZ area as per NCSCM Map (Sheet No. F/43 M 12/NE). The said report was communicated to the Respondent No. 5 and MoEF vide letter dated 09.09.2019 and 27.03.2019. It is further submitted that the answering respondent is not involved in any illegal dumping of hazardous waste and fly ash affecting the coastal area. It is submitted that all the reports issued by the Respondent No. 5 specifically stipulates "Zero discharge" which means there is no discharge of any hazardous wastes by the answering respondent. Moreover, it is reiterated that since the land is in low lying area and needs adequate filling so as to raise its level to the adjoining National Highway 6 & Economic Corridor level, the fly ash was obtained



J. K. Patel

27

from M/s Essar Steel India Limited and M/s Reliance Industries Limited. The said fly ash was obtained as mandated by Clause 7 of Fly Ash Notification S.O 763(E) dated 14.09.1999 as amended from time-to-time by MoEF. Whereas the other chemicals and hazardous wastes are concerned, the answering respondent has never utilized, procured and not even allowed illegal disposal of lime waste, ETP sludge, granulated slag, flue dust, ESP/bad filter dust, BF sludge, Tar sludge, BOF slag, BOF sludge and fines. In view thereof, the answering respondent has not committed any violation of CRZ notification, 2011 and the said contention of the application is absolutely moon shine.

5.16. With reference to para 21 (B), 21 (D) and 21 (E) of the application, the contents thereof are denied in toto. It is reiterated that first and foremost, as stated hereinabove, that the land in question allotted to the answering respondent does not fall within the CRZ area. Secondly, it is important to note that the land allotted to the answering respondent by the MoEF was a low-lying area and needs adequate filling so as to raise its height up to the adjoining National Highway 6 & Economic Corridor level. In order to do so, the answering respondent procured fly ash for land reclamation/ land levelling in accordance with the notification dated 14.09.1999 issued by the MoEF which has been amended from time to time for utilization of Fly Ash from Coal or Lignite based thermal



Isor

28

power plants. As per the said notification only fly ash is permissible for compaction and reclamation of low-lying areas which are within 300 kilometers radius of coal or lignite based thermal power plant. Consequently, the answering respondent in compliance of the said notification had to procure and use only fly ash for compaction and reclamation/levelling of the land in question. It is pertinent to note that reclamation of low-lying area has many advantages such as, conservation of top-soil, prevention of water logging, etc. Therefore, one of the effective utilizations of fly ash, which is produced in exorbitant quantities, is by compaction and reclamation/levelling of low-lying areas. Moreover, it is also necessary to highlight that the issue of dumping of hazardous waste does not pertain to answering respondent and that the answering respondent has never utilized, procured and not even allowed illegal disposal of lime waste, ETP sludge, granulated slag, flue dust, ESP/bad filter dust, BF sludge, Tar sludge, BOF slag, BOF sludge and fines. In view thereof, it is clear that the activity carried out by the answering respondent is not in violation of any terms and conditions of Forest Clearance, CRZ Notification, 2011 as well as Fly Ash Notification, 1999 and Hazardous and other waste (Management and Transboundary Movement) Rules, 2016.



Issu

5.17. With reference to para 21 (c) of the application, the contents thereof are denied in toto. It is categorically

29

denied that adjoining the answering respondent's land is a natural habitat of White Rumped Vulture, Long-billed Vulture, Eurasian Griffon Vulture a Schedule I species under the Wildlife Protection Act, 1972. It is reiterated that the habitat of the vultures is more than 4 kms from the land in question. Till date none of the aforesaid species of vultures have ever sighted near the land in question after it was allotted to the answering respondent and the same has been clarified by the Deputy Forest Officer, Surat Forest Department. Further, the report on which the applicant is relying, nowhere in the said report it is stated that it is because of the construction or the land levelling activity carried out by the answering respondent there is decline in population of the aforesaid species of vulture. Therefore, no reliance can be placed on such reports which are vague and no useful for just and fair adjudication of the subject matter.



- 5.18.** With reference to para 21 (F) of the application, the contents thereof are denied and disputed in toto. It is submitted that apart from fly ash none of the any other hazardous wastes as mentioned by the applicant are being used by the answering respondent. The fly ash which is used by the answering respondent is only for the purpose compaction and reclamation/levelling of the land in question allotted to the answering respondent by MoEF. It is submitted that the use of fly ash by the answering respondent for land reclamation is in accordance/compliance with the notification dated

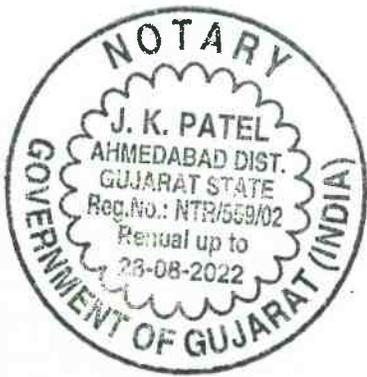


Jasim

30

14.09.1999 issued by the MoEF. Apart from the said purpose, the answering respondent has not utilized fly ash for any other purpose. Further, it is pertinent to note that the land in question is predominantly rural industrial area. The sea front is 2.5 kms on the west of the land in question. Tapti river is about about 0.9 km east to the land in question. In view thereof, under no circumstances the fly ash utilized by the answering respondent is mixed with the water bodies. Therefore, such contention of the applicant is misconceived.

5.19. With reference to para 21 (G) of the application, the contents thereof are denied and disputed in toto. It is submitted that representation made by the applicant before several authorities are absolutely sham, bogus and illusory. The allegations made by the applicant cannot be substantiated with evidence and has no merit. It is submitted that the answering respondent has complied with all necessary statutory provisions as well as rules framed thereunder, notifications and circulars which has been brought to the notice of all the authorities by the answering respondent from time to time. Even in accordance with the powers granted to the Respondent No. 5 under the Environment (Protection) Act, 1986, time and time the Respondent No. 5 inspected the premises of the answering respondent. During the said inspection, the Respondent No. 5 did not find discharge of any hazardous waste or violation of Hazardous and other waste (Management and Transboundary Movement)

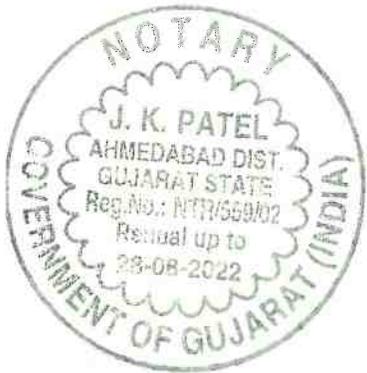


Handwritten signature

31

Rules, 2016, CRZ notification, 2011 and Fly ash Notification, 1999. It is under these circumstances that the answering respondent is of the view that no actions were required to be taken against the answering respondent by the authorities.

6. The contentions of the Applicant are baseless in as much as the applicant has not produced any evidence in support of it. As against this, there are documentary evidence to show that the answering respondent has permissions after following the due process of law and after considering all aspects of the matter.
7. In view of the facts and circumstances stated hereinabove, I pray that this Hon'ble Tribunal be pleased to dismiss the present application with exemplary costs.



Solemnly affirmed at ^{Ahmedabad} ~~Surat~~ on this 17th day of November 2020.

FOR HAZIRA CONTAINER FREIGHT
STATION PVT. LTD.

Jasm
DIRECTOR
DEPONENT

Filed Through

Rohan A. Shah
Rohan A. Shah
R & R Associates,
Advocate for Respondent No. 7
809, Elite Business Icon, Besides Shapath Hexa,
Opp. Gujarat High Court, Sola,
Ahmedabad - 380060
E-mail: rohan@rnassociates.co.in, M:9978997058

Sr. No. 3451 / 2020
SOLEMNLY AFFIRMED
BEFORE ME
Jyotsna K. Patel
JYOTSNA K. PATEL
NOTARY
GOVT. OF GUJARAT
Dt: 17/11/20

Date: 17.11.2020

Place: Ahmedabad

32



33

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

ORIGINAL APPLICATION NOL 27 OF 2020

IN THE MATTER OF :

Roshni B. Patel

___ Applicant

Versus

Union of India & Ors.

___ Respondents

AFFIDAVIT

I, Mr. Sanjay Shah, aged adult, presently as director of respondent No. 7 having registered office at 7/33-34, Sharda sadan Building, Near Alankar cinema, Station Road, Surat – 394270, Gujarat do hereby solemnly affirm and declare as under :

1. That I am fully acquainted with the facts and circumstances of the matter and I am duly authorized to swear this affidavit on behalf of Respondent No. 7.
2. That the contents of the accompanying reply filed on behalf of respondent No 7 are true and correct to the best of my knowledge and have been drafted by the counsel on my instruction and noting material has been concealed there from.
3. That the annexure annexed with the accompanying reply are either true copies of their original or true printouts.

FOR HAZIRA CONTAINER FREIGHT
STATION PVT. LTD.

Jash

DIRECTOR

Deponent

VERIFICATION

I the above named deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and that no part thereof is false and nothing material has been concealed therefrom.

Verified at Ahmedabad on this 17th day of November, 2020.

FOR HAZIRA CONTAINER FREIGHT
STATION PVT. LTD.

Jash

DIRECTOR

Deponent

IDENTIFIED BY ME

Beard
ADVOCATE

Sr. No. 3450 /2020
SOLEMNLY AFFIRMED
BEFORE ME
Jyotsna K. Patel
JYOTSNA K. PATEL
NOTARY
GOVT. OF GUJARAT
dt: 17/11/20

34

Annex: A



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र,
Regional Office, Western Region,
"केन्द्रीय पर्यावरण भवन"
"Kendriya Paryavaran Bhavan"
लिंक रोड नं-3, Link Road No. 3
E-5, रविशंकर नगर/Ravi Shankar Nagar
भोपाल (मोप्रो)/Bhopal-462016 (M.P.)
फोन नं./ Phone No. 0755-2426615, 2463 102, 2466525
फैक्स नं./ Fax No. 0755-2463102
अणुडाक /E-mail: rowz.bpl-mef@nic.in

No: 6-GJC 003/2014-BHO/124

Dt: 30/01/2015

To.

The Principal Secretary,
Govt. of Gujarat,
Forest and Environment Department,
Sardar Patel Bhawan, Block No14/8,
Sachivalaya, Gandhinagar-382010

Sub: Diversion of 25.00 ha unclassed Forest land for setting up Port backup facilities in Village- Hazira (Suvali), Ta- Choryasi in favour of Hazira Container Fright Station Private Limited in Surat District of Gujarat.

Ref: 1) This office letter No. 6-GJC 003/2014-BHO/1088 dated 30/05/14
2) Govt. of Gujarat letter No.FCA-1012/10-10/12/S.F-104/F dated 05/01/2015
3) Officer on Special Duty (Ad-hoc CAMPA) MoEF, Delhi letter no. 1-12/2013-CAMPA dated 19/01/2015

Sir,

I am directed to invite a reference to your letter No. FCA-1012/10-10/12/S.F-104/F dated 24/12/2013 and APCCF, Land, Gujarat State letter No. FCA/29/A/657-59/2013-14 dated 13/03/2014 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of 25.00 ha of above forest land for the purpose mentioned, subject to the fulfillment of condition No. 2(b), 3, 4 and 5 stipulated therein.

The State Government vide letter (2) referred above have reported compliance on the fulfillment of the said conditions 2(b), 3, 4 and 5 of the in-principle approval order.

Therefore, the undersigned is hereby directed to convey formal approval of the Government of India under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 25.00 ha Unclassed Forest land for setting up Port backup facilities in Village- Hazira (Suvali), Ta- Choryasi in favour of Hazira Container Fright Station Private Limited in Surat district subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.

C/A

Alz
30/01/15

संख्या नं. 4588
तारीख 1/2
दिनांक 17

35

-2-

2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over 25.7402 ha non-forest land (Survey No. 135/12, 135/14, 135/19, 135/20/1, 135/24, 135/25, 135/6, 135/61, 135/62, 135/63, 135/64, 135/7, 135/72, 135/73, 135/74, 135/76, 135/8/1, 135/9/1 Village-Chiroda, Ta- Jesar, District-Bhavnagar) at the cost of the User Agency. As far as practicable a mixture of local species will be planted and monoculture of species has to be avoided.
 - b) The non-forest land of Compensatory Afforestation shall be notified as Reserved Forest.
 - c) A copy of the Notification issued under Section-4 of the Indian Forest Act, 1927 shall be sent to this office within six months from the date of handing over of the forest land to the Project Authority and the land shall be finally notified under Section-20 of Indian Forest Act, 1927 as per the provisions of the said Act.
 - d) The land identified for CA shall be clearly depicted on a Survey of India Toposheet of 1:50, 000. The bearing of each corner point and distances between successive points will be recorded alongwith GPS reading of Geo-Coordinates (Latitudes & Longitudes).
4. Felling of Trees :
 - a) The User Agency at his own cost through Forest Department will remove 600 trees in the area falling in proposed diverted land.
 - b) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department.
5. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.
6. Soil conservation measures, if required, shall be taken up by the user agency at their cost.
7. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
8. No labour camp shall be established on the forest land. Proposed labour camps outside the forest area to be dismantled and removed. The labourers shall be sent back immediately after the completion of the work.

Ses
30/01/15

36

-3-

9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial Number, forward and back bearing and distance from pillar to pillar.
11. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
15. The forest land shall not be used for any purpose other than that specified in the project proposal.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
17. Provision of all statutory Acts, rules made thereunder and guidelines applicable to the project have to strictly followed.
18. Relevant conditions of the in-principle approval shall also be complied with.
19. The User Agency shall submit six monthly compliance report as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State.
20. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year.
21. Any other conditions that the Central Government may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied with by the user agency.
22. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and amended from time to time regarding use of fly ash shall be fully complied with.


30/01/15

37

-4-

23. In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980 on 25.10.1992.
24. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken accordingly.

The State Government shall ensure compliance of all the above conditions.

Yours faithfully,

(S.K. Bhandari)

Chief Conservator of Forests(C)

Copy to :-

1. Director, (ROHQ), Govt. of India, Ministry of Environment and Forests and Climate Change, Agni, C-wing, 3rd Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003.
2. The Addl. Principal Chief Conservator of Forests and Nodal Officer (Forest Conservation) Act, Aranya Bhavan, Block No. A/3, Near "Ch" Circle, Opposite St. Xaviers High School, Sector-10A, Gandhinagar (Gujarat)
3. The Dy. Conservator of Forests, Forest Division Surat, District-Surat, Gujarat.
4. The Dy. Conservator of Forests, Forest Division Bhavnagar, District-Bhavnagar, Gujarat.
5. The Director, Hazira Container Fright Station Pvt. Ltd, 7/33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road Surat, Distret-Surat, Gujarat.
6. Order File.

Bhandari
(S.K. Bhandari)

Chief Conservator of Forests(C)

30/01/15

Annex - B

38



GOVERNMENT OF GUJARAT

Forest & Environment Department,

and 14/8, Sardar Bhavan, Sachivalaya, Gandhinagar-382010, Ph.079-23251065 Fax 079-23252156

No. FCA-1012/10-10/12/S.F-104/F

Date: 07 FEB 2015

Subject: Diversion of 25.00 ha. of Unclassed Forest land for setting up Port back up facilities in Village Hazira(Suvali), Ta. Choryasi, Dist. Surat in favour of Hazira Container Fright Station Pvt. Ltd., Surat district of Gujarat.

Ref. (1) GOI, MOEF, New Delhi's Letter No.6-GJC 003/2014-BHO/124 dated 30/01/2015.

(2) Nodal officer (FCA) Gujarat's note on Single file No. FCA-1012/10-10/12/S.F-104/F.

MEMORANDUM:-

The GOI, MOEF, Bhopal has given formal approval for diversion of 25.00 ha. of Unclassed Forest land for setting up Port back up facilities in Village Hazira(Suvali), Ta. Choryasi, Dist. Surat in favour of Hazira Container Fright Station Pvt. Ltd., Surat district of Gujarat vide their letter dated 30/01/2015 referred at Sr. (1) above.

The undersigned is pleased to convey the formal approval of the Government under section 2 of the Forest (Conservation) Act, 1980, subject to the following conditions:-

1. Legal status of the diverted forest land shall remain unchanged;
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over 25.7402 ha non-forest land (Survey No. 135/12, 135/14, 135/19, 135/20/1, 135/24, 135/25, 135/6, 135/61, 135/62, 135/63, 135/64, 135/7, 135/72, 135/73, 135/74, 135/76, 135/8/1, 135/9/1 Village-Chiroda, Ta- Jesar, District-Bhavnagar) at the cost of the User Agency. As far as practicable a mixture of local species will be planted and mono culture of species has to be avoided.
 - b) The non-forest land of Compensatory Afforestation shall be notified as Reserved Forest.

39

- c) A copy of the Notification issued under Section-4 of the Indian Forest Act, 1927 shall be sent to this office within six months from the date of handing over of the forest land to the Project Authority and the land shall be finally notified under Section-20 of Indian Forest Act, 1927 as per the provisions of the said Act.
- d) The land identified for CA shall be clearly depicted on a Survey of India Topo sheet of 1:50,000. The bearing of each corner point and distances between successive points will be recorded along with GPS reading of Geo-Coordinates (Latitudes & Longitudes).
4. Felling of Trees:
- a) The User Agency at his own cost through Forest Department will remove 600 trees in the area falling in proposed diverted land.
 - b) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department.
5. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.
6. Soil conservation measures, if required, shall be taken up by the user agency at their cost.
7. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
8. No labour camp shall be established on the forest land. Proposed labour camps outside the forest area to be dismantled and removed. The labourers shall be sent back immediately after the completion of the work.
9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial Number, forward and back bearing and distance from pillar to pillar.
11. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
15. The forest land shall not be used for any purpose other than that specified in the project proposal.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.

40

17. Provision of all statutory Acts, rules made thereunder and guidelines applicable to the project have to strictly followed.
18. Relevant conditions of the in-principle approval shall also be complied with.
19. The User Agency shall submit six monthly compliance report as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State.
20. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year.
21. Any other conditions that the Central Government may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied with by the user agency.
22. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and amended from time to time regarding use of fly ash shall be fully complied with.
23. In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980 on 25.10.1992.
24. Violation of any of these conditions will amount TO violation of Forest (Conservation) Act, 1980 and action would be taken accordingly.

APCCF(Land) shall ensure compliance of all the above conditions.

The By order and in the name of the Governor of Gujarat.

(B. K. Thacker)

Joint Secretary to the Government
Forests & Environment Department.

Copy to:-

1. The Director(ROHQ), Ministry of Environment, Forests & Climate Change, Government of India, Agni, C-Wing, 3rd Floor, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003.
2. The Addl. Pr. Chief Conservator of Forests(Central), Ministry of Environment & Forests, Regional Office, Western region, Link Road No.3, E-5 Ravishankar Nagar, BHOPAL-462016(M.P.)
3. The Addl. Pr. Chief Conservator of Forests and Nodal Officer(FCA), Pr. Chief Conservator of Forest's office, Aranya Bhavan, Sector-10-A, Gandhinagar
Their Single file. No. FCA-1012/10-10/12/S.F-104/F is returned herewith, with memorandum.
4. The Dy. Conservator of Forests, Forest Division Surat, District -Surat, Gujarat.
5. The Dy. Conservator of Forests, Forest Division Bhavnagar, District-Bhavnagar, Gujarat.
6. The Director, Hazira Container Fright Station Pvt. Ltd. 7-33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road Surat. Distirct-Surat, Gujarat.
7. The Select File.

Annex. C

41



गुजरात गुजरात GUJARAT

AN 784508

सं. 1. C336001. 9/2/17
 शासित भागुभाई लाडवाणा
 उरिपुरा विसीतवाणा स्था वेनर
 वल. नं. 7/69, 8/20.
 राज्य वेनरणी मदी : *[Signature]*
 मस्ता : *[Signature]*

Hazira Container
 Freight Station Pvt
 LTO
 Station Road Sur
 गुजरात गुजरात 20/2/17

AGREEMENT

AGREEMENT FOR LEASE OF THE 25.00 HA. UNCLASSIFIED FOREST LAND FOR THE PURPOSE OF SETTING UP PORT BACK UP FACILITIES IN VILLAGE HAZIRA (SUVALI) OF S.NO. 434/A/1 PT HAZIRA CONTAINER FREIGHT STATION PVT. LTD. SURAT DIST OF GUJARAT STATE.

FOR HAZIRA CONTAINER FREIGHT STATION PVT. LTD.

[Signature]

DIRECTOR

[Signature]

[Signature]

42

AGREEMENT FOR LEASE OF THE FOREST LAND FOR THE PURPOSE OF 25.00 HA. UNCLASS FOREST FOR SETTING UP PORT BACK UP FACILITIES IN VILLAGE HAZIRA (SUVALI) OF S.NO. 434/A/1 PT HAZIRA CONTAINER FREIGHT STATION PVT. LTD. SURAT DIST OF GUJARAT STATE.

An agreement made this day 19/04/2015... between Hazira Container Freight Station Pvt. Ltd. Hazira tal – Choryasi, Dist – Surat herein after styled “ the Lease” of the One Part and the Governor of Gujarat, wherein After, Styled the “ Governor” of other Pat.

WHEREAS an application has been made by the user agency for the occupancy by him of certain forest land for the purpose of construction of 25.00 HA. UNCLASSIFIED FOREST FOR SETTING UP PORT BACK UP FACILITIES, HAZIRA CONTAINER FREIGHT STATION PVT. LTD. HAZIRA Taluka – Choryasi in Surat District and the said application has been granted upon the Terms Herein Below expresses.

NOW THESE PRESENT WITNESS that in pursuance of the said application and in consideration of Condition and covenant hereinafter contained and on the part of the user agency to be respectively performed and observed, the Governor dose hereby lease to the lessee all the land specified in the schedule hereto annexed for the purpose of 25.00 HA. UNCLASSIFIED FOREST FOR SETTING UP PORT BACK UP FACILITIES, HAZIRA CONTAINER FREIGHT STATION PVT. LTD. HAZIRA Taluka – Choryasi in Surat District for a Period till the use agency will be using for the said project.

AND WHEREAS by a rule under section 76, clause (d) of the Indian Forest Act, 1927 Herein after called “the said ACT” whoever enters into so required by such forest officer, bind himself by a written instrument to perform such contract.

NOW THESE PRESETS WINTESS that in pursuance of the said application and in a consideration of condition and covenant hereinafter contain and on the part of the user agency to be respectively performed and observed the Government dose Hedley handover the Forest land to the user agency free of any other occupancy for the same all the land specified in the schedule hereto annexed for the purpose of subject to all



43

condition restriction and stipulation hereinafter contained over and above the condition show in the final approval letter No. 6-GJC 003/2014-BHO/124 Dt.30/01/2015.

And in consideration of the privileges secured to him as aforesaid and in compliance with the said rule user agency dose bind him to perform every duty and act expressed in the conditions hereinafter contained as to be performed by him and dose covenant with the Governor that he the user agency and each of his servants and agents will obtain from every act expressed in the condition hereinafter contained.

THE SAID CONDITION is as follows, namely

5. The user agency shall perform the following duties and acts that is to say :

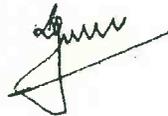
- (i) he or where there is more than one user agency some one of them on behalf of them all or the duly authorized agent holding power of attorney from the contractor or all such contractors if more than shall, before signing this agreement, proceed with the Range forest Officer to inspect boundaries of the Land as demarcated on the ground by special or other marks, and shelf satisfy himself boundaries are clearly and sufficiently upon the ground by special or other marks and shall give the Divisional Officer a written certificate that he is so satisfied and father shall sing.
 - (i) The map of the land attached to this agreement in acknowledgement that it delineates correctly the land as demarcated upon the ground.
 - (ii) The register made of the trees, which have been reserved in the land as the reserved these and forest produce thereon and shall be responsible of all damage and loss there to and there of from whatsoever cause arising.
- (j) He shall protect from fire and other damage by man or beast the land as well as the reserved trees and forest product thereon and shall be responsible of all damage and loss there of from whatsoever cause arising
- (k) He shall prevent any fire from spreading from the land into neighboring Government forest.
- (l) He shall also assist in preventing any fire occurring in the neighboring



44

Government forest.

- (m) He shall also assist in preventing the commission in the neighboring Govt. Forest of any forest offence and when there is reason to believe that any such offence has been committed in that forest, in discovering and arresting one offender.
 - (n) He shall repair and keep in good order all special or other work defining the boundaries of the land.
 - (o) He shall pay all such expensed as the Dy. Conservator of the Forests may determine to be necessary for, or to have been incurred in exaction of any work to be done which by the conditions hereinbefore, contained he has bound himself to perform and which on requisition made by the Dy. Conservator of Forests he has failed or omitted within the time specified in such requisition to perform.
 - (p) He shall before relinquishing the occupancy of the land given one Month's notice in writing to the Dy. Conservator of Forests of his intention to germinate the perdition if the sanctioning authority ordered for the same.
6. The user agency, his servants and agents shall abstain from the following acts, that is to say.
- (a) From subletting or assigning this land or any portion thereof or interest therein to any person what solver without the previous permission in writing from the Dy. Conservator of Forests, save (i) its lenders to create security for raising any resources and (ii) Lease/sub-let to the SEZ units, Co-developers or other industries for implementing the Project.
 - (b) From using the land for any purpose except the construction and for setting up port back up facilities in Hazira Tal.Choryasi Dist.,Surat from claming any right to or exercising any right over, any tress or any forest, produce.
 - (c) From keeping the occupancy of the land, six month after the receipt of the notice by him from the competent authority or the officer who is empowered by the competent authority to quite:



45

(d) From altering or causing, to be altered any marks put up by the Dy. Conservator of forest, to demarcate the land.

7. And the user agency further in addition to the condition herein after contained agree to the following condition that is to say;

(a) He shall not demand any compensation for any improvement which he may make on the land or for any crops or other produce, standing or growing on the land when he quite the land and he may, however, remove the materials of any building crected by him on the land and reap any crop or produce raised by him standing on the land.

(b) He shall be bound and shall abide by all decisions of in the Dy. Conservator of Forest, as to any question, which may arise out of or in connection with agreement or as to the interpretation thereof AND it is hereby futher agreed between the parties that in this agreement.

(c) The term Dy. Conservator of Forests " shall be deemed to mean the Dy. Conservator of forest Surat division Surat, or any forest officer authorized by him in writing to Act in the matter of the clause in which the said term is employed.

(d) The term "Government" shall be deemed to mean the president of India, his successors and assigns.

(e) The term "user Agency" shall include each and person signing this agreement.

8. If any question arises:

(a) Whether there has been a breach of any of the condition of this agreement

(b) As to the sums to be paid for such breach

(c) As to the person or persons. Liable for such question shall be referred to and be determined by the Dy. Conservator of Forests, Surat Division, Surat in accordance with the subject the provision of section 86(2) of the Indian Forest Act, 1927.



46

IN WITNESS WHEREOF, the user agency has hereinto set his hand by order of and for and on behalf of the president of India has hereinafter set his hand and seal, the day and the date first above written.

Possession Handed Over By

Possession Handed Over To

①
Range Forest Officer
Dumas

FOR HAZIRA CONTAINER FREIGHT STATION PVT. LTD.

[Signature]
DIRECTOR
Hazira Container Freight Station Pvt.Ltd.

[Signature]
In Presence of
Forest Surveyor
Surat Division

[Signature]
Dy. Conservator of Forest
Surat

20/2/015

Annex D

47

Date : 19/2/2015

POSSESSION CERTIFICATE

As per the Govt. of India Ministry of Environment & forest, New Delhi's letter No. 6-GJC 003/2014-BHO/124 Dt.30/01/2015 the Government have ordered to release the area 25.00 ha. S.No. 434/A/1 Pt, of Village Suvali - Hazira Talukà Choryasi District Surat for the Purpose of 25.00 ha. Port Back up Facilities According area of 25.00 ha. of Srv. No. 434/A/1 Pt From the Hazira forest of village Hazira Dist. - Surat is Handed Over on Dated 19/2/2015 To Hazira Container Freight Station Pvt. Ltd. Hazira for the purpose Laying (25.00 Ha.) Port Back up Facilities.

On behalf of Forest Department, the possession of said land is handed over by the Range forest officer Shree R.A. Bhatt where as the charge of land is taken over by Shree Sujay G. Shah the representative of to Hazira Container Freight Station Pvt. Ltd. Hazira.

Possession Handed Over By

Possession Handed Over To

Range Forest Officer
Dumas

FOR HAZIRA CONTAINER FREIGHT STATION PVT. LTD.

HAZIRA CONTAINER FREIGHT STATION PVT. LTD.
DIRECTOR

48

Annexure

SCHEDULE REFERRED TO IN THE ABOVE AGREEMENT

Name of Villages	Survey No.	Area (In Hact.)
Hazira	434/A/1 Pt	25.00
Total :-		25.00

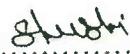
Description & Boundaries :-

1. South : U.F.S.No. 434/A/1 Pt.
2. North : R.S.No. 430.
3. East : U.F.S.No. 434/A/1 Pt.
4. West : U.F.S.No. 434/A/1 Pt.

Signed by : FOR HAZIRA CONTAINER FREIGHT STATION PVT. LTD.

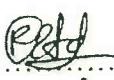

DIRECTOR

HAZIRA CONTAINER FREIGHT STATION PVT. LTD.
 HAZIRA

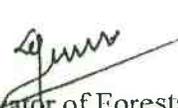
In the presence of : 1. 

Signed by :


 Range Forest Officer
 Dumas

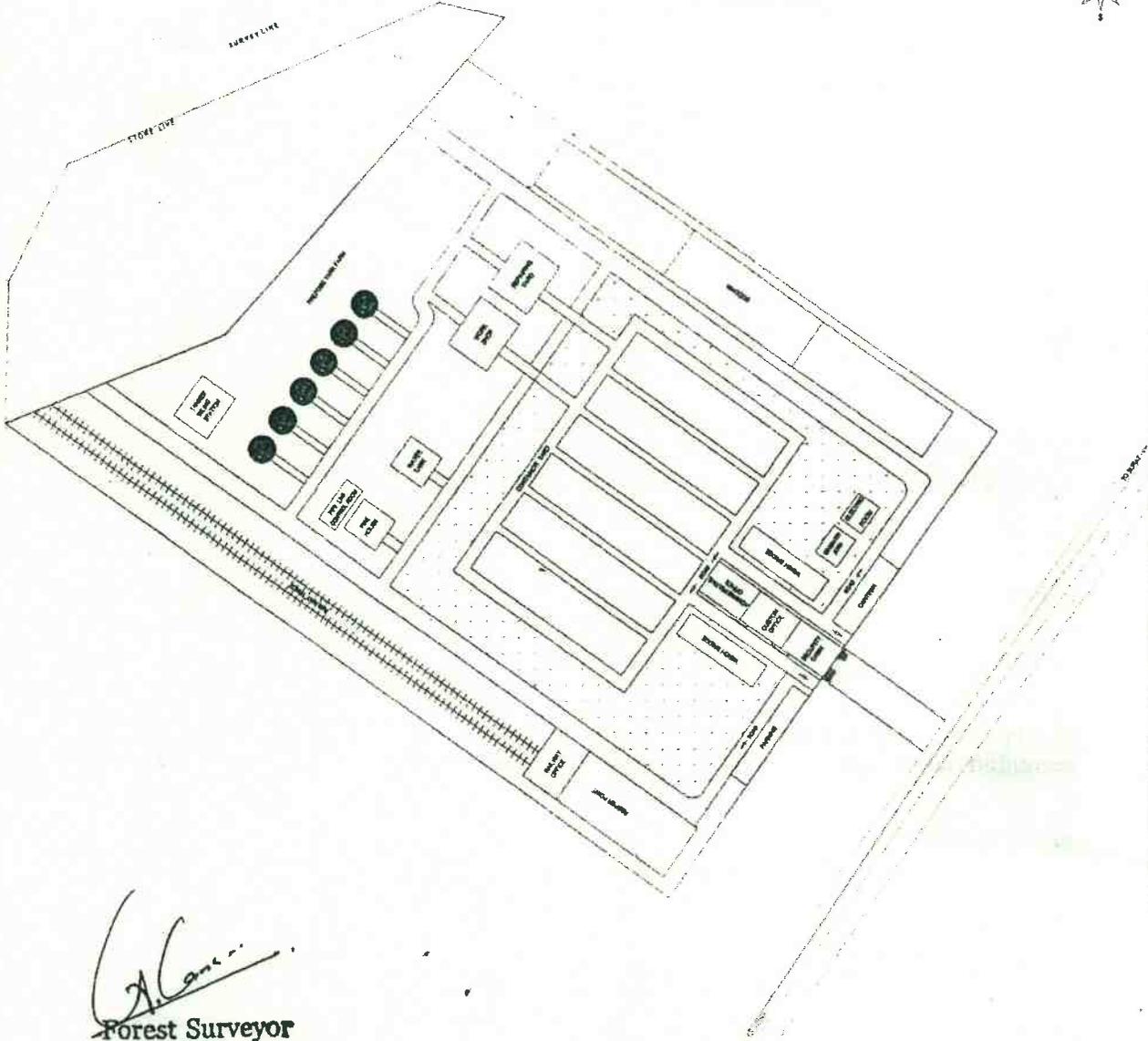
In the presence of : 1. 

(Seal of the Divisional Forest Officer)


 Dy. Conservator of Forests
 Surat

49

HAZIRA CONTAINER FREIGHT STATION PVT.LTD.
LAY OUT PLAN



[Signature]
Forest Surveyor
Surat Division

SCALE : NTS

FOR HAZIRA CONTAINER FREIGHT STATION PVT. LTD.
[Signature]
DIRECTOR

[Signature]
Dy. Conservator of Forests
Surat

ગામ નોંધનો નંબર ૬ હેઠળ ખાસ

Amex: E
50
No. 9 9615237
આર. વી. સી. (સુધારેલ)

જિલ્લો

તાલુકો

મોજ

3229629815

ક્રમ નં. : પિંખ : ફાઇલો નંબર	સુરત	નોંધની વિગતો :	ચોરાસી	ફેરફારનો સંબંધિત સરવે/બ્લોક નંબર અને પેટા વિસ્તારો તથા તેનો ખાતા નંબર	અનામિની નોંધપુસ્તક નોંધનો ક્રમાંક/તારીખ	કુદરતી વાસ્તવશી કરવાના અધિકારીનો નામ અને સહી/તારીખ તથા નામ/તેલ	
૨૫૯૨ 19/02/2016 ફેબ્રુઆરી	અરજદારશ્રી જી.જી.જી. સરકારે ફેરફાર સંબંધિત બી.પી.સી. વડી સંજ્ઞા ચોરાસીના શાસન પોષ્ટી જી.જી.જી. તા.ચોરાસી, જી.સુરતના બ્લોક નં.૪૩૪/૨૫૧/૨ વાળી જમીનની ૭/૧૨ ની સુધારી કરવા અરજ કરેલ જે કાગે મામલતદારશ્રી, ચોરાસી, સુરતનારે નં.૯૯ ધરા/પોષ્ટી જી.જી.જી. સરકારે નં.૪૩૪/૨૫૧/૨/સુધારા ફેબ્રુઆરી ૨૦૧૬/૧૬ વાળી ૨૧૫૨/૧૬ થી તા.૧૭/૨/૨૦૧૬ ના રોજ નીચે મુજબ ફેરફાર કરેલ છે. ફેબ્રુઆરી- પોષ્ટી જી.જી.જી. તા.ચોરાસીના સરકારે નં.૪૩૪/૨૫૧/૨ વાળી જમીનની ૭/૧૨ ના બીજા ભાગમાં બંધાયેલ કમ્પ્લેક્સ ફેરફાર સંબંધિત અને પોષ્ટી બેઠક અપ ફેસિલીટીના કાગે વાપરાશ ના બદલે પત્રોબાંધારી તા.૧૯/૧૨/૧૫ મુજબ જી.જી.જી. સરકારે ફેરફાર સંબંધિત બી.પી.સી. અને પોષ્ટી બેઠક અપ ફેસિલીટીના કાગે ૨૫ ફેબ્રુઆરી ૨૦૧૬ વાપરાશી ફેરફાર અર્થે ફેરફાર અર્થે છે. જેની અરજ અરજી મામલતદારશ્રી, ચોરાસી, સુરતના ફેબ્રુઆરી અને ૭/૧૨ આધારે નોંધ કરી						પુખાણિત પુ.મામલતદાર સહાય ચોરાસીના ફેબ્રુઆરી ખાતી કરી સુધારા ફેબ્રુઆરી ૧૯/૨/૧૫ મુજબ છે. પરંતુ પત્રોબાંધારી સહીમાં ૧૯/૨/૧૫ છે. તે મુજબ સુધારી કરવા બીજા ભાગમાં ફેરફાર મુજબ ૨૫ ફેબ્રુઆરી ૨૦૧૬ નામ પદા ઉદ્દેશ્ય કરવા પુખાણિત (૨૧જા પહેલ) સ.ચી.જી.જી. તા.૧૯/૪/૧૬

૫૧૧ ૫૩૯૯
પુખાણિત
પુ.મામલતદાર
જી.જી.જી. ચોરાસી.

Amex: E

19/02/2016 07:05 માં નોંધાયેલ
રેપ્રોડ્યુક્શન કોપી અર્થે ૩.૬૫-૩૬૫૫૫૫ નોંધાયેલ છે. આધાર નં. ૫૧૧ તા. 22/04/2016 13:19:29
સીકન્ડ : સીકન્ડ સુધારા-વિસ્તાર કોપી, ગુજરાત રાજ્ય નંબર આધારે કરેલી : મામલતદાર કરેલી, ચોરાસી

મામલતદાર કરેલી, ગુજરાત રાજ્ય

50/A

Village Sample No. 6 - Title deed

No. 9615237

Dist.:

Tal.:

Mouje:

Note no. Date Type of alteration	Details of note	Survey/Block no. related to alteration and Sub share and its account no.	Number of previously denied note / date	signatures of the investigating officer and signature / date and name / designation
2592 19.02.2016 By Order	Sanjay Gaurishankar Shah on behalf of applicant Hajira Container Freight Station Pvt. Ltd. has apply for the amendment in the 7/12 document of land bearing block no. 434/a1/2 situated at Hajira, Tal. Choryashi, Dist. Surat. And Mamlatdar, Choryashi, Surat has ordered as below on 17.2.2016 by amended order regi. no. 97/16/vashi.2152/16 in no. E-dhara/mouje/Hajira/survey no.434/a1/2.	434/a1/2(521)		Certified ----- Confirmed by Order of Mamlatdar, Choryashi. Amendment order as per date 19.12.15. But possession certificate is of 19.02.15. Amend

50/B

<p>Order: It is ordered to write usage right on 25 hec. land to Hajira container Freight Station Pvt. Ltd. and port back up facility as per possession certificate dated 19.12.15 instead of use of Hajira container Freight Station Pvt. Ltd. and port back up facility in Village 7/12 document of the land survey no. 434/a1/2 situated at Hajira, Tal. Choryasi. Noted as per the application received and order of Mamlatdar, choryasi, surat and 7/12 document.</p>		<p>accordingly. Describe the 25 hec. land as per order of second order. Certified. (Rajesh Patel) S.O.Hajira Dt. 12.4.16</p>
---	--	--

Status as per 14/4/16 at 01:05 am

true copy

Sd/-

Deputy mamlatdar, E-dhara, Choryasi

Courtesy: National Information - Science Center, Gujarat state

Copy issuance office: Mamlatdar office, Choryasi

51

(G. P. N.)-V-2073-10,00,000-02-2015 A4 Blue I.
G.R., R.D., No. R.A.M. 102006-1223-L.1 dated : 3-8-2006.

આર. વી. રજા. (સુધારેલ)

ગામ નમુનો નંબર ૭ અને ૧૨

No. K 5554307

બ્લોક/સરવે નંબર ૪૩૪/અ/૨

1225554257

પાનું : 1 of 1

સત્તાપ્રકાર સરકારી પડતર

મોજે હજીરા

ખેતરનું નામ :

તાલુકો ચોરાસી

અન્ય વિગતો નવો.સ.નં.૨૫૫/અ/૧/બ, અનામત જંગલ

જિલ્લો મુરત

લાયક જમીન	ક્ષેત્રફળ હે.આરે.ચો.મી.	ખાતા નંબર ક્ષેત્રફળ આકાર હે.આરે.ચો.મી.	નોંધ નંબરો અને કબજેદારોના નામ
જરાયત	૪૭-૭૫-૩૨		૨૬૮,૩૧૬,૪૦૯,૯૬૫,૨૨૬૦,૨૪૩૫,૨૫૭૯,૨૫૮૪, ૨૫૮૫,૨૫૮૬,૨૫૮૭,૨૫૮૯,૨૫૯૨,
કુલ ક્ષેત્રફળ	૪૭-૭૫-૩૨		
આકાર રૂ.	૦.૦૦	૫૨૧ ૪૭-૭૫-૩૨ ૦.૦૦	નામદાર સરકાર(૨૨૬૦)
જુડી તથા વિશેષધારો રૂ.	૦.૦૦		
પાણીભાગ રૂ.	૦.૦૦		

પણોતિયાની વિગતો

બીજા હકો અને બીજાની વિગતો

૬૦૩,૧૯૭૫,૨૧૯૬,૨૨૬૦,

અનામત જંગલ તરીકે જાહેર કરેલ છે.<૨૨૬૦>

મે.કલેક્ટરશ્રી મુરતનાં હુકમનં.આરટીએસ/સ્ક્રીમોટો/રીવીઝન/કેસ નં.૪/૨૦૦૯ તા.૨૬/૦૩/૨૦૧૦ ના
હુકમ થી ગા.નં.૬ મા પડેલ ફેરફાર નોંધ નં.૨૨૬૦ ૨૬ કરતો તેમજ<૨૪૩૫>
સુધારાનું દુરસ્તી પત્રક મોકલવા ડી.આઇ.એલ.આર ને જાણ કરતો હુકમ<૨૪૩૫>

મે.સચિવશ્રી મહેસુલ વિભાગ (વિવાદ) અમદાવાદના હુ.નં.મવિવિ/જમન/સત/૩૯/૨૦૧૦
તા.૧૬/૧૨/૨૦૧૫ થી આપવામાં આવેલ હુકમની નોંધ કરી.<૨૫૮૪>

મે.સચિવશ્રી મહેસુલ વિભાગ (વિવાદ) અમદાવાદના હુ.નં. મવિવિ/જમન/સત/૪૦/૨૦૧૦
તા.૧૬/૧૨/૨૦૧૫ મુજબ આપવામાં આવેલ હુકમની નોંધ કરી.<૨૫૮૫>

મે.સચિવશ્રી મહેસુલ વિભાગ (વિવાદ) અમદાવાદના હુ.નં. મવિવિ/જમન/સત/૪૨/૨૦૧૦
તા.૧૬/૧૨/૨૦૧૫ થી આપવામાં આવેલ હુકમની નોંધ કરી.<૨૫૮૬>

મે.સચિવશ્રી મહેસુલ વિભાગ (વિવાદ) અમદાવાદના હુ.નં. મવિવિ/જમન/સત/૪૧/૨૦૧૦
તા.૧૬/૧૨/૨૦૧૫ થી આપવામાં આવેલ હુકમની નોંધ કરી.<૨૫૮૭>

સચિવશ્રી મહે. વિભાગ(વિવાદ) અમદાવાદના એ હુ.નં.મવિવિ/જમન/સત/૧ થી ૩૮/૨૦૧૦ લીક નં.
મવિવિ/જમન/સત/૪૩/૨૦૧૦ તા.૩૦/૧૦/૨૦૧૫ મુજબ<૨૫૮૯>

નામદાર ગુજરાત હાઈકોર્ટમાં સ્પે.સી.એ.નં. ૨૭૦૨/૧૨ બાબતે જે કંઈ નિર્ણય થાય તે તમામ પક્ષકારોને
બંધનકર્તા રહેશે<૨૫૮૯>

પરજેશનસર્ટી તા.૧૯/૨/૧૫ મુજબ હજીરા કન્ટેઈનર ફેઈટ સ્ટેશન પ્રાઈવેટ લીમિટેડ અને પોર્ટ બેક અપ
ફેસીલીટીના કામે ૨૫ હેક્ટર વપરાશી હક્ક<૨૫૯૨>

ખરી નકલ


નાયબ મામલતદાર
ઈ-ધરા, ચોરાસી.

51/A

Village Sample Form No. 7 and 12

No. K 5554307

Block/Survey No.: 434/a1/2

Mouje: Hajira

Type of Authority: Government costs

Taluka: Choryasi

Name of Farm:

District: Surat

Other Details: New survey no. 255/a/1/b, reserve forest

Suitable Land Hec.RA.Sq.mtr	Area	Account no./Area/Assessment Occupant	Note no. and name of
Jarayati	47-75-32		268,316,409,965,2260,2435,
-----	-----		2579,2584,2585,2586,2587,
Total Area	47-75-32		2589,2592,
Assessment	0		
Judi and special act	0	521 / 47-75-32 / 00.00	Government
Water part	0.00		
Details of tenant			
Other Rights and Details of the incumbrance			
603,1975,2196,2260,			

Declared as Reserve forest. <2260>			
Order to inform DILR to send the amendment letter and cancel the			
note no. 2260 registered in village form no. 6 as per order no.			
RTS/Suimoto/revision/caseno.4/2009 passed by Collector , Surat on			

51/B

dated 26.03.2010

Note the order no. MVV/JAMAN/SAT/39/2010 dated 16.12.2015 passed by secretary, revenue dept. (dispute), Ahmedabad

Note the order no. MVV/JAMAN/SAT/40/2010 dated 16.12.2015 passed by secretary, revenue dept. (dispute), Ahmedabad

Note the order no. MVV/JAMAN/SAT/42/2010 dated 16.12.2015 passed by secretary, revenue dept. (dispute), Ahmedabad

Note the order no. MVV/JAMAN/SAT/41/2010 dated 16.12.2015 passed by secretary, revenue dept. (dispute), Ahmedabad

As per the order no. MVV/JAMAN/SAT/1to38/2010 Link no. MVV/JAMAN/SAT/43/2010 dated 30.10.2015 passed by secretary, revenue dept. (dispute), Ahmedabad

Order passed in Hon'ble Gujarat High Court Spc.C.A. no. 2702/12 will be bound to all the parties.

Usage right to Hajira container Freight Station Pvt. Ltd. and port back up facility on 25 hec. land as per possession certificate dated 19.2.15.

Ammer. F

52

Hazira Container Freight Station Pvt. Ltd.

Ref No. :

Date : - -20

No: HCFS/CFS/Hazira/CRZ/2016-17/

Dated: 11.05.2016

To:

The Director,
Institute of Remote Sensing,
Anna University,
CHENNAI-600025

Sub: Mapping of our site at Hazira, Distt. Surat(Gujarat) for CRZ regulations-Regarding

Sir,

Ours is a private limited company, engaged in developing logistic facilities in and around Surat. We have submitted an application to the Inter Ministerial Committee on 02.04.2015 for setting up of a **Container Freight Station (CFS)** at Hazira(Distt Surat) just 4 Kms from Adani Hazira Port a private port which is growing very fast. The IMC has also granted its approval for setting up CFS on 14.09.2015.

There is a issue cropped up regarding CRZ regulation with reference to our site. We need to get the mapping done urgently because our project is held up for want of mapping by a authorized Institute/agency.

We will pay all your fees/expenses for the above purpose. A copy of Lat Long diagram and google earth map of the site is also enclosed for your ready reference.

Thanking you in anticipation,

Encl: As above

Copy to: Dr.R.Vidhya, Professor, IRS.

Yours faithfully,

o/c


(S D Sharma) 11/05/2016

Chief Executive Officer

Annex: C7

53



Institute of Remote Sensing
(Tamil Nadu State Remote Sensing Applications Centre)
Anna University
Chennai - 600 025, India

Prof.S.S.Ramakrishnan, B.E(Hons), M.Tech., Ph.D.,
Director

Ref: IRS/AU/RV/CRZ/2016

11.05.16

To

M/s. Hazira Container Freight (CFS) Pvt Ltd
Surat District, Gujarat

Sir,

Sub: IRS- GPS survey for superimposition of Captioned project area of plot bearing survey no 434/A/1 (pt) situated in Hazira port, Surat on 1: 4,000 scale- Estimate of the consultancy work- reg.

Ref: Your Letter communication dt. 10.05.16

With reference to the above, you have requested us to carry out GPS survey for superimposition of Captioned project area of plot bearing survey no 434/A/1 (pt) situated in Hazira port, Surat on 1: 4,000 scale and preparing HTL/CRZ map of the said project site. The cost for the said work is proposed as below. This includes contingency charges *but excludes* the logistics like travel, accommodation, hospitality, etc.

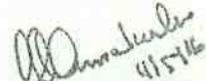
1. GPS survey for superimposition of Captioned project area of plot bearing survey no 434/A/1 (pt) situated in Hazira port, Surat on 1: 4,000 scale	Rs. 5,00,000/-
2. Service Tax @ 14.5%	Rs. 72,500/-
Total	Rs. 5,72,500/-

The payment for total amount of Rs. 5,72,500/- (Rupees Five lakhs seventy two thousand and five hundred only) may be made as Demand Draft payable at Chennai, In favour of **The Director, CTD, Anna University, Chennai**. No TDS need to be deducted from the above amount as Universities are exempted from TDS deductions as per Income Tax Department Circular No.4/2002(F.No.153/127/2002-TPL) of 16th July 2002. The DD may be sent to the Director, IRS, Anna University. . Alternately, for wire transfer of the fee, the details are **Firm name: The Director, CTD; State Bank of India, Anna University branch, A/c. No. 30061247489; IFS code: SBIN0006463**. The transaction details may be sent to the Director, Institute of Remote Sensing.

The mapping work will be completed within 20 days from the date of receipt of Payment at our office.

Copy to: Dr.R.Vidhya, Professor, IRS

Yours sincerely,


Director, IRS

Office: 91-44-2235 8151, 2235 8152, Fax: 91-44-2235 2166, Mobile: 9444444221
Email: dirirs@annauniv.edu, ssramki@annauniv.edu, drssramakrishnan@yahoo.com

Annex : I



55

ગુજરાત સરકાર

3

વન અને પર્યાવરણ વિભાગ

બ્લોક નં. ૧૪ નો ૮ મો માળ, ન્યુ સર્વિસલય, ગાંધીનગર, ગુજરાત-૩૮૨૦૧૦, ટે.કો. : ૦૭૯-૨૩૨૫૧૦૩૧, ફેક્સ નં. ૦૭૯-૨૩૨૫૨૧૫૬

No. એફસીએ-૧૦૧૫-એમએલએ-૦૫-એફ

તા. 10/6/2016.

22 JUN 2016

પ્રતિ,

હજીરા કન્ટેનર ફેઈટ સ્ટેશન પ્રા. લી.

૭/૩૩-૩૪, શારદા સદન બોલ્ડીંગ,

અલંકાન સિનેમા નજીક,

સ્ટેશન રોડ, સુરત-૩૯૫૦૦૩.

વિષય : હજીરા સીએફએસ પ્રા. લી., સુરત દ્વારા પોર્ટ બેકઅપ ઈન્ફાસ્ટ્રક્ચર ફીસીલીટી લોજેસ્ટીક, ગોડાઉન, ટેન્ક ફાર્મ તેમજ કસ્ટમ કલીયરન્સના કામે મોજે. હજીરાના સ.નં. ૪૩૪ પૈકી રપ.૦૦ હેક. અનક્લાસ ફોરેસ્ટને ગેરકાયદેસર ફાળવવા બાબત.

શ્રીમાન,

ઉપરોક્ત વિષય પરત્વે જણાવવાનું કે, હજીરા સીએફએસ પ્રા.લી. સુરત દ્વારા પોર્ટ બેકઅપ ઈન્ફાસ્ટ્રક્ચર ફીસીલીટી લોજેસ્ટીક, ગોડાઉન, ટેન્ક ફાર્મ તેમજ કસ્ટમ કલીયરન્સના કામે મોજે. હજીરાના સ.નં. ૪૩૪ પૈકી રપ.૦૦ હેક. સી.આર.ઝેડ કલીયરન્સ અંગે ભારત સરકારશ્રી દ્વારા અધિકૃત કરેલ ૮ એજન્સી (જેનું લિસ્ટ આ સાથે સામેલ છે) પૈકી કોઈપણ એક એજન્સી મારફત CRZ નક્શો તૈયાર કરી આ વિભાગની ટેકનલીકલ શાખા મારફતે આપે માંગણી કરેલ વિસ્તાર CRZ હેઠળ આવે છે કે કેમ તે અંગેના સ્પષ્ટ અભિપ્રાય સાથેનો જવાબ મોકલી આપવા માટેની કાર્યવાહી કરવા વિનંતી છે.

આપનો વિશ્વાસુ,

(જી. એમ. હક્કર)

સેક્શન અધિકારી

વન અને પર્યાવરણ વિભાગ

નકલ રવાના : અધિક અગ્ર મુખ્ય વન સંરક્ષકશ્રી(જમીન), ગુજરાત રાજ્ય, ગાંધીનગર તરફ જાણ તથા જરૂરી કાર્યવાહી સારું.

55/A

Gujarat Government**Forest and Environment Department**

Block no. 14, 8th floor, New Sachivalaya,
Gandhinagar, Gujarat-382010, Tele No. 079-
23251071, Fax no. 079-23252156

No. FCA-1015-MLA-05-F

Dt. 22 Jun 2016

To,

Hajira Container Freight Station Pvt. Ltd.

7/33-34, Sharda Sadan Building,

Near ALalnkan cinema,

Station road, Surat-395003.

Subject: Regarding illegal allotment of S.No. 434 paiki 25.00 hec., anclass forest at Mouje Hajira to Port backup Infrastructure Facility logistic, Gowdown, Tank forum and Customs clearance by Hajira CFS Pvt. Ltd.

Sir,

With regards to the above noted subject, it is inform you that, it is request to do the process of sending answer with clear opinion about whether the area requested by you through the technical branch of this department comes under CRZ or not after preparing the CRZ map

55/B

from any agency among the 8 agencies (list is attached herewith) authorized by the Indian Government regarding CRZ clearance of S.No. 434 paiki 25.00 hec. at Mouje Hajira given to Port backup Infrastructure Facility logistic, Gowdown, Tank forum and Customs clearance by Hajira CFS Pvt. Ltd.

Your faithfully

Sd/-

(J M Thakkar)

Section Officer

Forest and Env't. Dept.

Copy sent to: Additional frontend chief forest conservator (Land), Gujarat state, Gandhinagar for information and do necessary process.

56

List of the Agencies Authorized by the MoEF, GOI, for the purpose of demarcation of the High Tide Line and Low Tide Line:

1. Space Application Centre, Ahmedabad.
2. Centre for Earth Sciences Studies, Tiruvananthapuram.
3. Institute of Remote Sensing, Anna University, Chennai.
4. Institute of Wetland Management and Ecological Designs, Kolkatta.
5. Naval Hydrographer's office, Dehradun.
6. National Institute of Oceanography, Goa.
7. National Institute of Ocean Technology, Chennai.
8. National Centre for Sustainable Coastal Management, Chennai

57



Annex J

GUJARAT POLLUTION CONTROL BOARD
SURAT REGIONAL OFFICE
338, Belgium Square, Typical First Floor,
Opp. Linear Bus stand, Ring Road, Surat
Phone: (0261) 2442696

નં.ગુપ્રનિબોર્ડ/પ્રા.ક.સુરત/ટી-૨૮૧/૨૩૪ /૧૭

તા. ૨૦-૦૩-૨૦૧૭

B Y R P A D

પ્રતિ,

હઝીરા ફેઇટ કન્ટેનર સ્ટેશન પ્રા. લી.

સર્વે નં. - ૪૩૪ પૈકી,

હજીરા, તા. ચોર્યાસી, જી. સુરત.

વિષય : સર્વે નં. - ૪૩૪ પૈકી, સી.આર.ઝેડ. વિસ્તારમાં બનાવવામાં આવી રહેલ કન્ટેનર સ્ટેશન બાબત.

સંદર્ભ : ૧૫૫-ઓલપાડ વિધાનસભા, ધારાસભ્ય, માન. શ્રી મુકેશ ઝેડ. પટેલ ના પત્ર અન્વયે તા. ૦૯-૦૩-૨૦૧૭ ના રોજ જીલ્લા કોસ્ટલ રેગ્યુલેશન ઝોન સમિતિ માં થયેલ ચર્ચા.

શ્રીમાન,

ઉપરોક્ત વિષય અને સંદર્ભ અન્વયે જણાવવાનું કે ૧૫૫-ઓલપાડ વિધાનસભા, ધારાસભ્ય, માન. શ્રી મુકેશ ઝેડ. પટેલ ના પત્ર અન્વયે તા. ૦૯-૦૩-૨૦૧૭ ના રોજ જીલ્લા કોસ્ટલ રેગ્યુલેશન ઝોન સમિતિ માં થયેલ ચર્ચા અને લીધેલ નિર્ણય મુજબ આપના દ્વારા સર્વે નં. - ૪૩૪ પૈકી, સી.આર.ઝેડ. વિસ્તારમાં આવે છે કે કેમ તે બાબતે ભારત સરકારના પર્યાવરણ, વન અને કલ્યામેટ યેન્જ મંત્રાલય દ્વારા નક્કી કરેલ એજન્સી દ્વારા નકશો બનાવવો જેથી બનાવવામાં આવી રહેલ કન્ટેનર સ્ટેશનનો કેટલો વિસ્તાર સી.આર. ઝેડ. વિસ્તારમાં આવે છે કે કેમ તે જાણી સકાય. સી.આર. ઝેડ. વિસ્તારમાં કોઇ પણ કાર્યવાહી કરતા પહેલાં CRZ Notification 2011 અંતર્ગત મંજૂરી મેળવવાની થાય. સદર કાર્યવાહી માટે આપના વિભાગ દ્વારા CRZ Notification 2011 અંતર્ગત કોઇ મંજૂરી મેળવવા કાર્યવાહી કરેલ હોય તો તે અંગે અત્રેની કચેરીની જાણ કરવા વિનંતી અન્યથા સક્ષમ કક્ષાએ CRZ Notification 2011 અંતર્ગત મંજૂરી મેળવવાની કાર્યવાહી સત્વરે હાથ ધરવી અને જરૂરી મંજૂરી મેળવ્યા પહેલાં સી.આર. ઝેડ. વિસ્તારમાં કોઇપણ જાતની પ્રવૃત્તિ કરવી નહી તે ધ્યાને લેવા વિનંતી.

(બી. વા. રાહોડ)

પ્રાદેશિક અધિકારી અને સભ્યસચિવ શ્રી
જીલ્લા કોસ્ટલ રેગ્યુલેશન ઝોન સમિતિ

નકલ રવાના:

- 1) ડાયરેક્ટર શ્રી, વન અને પર્યાવરણ વિભાગ, બ્લોક નં. ૧૪, ૮ મો માળ, નવા સચિવાલય, ગાંધીનગર.
..... જાણ અર્થે.
- 2) સભ્ય સચિવશ્રી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ, પર્યાવરણ ભવન સેક્ટર-૧૦-એ, ગાંધીનગર..... જાણ અર્થે.

57/A

GUJARAT POLLUTION CONTROL BOARD

SURAT REGIONAL OFFICE

338, Belgium Square, Typical First Floor,

Opp. Linear Bus Stand, Ring Road, Surat

Phone: (0261) 2442696

No. GPCB/PKSurat/T-281/234/17 Dt.20.03.2017

By R.P.A.D.

To,

Hazira Freight Container Station Pvt. Ltd.

Survey no. 434-paiki,

Hajira, Tal. Choryashi, Dist. Surat

Subject: Regarding constructing Container station in C.R.Z. area at Survey no. 434 paiki.

Reference: letter of 155-Olpad Legislative Assembly, MLA, Mr. Mukesh Z. Patel regarding discussion in the District Coastal Regulation Zone Committee on dated 9.3.2017.

Sir,

It is inform you by above subject and reference that, as per the discussion and decision taken at the District Coastal Regulation Zone Committee on dated 9.3.2017 and letter of 155-Olpad Legislative Assembly, MLA, Mr. Mukesh Z. Patel, you need to make a map by

57/B

the agency appointed by the Ministry of Environment, Forests and Climate Change, Government of India as to whether Survey No. 434 falls within the CRZ area or not and to know how much area of the container station being constructed by you falls in the CRZ area. Before taking any action in CRZ area, approval has to be obtained under CRZ Notification 2011. If any action has been taken by your department to get any approval under CRZ Notification 2011, kindly report it to the office here or to do the process of obtaining approval under competent CRZ Notification 2011. And kindly not that do not initiate any activity in the CRZ area before obtaining the necessary approvals.

Sd/-

(B Y Rathod)

Regional Officer and Member Secretary
District Coastal Regulation Zone Committee

Copy sent to:

1. Director, Forest and Environment Dept.,
Block no. 14, 8th floor, new sachivalaya,
Gandhinagar . . .For information
2. Member secretary, Gujarat pollution control
board, environment bhawan sector - 10-A,
Gandhiangar . . .For information.

58

Annex - K

Hazira Container Freight Station Pvt. Ltd.

Form No.

Date : -20

તા 01/04/2017

પત્રિ.

પ્રાદેશિક અધિકારી અને સભ્યસચિવશ્રી.

જિલ્લા કોસ્ટલ રેગ્યુલેશન ઝોન સમિતિ.

સુરત વિભાગ.

સુરત.

વિષય: સર્વે નં. 434 પૈકી સી આર.ઝેડ. વિસ્તારમાં બનાવવામાં આવી રહેલ કન્ટેઇનર સ્ટેશન બાબત.
સંદર્ભ: આપના કચેરી નો પત્ર ક્રમાંક નં. ગુ.પ્રનીબોર્ડ - પ્રા. ક. સુરત ટી -281 - 234/17, તા. 20
03/2017 નો પત્ર.

મહેરબાન સાહેબ.

આપના તરફથી ઉપરોક્ત પત્ર ના અનુસંધાને અમો નીચે મુજબ રજૂઆત કરીએ છીએ.

1. ભારત સરકાર ના જંગલ સુરક્ષા દ્વારા 1980 અન્વયે માર્ગદર્શન અને નીતિ નિયમ મુજબ અમો એ ઓલોગીક હેતુસર જમીન કાળવી આપવા દરખાસ્ત કરેલ. જે દરખાસ્ત સમગ્ર અધિકારી ની ચકાસણી અને ગુજરાત સરકાર ના વન અને પર્યાવરણ વિભાગે ભારત સરકાર ને દરખાસ્ત ને મંજૂરી આપવા ભલામણ કરેલ તે અનુસંધાને ભારત સરકારે જરૂરી હુકમો અને જાહેરનામ થકી. કન્ટેઇનર ફેઇટ સ્ટેશન નું નિર્માણ કાર્ય કરવા હેતુ સમબ કાળવણી કરેલ છે. ભારત સરકારના વન અને પર્યાવરણ વિભાગનો પત્ર ક્રમાંક નં. 6-1012/001-1010/12 તા. 30/01/2015 અને ગુજરાત સરકાર ના વન અને પર્યાવરણ વિભાગના પત્ર ક્રમાંક નં. 10 A-1012/10-10/12 S.F-1041 તા. 07/02/2015 નો હુકમ. જેની નોંધ લેશો.

આપશ્રી ના તરફથી ઉપરોક્ત સંધર્ભ પત્ર માં 434 પૈકી વિસ્તાર સી આર.ઝેડ માં આવે છેકે કેમ તેની નોંધ લેવાના સૂચનો કરેલ છે. આપશ્રી ને અમો જણાવવા માંગીએ છીએ કે અમારા કંપની તરફથી ભારત સરકારના પર્યાવરણ, વન અને કલ્યામેન્ટ એન્ડ મંત્રાલય દ્વારા માન્ય એજન્સી ને સી.આર.ઝેડ. નોટિફિકેશન 2011 અંતર્ગત મંજૂરી માટે દરખાસ્ત આપી દીધેલ છે. જેની આપ શ્રી નોંધ લેશોજી. આ એજન્સી દ્વારા અમોને રિપોર્ટ મજતાજ તાત્કાલિક ધોરણે આપશ્રી સમક્ષ રિપોર્ટ ની રજૂઆત કરીશું.

Recd
G.P.
R/11/17

G. P. C. Board	
RECEIVED COPY	
Sign: _____	Date: 3/4/17
Station Road, Surat - 395 003.	

Cont.... 2

7/33-34, Sharda Sadan Building, Near Alankar Cinema
Ph.: 0261-2419300, Fax No.: 0261-2412244, E-mail : hazira_freight@yahoo.com
CIN No.: U63023GJ2011PTC064954 Service Tax No. AACCH6389JSD001

59

Hazira Container Freight Station Pvt. Ltd.

Date : - -20

(2)

૩. વધુમાં આપશ્રીને અમો જણાવવા માંગીએ છીએકે અમો હાલમાં ફક્ત બાઉન્ડરી બનાવવાનુંજ કાર્ય હાથ ધારેલ છે. એ સિવાય કોઈ પણ પ્રકારની કોમર્શિયલ પ્રવૃત્તી હાથ ધરેલ નથી જેથી CRZ Notification 2011 અંતર્ગત કોઈપણ પ્રકારના નિયમ નો ભંગ થતો નથી જેની આપશ્રી ને નોંધ લેવા વિનંતી છે.

આભાર સહ.

આપનો વિશ્વાસુ.

હજીરા કન્ટેઇનર ફ્રેઇટ સ્ટેશન પ્રા.લી. વતી.

જગદીપ

સજય જી શાહ

, ચેરમેન।

કોર્પો ૩ : પ્રાદેશીક અધિકારી,
જી.પી.વી.વી, સુરત.

59/A

Hazira Container Freight Station Pvt. Ltd.

Ref.No.

Date: - -20

Date: 01.04.2017

To,

Regional Officer and Member Secretary

District Coastal Regulation Zone Committee

Surat Block, Surat

Subject: Regarding constructing Container station in C.R.Z. area at Survey no. 434 paiki.

Reference: Letter dated 20.03.2017 of you office with letter no. No. GPCB/PKSurat/T-281/234/17.

Sir,

We represent the follow in pursuance of your above letter.

1. We have proposed to allot land for industrial purposes as per the guidelines and policy rules under 1980 by the Forest Protection of the Government of India. The proposal has been scrutinized by the all officers and the Department of Forest and

59/B

Environment of the Government of Gujarat and has recommended to Government of India to approve the proposal. In pursuant to that the Government of India has allotted it through the necessary orders and declarations for the purpose of constructing a container freight station. Kindly take note of the order of the letter no. 6-GJC-003-201-BH012 dated 30.01.2015 by Forest and Environment Dept, Government of India and letter no. ICA-1012 10-10 12/S.E.-104F dated 07.02.2015 by Forest and Environment Dept, Gujarat Government.

2. In the above reference letter from you, it is suggested to take note that whether the area of 434 paiki falls under CRZ or not. We would like to inform you that our company has submitted a proposal for approval under CRZ Notification 2011 to an agency approved by the Ministry of Environment, Forests and Climate Change, Government of India. Kindly take a note of the same and as soon as we receive the report from this agency, we will submit the report to you on an immediate basis.

59/c

3. In addition, we would like to inform you that we are currently in the process of creating boundaries only, apart from that no commercial activity of any kind has been undertaken. Kindly take a note that there is no violation of any kind of rule under CRZ Notification 2011.

Thanking You.

Yours faithfully

Hazira Container Freight Station Pvt. Ltd.

Sd/-

Sanjay G Shah

(Chairman)

Copy to: Regional Officer, G.P.C.B. Surat.

Annex : L

60

REPORT ON

DEMARCATIION OF HIGH TIDE LINE / LOW
TIDE LINE AND CRZ AREA AT 1:4000 SCALE
FOR THE PROPOSED PROJECT TO SETTING UP
PORT BACK UP FACILITIES IN VILLAGE HAZIRA
(SUVALD), CHORYASI TALUKA, SURAT DIST.,
GUJARAT.

FOR

M/S. HAZIRA CONTAINER FREIGHT STATION PVT. LTD.,
7/33-34, SHARADA SADAN BUILDING,
NEAR ALANKAR CINEMA,
STATION ROAD, SURAT - 395 003.



INSTITUTE OF REMOTE SENSING
ANNA UNIVERSITY, CHENNAI-25

July 2018

61

AU/IRS/RV/185-2016 DT.28.07.2016

ABSTRACT

Based on the request of M/s HAZIRA Container Freight Station Pvt. Ltd, Surat, "Demarcation of High Tide Line / Low Tide Line and CRZ area at 1:4000 scale for the Proposed Project to Setting Up Port Back Up Facilities in Village Hazira (Suvali), Choryasi Taluka, Surat Dist., Gujarat", was taken up by Institute of Remote Sensing. Tide data collected from the various organizations were analyzed. The mean high tide line was delineated by the conjunctive use of modern mapping equipments like GPS capable of getting the accurate geographical locations, remote sensing images indicating the physical and associated tonal information on the tidal influence along the coast and bay, field equipments like salt meters to assess the pH value as indicator of tidal influence and the closer field inspection. The demarcation of High Tide Line and Low Tide line was carried out using differential GPS. The High Tide Line and Low Tide line has also been marked on the cadastral map of 1:4,000 scale for reference.



DEMARCATIION OF HIGH TIDE LINE / LOW
TIDE LINE AND CRZ AREA AT 1:4000 SCALE
FOR THE PROPOSED PROJECT TO SETTING UP
PORT BACK UP FACILITIES IN VILLAGE HAZIRA
(SUVALI), CHORYASI TALUKA, SURAT DIST.,
GUJARAT

1.0 INTRODUCTION

Anthropological pressures and natural calamities put pressure on the existing ecosystem. Growing industrial areas along the coastlines and discharge of domestic and industrial sewage are polluting these areas. Conservation efforts are being considered and taken up by various control mechanism. Coastal zone regulation act is one such mechanism where legislation to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone is being attempted. The coastal eco systems are to be preserved for sustenance of the flora and fauna specific to that region and the local population that depend on it. Therefore, it is of national importance and economic value. The development of a nation and the sustenance of the eco system are to be balanced for general prosperity by appropriate scrutiny of the prevailing eco system and proposed development plans.

1.1 Coastal regulation zone

The Ministry of Environment and Forestry has notified the regulation rules along the nation's coastline and the gist is presented below.

CRZ shall apply to the land from the high tide line up to 500m in the land -ward side along the sea front and CRZ shall apply to the land area between HTL to 100 mts or width of the bay whichever is less on the landward side along the tidal influenced water bodies that are

connected to the sea and the distance up to which development along such tidal influenced water bodies is to be regulated shall be governed by the distance up to which the tidal effects are experienced and area between the low tide line and high tide line. In the case of rivers, bays and backwaters, the distance from the high tide level shall apply to both sides and this distance shall not be less than 100 meters or the width of the bay, river or backwater whichever is less. (Ministry of Environment and Forests Notification, Feb 1994 & MoEF revised CRZ notification dated 06.01.11). There are four type of category in coastal regulation zone.

i. Category - I (CRZ I)

Areas that is ecologically sensitive and important such as national parks, marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty. historically important and heritage areas, area rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as notified by government from time to time .

ii. Category - II (CRZ II)

Area that have already been developed up to or close to the shoreline. For this purpose, developed area is referred to as area within the municipal limits or other legally designated urban areas which is already substantially build up and which has been provided with drainage and approach roads and other infrastructure facilities such as water supply and sewerage lines.

64

AU/IRS/RV/185-2016 DT.28.07.2016

iii. Category - III (CRZ III)

Area that are relatively undisturbed and those which do not belong to either I or II. These will include coastal zone in the rural areas developed or undeveloped and also areas within municipal limits or in other legally designated urban areas which are not substantially built up.

iv. Category - IV (CRZ IV)

The CRZ IV consists of the water area from the Low Tide Line to twelve nautical miles on the seaward side and the water area of the tidal influenced water body from the mouth of the water body at the sea up to the influence of tide which is measured as five parts per thousand during the driest season of the year.

V. others

Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities namely CRZ area falling within municipal limits of Surat, the CRZ areas of Kerala including the backwaters and backwater islands and CRZ areas of Goa.

1.2 Definitions

The accepted definitions of the terminology used in the context of coastal zone regulation are necessary to aid the planners.

i. High tide line:

The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics,

vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

ii. Mean High Water Line/Mark (MHWL)

The line on the shore in tidal areas established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area.

iii. Tidal Wetland:

A tidal wetland is a wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channel ward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

iv. Spring tide

Burst of tide that happens two time during a lunar month due to the reinforced influences of Sun and moon when the sun, moon and earth are aligned. This tide happens around new moon and full moon days.

Govt. of India has issued a notification during January 2011 classifying the Coastal Regulation Zone in order to regulate the various

activities in the coastal zone. The Ministry of Environment and Forest, Govt. of India has approved Coastal Zone management Plan for Gujarat area in 1:25,000 scale which now is updated to 1:4,000 scale after appropriate resurvey, wherever applicable.

v. Mangroves

Mangroves are salt-tolerant plants of tropical and subtropical intertidal regions of the world. The specific regions where these plants occur are termed as 'mangrove ecosystem'. These are highly productive but extremely sensitive and fragile. Besides mangroves, the ecosystem also harbors other plant and animal species. Experiences have proved that the presence of mangrove ecosystems on coastline save lives and property during natural hazards such as cyclones, storm surges and erosion. They are breeding, feeding and nursery grounds for many estuarine and marine organisms. The ecosystem has a very large unexplored potential for natural products useful for medicinal purposes and also for salt production, apiculture, fuel and fodder, etc.

1.3 Geoinformatics in CRZ

It is important to ascertain the geographical location of a land area to be developed for a specific purpose along the coastline by appropriate technology. Especially because of the escalated land values in recent times, a very accurate assessment of the spatial disposition of the land area in relation to the coastal eco system at a suitably larger scale is warranted. This involves two tasks namely

- a. Demarcation of the high tide lines accurately; and
- b. Referencing the land to be developed to the high tide line.

The mean high tide line can be delineated by the conjunctive use of modern mapping equipments like GPS capable of getting the accurate

67

AU/IRS/RV/185-2016 DT.28.07.2016

geographical locations, remote sensing images indicating the physical and associated tonal information on the stretches tidal influence along the coast and bay, field equipments like salt meters to assess the in-situ pH value as indicator of tidal influence and the closer field inspection. The strengths of these technologies are judiciously adopted by the expert survey team for a dependable demarcation of the coastal features. The strengths of tools used for HTL/LTL demarcation are explained below.

- i. GPS: The Global Positioning System (GPS) system of satellites in space orbit and the ground based receivers used for finding out the position of a point anywhere on the unobstructed earth surface having sight of four or more GPS Satellites on continuous basis worldwide, day and night. Depending on the type of GPS receiver, it is possible to position a point with even sub cm accuracy.
- ii. Remote Sensing: This is space borne resource Satellite technology whereby it is possible to map the earth surface in various ranges of EMR spectrum thereby facilitating the picture reading of the earth surfaces in different ways at different intervals of time. The physical characteristics, natural impressions/ land cover footprints and tonal/textural indications can be interpreted with these images for land cover mapping on factual basis.
- iii. GIS: This is spatial map environment where the information derived about the topography and thematic information about the tidal influence, land cover, etc. are organized and their spatial relationship features can be represented and analyzed. The regulation zone such as 100m buffer from bay can be readily generated and presented to the user in an easily decipherable map form.

Institute of Remote sensing has vast and strong experience in the field modern mapping using the advanced data sources like remote sensing and the modern equipments like GPS. It has a very long experience in modern mapping in the form of field execution, training and the academics, as a result of which an expert team has been developed. IRS has so far executed more than 150 consultancy projects in coastal zone regulation mapping alone across the country.

The Govt. of India has approved the Institute of Remote Sensing, Anna University as one of the authorized agencies for demarcating the HTL/LTL line as per Lr.No.J17011/8/92-1A III, dated 10.05.99 of Ministry of Environment & Forest, Govt. of India. Guidelines have been issued by the Govt. of India for demarcating the HTL/LTL line. The guidelines are taken into consideration by IRS while demarcating the HTL/LTL.

2.0 DEMARCATION OF HTL LINE ON THE LOCAL LEVEL CZM MAP

Based on the request of **M/s HAZIRA Container Freight Station Pvt. Ltd, Surat**, "Demarcation of High Tide Line / Low Tide Line and CRZ area at 1:4000 scale for the Proposed Project to Setting up Port Back up Facilities in Village Hazira (Suvali), Choryasi Taluka, Surat Dist. Gujarat", was taken up by Institute of Remote Sensing.

2.1 Methodology

As indicated previously, the mean high tide line was delineated by the conjunctive use of modern mapping equipments like GPS capable of getting the accurate geographical locations, remote sensing images indicating the physical and associated tonal information on the tidal influence along the coast and bay. field equipments like salt meters to assess the ppt (part per thousands) value as indicator of tidal influence

and the closer field inspection. If the ppt exceeds 5, then the influence of tide is positive.

2.1.1 Field data

In order to prepare the local level map on 1:4,000 scale, the site has been inspected by IRS personnel during 28.06.2016 & 29.06.2016. The project site is located in Hazira village near industrial belt having transportation infrastructure in the eastern side, i.e land ward side. Hazira Bird Sanctuary is about 4.5 km away from the site. Tapti River meets the sea of about 9 km from the site. The HTL was demarcated after the field inspection and consultation with the maps showing eco sensitive zones and shoreline changes generated by NCSCM, Chennai. Based on this, the site is at about 306m from the HTL (Creek) line. The distance from the seafront (Arabian Sea) is about 2.5km, the mangroves vegetation are seen on the western side of the project site. The distance of mangrove buffer from the nearest seaward point of the project site is 303m. The exact boundary of the site and the HTL lines were fixed based on intensive survey on the field and the same is presented in the map.

The field survey was undertaken during 28.06.2016 & 29.06.2016. The tide level observations for the last 19 years have been studied for Surat Port which is nearer to the site, from the Tide Tables. The tidal charts indicate maximum tidal difference of 5.39 m in Surat port in the nearest port of Project site.

2.1.2 Remote sensing analysis

The satellite imagery of the study area was studied.

2.1.3 GPS survey

The specification of the GPS instruments used for the survey is listed in annexure B.

70

AU/IRS/RV/185-2016 DT.28.07.2016

The GPS survey was conducted for following tasks.

- For getting the Ground control points for georeferencing the Remote sensing images
- For collecting the position of the High Tide lines around the project site.
- For collecting points along the boundary of Mangroves and other vegetations

Uniformly distributed features in the vicinity of project site that can well distinguished on the RS images were identified around the project site and their position were found out using GPS instruments as control points. The type of GPS instruments their accuracy are found in the annexure A.

The observed GPS data were downloaded and processed in the Trimble Geomatics Office software. The processed GPS co-ordinates for the coastal stretch coming under the project site were feed in the ArcGIS software. The entire area has been georeferenced using the GPS control points and the corresponding Image also been rectified using the GPS points. The same were plotted using the same software at the scale of 1:4,000. The processed field GPS data are listed in Annexure B

2.1.4 MAP Compilation

The project site boundary and the remote sensing image were was georeferenced with control points collected with the GPS. The RMS of the georeferencing was reported to be 1.81 m in planimetry. In this map the HTL, 200 m from HTL and 500m from HTL and the proposed project site have been marked (Annexure C). The calculated co-ordinates of HTL and LTL line in WGS-84 co-ordinate systems are enclosed in for ready reference (Annexure B). The Features such as HTL and buffer lines in GIS environment with suitable color scheme and legends and is presented as maps.

3.0 Results and discussion

Based on the request of M/s HAZIRA Container Freight Station Pvt. Ltd, Surat, "Demarcation of High Tide Line / Low Tide Line And CRZ area at 1:4000 scale for the Proposed Project to Setting Up Port Back Up Facilities in Village Hazira (Suvali), Choryasi Taluka, Surat Dist.,Gujarat", was taken up by Institute of Remote Sensing.

Tide data collected from the various organizations were analyzed. The mean high tide line was delineated by the conjunctive use of modern mapping equipments like GPS capable of getting the accurate geographical locations, remote sensing images indicating the physical and associated tonal information on the tidal influence along the coast and bay, field equipments like salt meters to assess the pH value as indicator of tidal influence and the closer field inspection. The maps showing eco sensitive zones and shoreline changes generated by NCSCM, Chennai were also consulted to take decision. The High Tide Line and Low Tide line has also been marked on the cadastral map of 1:4,000 scale for reference.

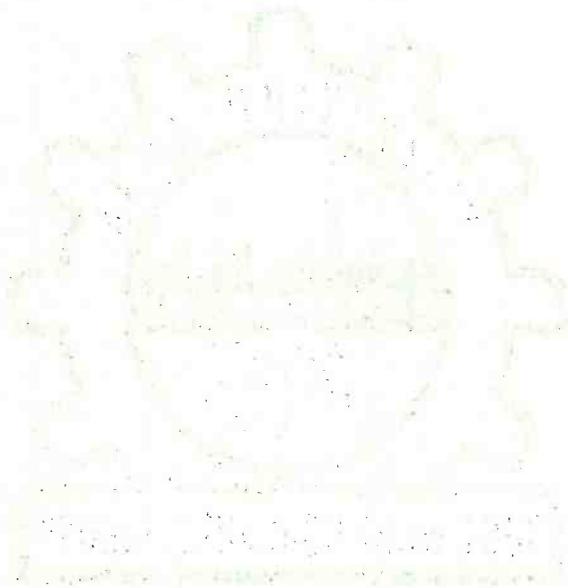
In conclusion,

The project site is located in the Hazira Village, slightly off the bank of Hazira. The land use is predominantly rural Industrial area. The sea front is 2.5 km on the west of the project site. Hazira Bird Sanctuary is about 4.5 km away from the site. Tapti River meets the sea of about 9 km from the site. The details are present in the map. The nearest distance of the site from Tapti River is about 900m. NH6 runs on its eastern side of the site, leading to Essar group industries.

72

AU/IRS/RV/185-2016 DT.28.07.2016

According to this, The proposed project site is falling completely outside the CRZ area as per NCSCM Map (Sheet No. F/43 M 12/NE). The mangroves vegetation are seen on the western side of the project site at the distance of about 303 m from mangrove buffer. However the project site is not affected by the mangrove vegetation.



73

AU/IRS/RV/185-2016 DT.28.07.2016

ANNEXURE A

List of GPS Instruments used

GPS MODEL	Type	Accuracy
Trimble 4000 SSE	Dual frequency	$\pm 0.5 \text{ mm} \pm 5 \text{ mm} \pm 2 \text{ ppm}$
Trimble 5700	Dual frequency	$\pm 0.5 \text{ mm} \pm 5 \text{ mm} \pm 0.5 \text{ ppm}$
Trimble 4600	Single frequency	$1 \text{ mm} \pm 1 \text{ ppm}$
Trimble Geo XM	Single frequency	$\pm 1 - 3 \text{ m}$

74

AU/IRS/RV/185-2016 DT.28.07.2016

ANNEXURE B

GPS coordinators of GPS Survey carried out for

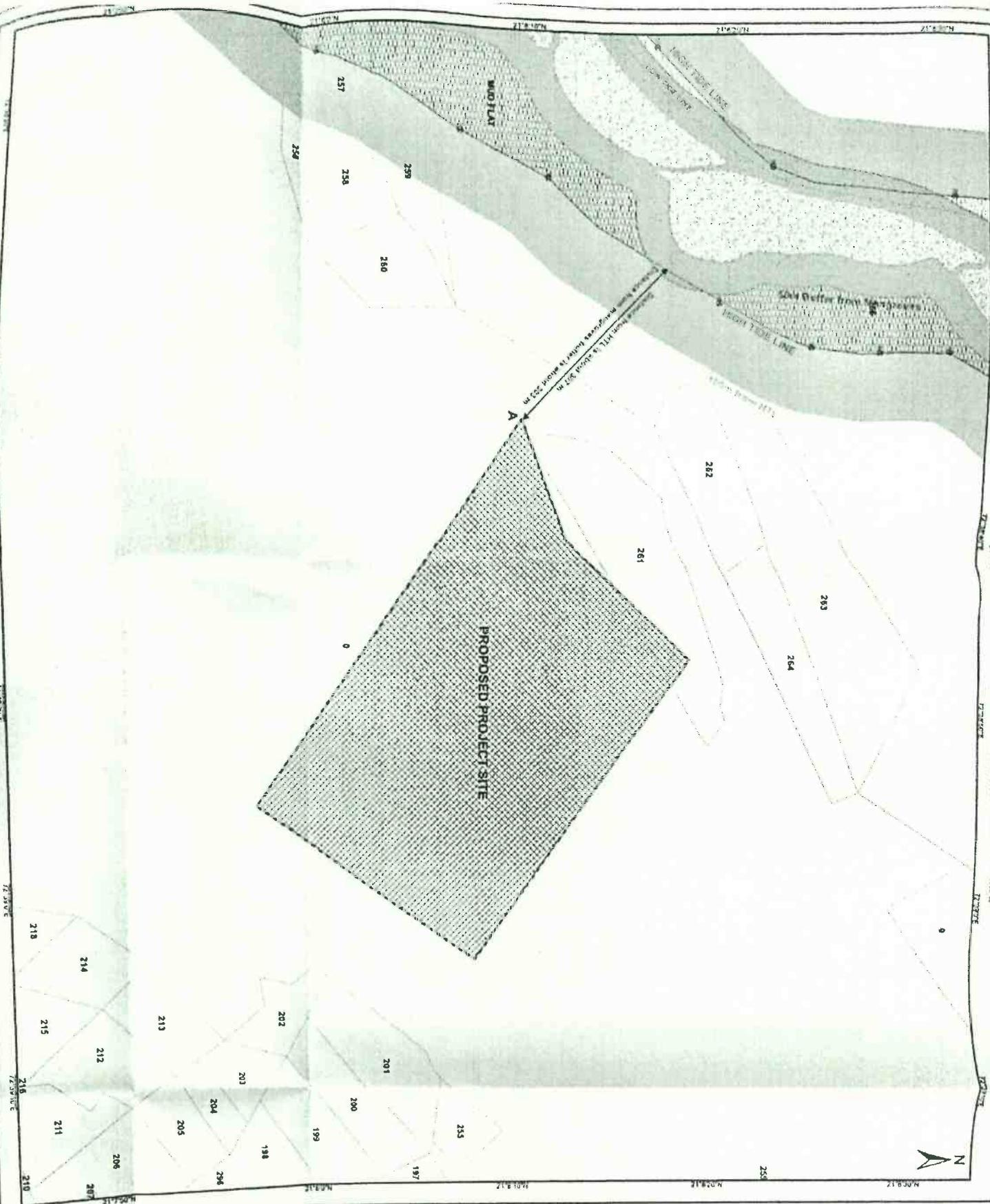
DEMARCATIION OF HIGH TIDE LINE / LOW
TIDE LINE AND CRZ AREA AT 1:4000 SCALE
FOR THE PROPOSED PROJECT TO SETTING UP
PORT BACK UP FACILITIES IN VILLAGE HAZIRA
(SUVALD), CHORYASI TALUKA, SURAT DIST.,
GUJARAT.

HTL_Pts	Latitude	Longitude
1	21°7' 59.616" N	72°38' 16.611" E
2	21°8' 6.634" N	72°38' 20.693" E
3	21°8' 10.940" N	72°38' 22.964" E
4	21°8' 19.347" N	72°38' 29.080" E
5	21°8' 23.879" N	72°38' 31.266" E
6	21°8' 27.211" N	72°38' 31.456" E
7	21°8' 30.689" N	72°38' 31.280" E
8	21°8' 30.916" N	72°38' 23.171" E
9	21°8' 22.008" N	72°38' 21.861" E
10	21°8' 16.324" N	72°38' 15.742" E


Director, IRS
Director
Institute of Remote Sensing
Anna University,
Chennai - 600 025

75

DEMARCATON OF HIGH TIDE LINE / LOW TIDE LINE AND CRZ AREA AT 1:4000 SCALE FOR THE PROPOSED PROJECT TO SETTING UP PORT BACK UP FACILITIES IN VILLAGE HAZIRA (SUVALI), CHORVASI TALUKA, SURAT DIST., ON CRZ 2011 MAP



LEGEND
(As per CRZ Notification 2011)
SOURCE: NCSCH (Sheet No F143 M 12/NE)
⊙ HTL Reference Points
--- Low Tide Line (LTL)
--- High Tide Line (HTL)
--- 100m Buffer from HTL
Mangroves CRZ-1A
50m Buffer from Mangroves (CRZ-1A)
Mud Flat (CRZ 1A)
CRZ III

SOURCE: Client
Proposed Project site
Survey Boundary



Prepared by
Institute of Remote Sensing,
Anna University,
Chennai - 600 025.

AURSRV/185-2016 Dt: 28.07.2016,
CTD/Preca.No.6/CTDT-1/2016-13 Dt: 29.06.2016
For
M/s. HAZIRA CONTAINER FREIGHT STATION PVT. LTD.,
7/33-34, SHARADA SADAN BUILDING,
NEAR ALANKAR CINEMA,
STATION ROAD, SURAT - 395 005

PREPARED BY
P. USBK

VERIFIED BY
[Signature]

APPROVED BY
P. S. Ramprasad, Director
Institute of Remote Sensing,
Anna University, Chennai - 600 025.



GPCB

Annex: M

76

GUJARAT POLLUTION CONTROL BOARD

FARYAVARAN BHAVAN

Sector 10-A, Gandhinagar 382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

"Consent to Establish"
(CTE-83802)

BY R.P.A.D.

NO: GPCB/CTE-SRT-3282/ID_50993/ 40493

Date: 15/2/18

To,

M/s. Hazira Fright Container Station Pvt. Ltd.

Plot No:- 434, Paikee A/1,

Hazira:- 394270,

Tal:- Chorasi, Dist:- Surat.

Sub: Consent to Establish (NOC) under Section 25 of Water Act 1974 and Section 21 of Air Act 1981

Ref: 1) Your application no. 107892 received Dated. 29/06/2016.

Without prejudice to the powers of this Board under the Water (Prevention and Control of Pollution) Act-1974, the Air Act-1981 and the Environment (Protection) Act-1986 and without reducing your responsibilities under the said Acts in any way, this is to inform you that this Board grants Consent to Establish for setting up of an industrial plant/activities at Plot No:- 434, Paikee A/1, Hazira:- 394270, Tal:- Chorasi, Dist:- Surat. for the manufacturing of the following items:-

Sr. No.	Product	Quantity
1)	Dry Cargo Handling	85,000 MT/Month

SUBJECT TO THE FOLLOWING CONDITIONS: -

1. The validity of this order will be up to i.e. 28/06/2023.
2. Industry shall not carry out any activities which attracts provisions of CRZ notification without prior approval of the competent authority.
3. Industry shall ^{take} adequate measures to Control dusting due to movement of vehicles & handling of Cargos.

CONDITIONS UNDER WATER ACT 1974:

1. Water Source: - Borewells.
2. There shall be no fresh water consumption for industrial purpose.
3. The quantity of the water consumption for domestic purpose shall not exceed 2 KL/Day.
4. There shall be no generation of the industrial effluent from the manufacturing process and other ancillary industrial operations.
5. The quantity of the domestic waste water (Sewage) shall not exceed 1 KL/Day.
6. Domestic waste water shall be disposed through septic tank/soak pit system.
7. The unit shall install meters for measuring category wise (category as given in water cess Act-1977 Schedule- II) consumption of water.

CONDITIONS UNDER AIR ACT 1981:

8. The following shall be used as fuel in D.G.Set.

Sr. No.	Fuel	Total Quantity
1	Diesel	25 lit/Month

Clean Gujarat Green Gujarat

77

9. The applicant shall install & operate air pollution control system in order to achieve norms prescribed below.
10. The flue gas emission through D.G.Set stack shall conform to the following standards:

Stack No.	Stack attached to	Stack height in Meter	Parameter	Permissible Limit
1.	D.G.Set (250 KVA)	11	Particulate matter SO ₂ NO _x	150 mg/NM ³ 100 ppm 50 ppm

11. There shall be no process emission from the manufacturing process as well as any other ancillary process.
12. Stack monitoring facilities like port hole, platform/ladder etc., shall be provided with stacks/vents chimney in order to facilitate sampling of gases being emitted into the atmosphere.
13. The concentration of the following parameters in the ambient air within the premises of the industry and a distance of 10 meters from the sources (other than the stack/vent) shall not exceed the following levels.

PARAMETERS	PERMISSIBLE LIMIT
PM 10	100 Microgram/M3
PM 2.5	60 Microgram/M3
SO ₂	80 Microgram/M3
NO _x	80 Microgram/M3

14. The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75dB(A) during day time and 70 dB (A) during night time. Daytime is reckoned in between 6a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

15. **D.G. SETS CONDITIONS**

The D.G. Set shall have acoustic enclosure and shall comply with the standards specified at Sr. no. 95 of Schedule-I of the rule-3 of E.P. Rules -1986 and Noise pollution level as per the Air Act-1981.

D.G. Sets standards:-

The flue gas emission through stack attached to D.G. Sets shall conform to the following standards.

- The minimum height of stack to be provided with each of the generator set shall be $H=h + 0.2 (KVA)^{1/2}$, where H= Total stack height in meter, h= height of the building in meters where or by the side of which the generator set is installed.
- Noise from DG set shall be controlled by providing an acoustic enclosure or by treating the room acoustically, at the users end.
- The acoustic enclosure or acoustic treatment of the room shall be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/ acoustic treatment. Under such circumstances the performance may be checked for noise reduction up to actual ambient noise level, preferably, in the night time). The measurement for insertion loss may be done at different points at 0.5 m from the acoustic enclosure/room, and the averaged.
- The D.G. Set shall be provided with proper exhaust muffler with insertion loss of minimum 25 dB (A).
- All efforts shall be made to bring down the noise level due to the D.G.Set, outside the premises, within the ambient noise requirements by proper siting and control measures.
- Installation of a D.G. Sets must be strictly in compliance with the recommendations of the D.G.Set manufacturer.

78

- g) A proper routine and preventive maintenance procedure for the D.G.Set should be set and followed in consultation with the DG Set manufacture which would help prevent noise levels of the DG Set from deteriorating with use.

CONDITIONS UNDER HAZARDOUS WASTE RULES:

16. Applicant shall have to comply with provisions of Hazardous and other Waste (Management and Trans Boundary Movement) Rules 2016.
17. The applicant shall obtain membership of common TSDF site for disposal of Hazardous waste as categorized in Hazardous and other Waste (Management and Trans Boundary Movement) Rules 2016.
18. The applicant shall obtain membership of common Hazardous Waste incinerator for disposal of incinerable waste.
19. The applicant shall provide temporary storage facilities for each type of Hazardous Waste as per Hazardous and other Waste (Management and Trans Boundary Movement) Rules 2016.
20. The applicant shall obtain registration/authorization for recycling/reprocessing any hazardous waste before procuring material/starting production as per HW Rules 2016.
21. The applicant shall obtain authorization for recovery/reuses of any hazardous waste material as per HW Rules 2016.

GENERAL CONDITION :

22. Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is atleast 1000 trees per acre of land and a green belt of 3 meters width is developed.
23. The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess Act- 1977.
24. In case of change of ownership/management the name and address of the new owners /partners/ directors/ proprietor should immediately be intimated to the Board.
25. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gaseous emission or sewage waste from the proposed industrial plant. The applicant is required to make applications to this Board for this purpose in the prescribed forms under the provisions of the Water Act-1974, the Air Act-1981 and the Environment (Protection) Act-1986.
26. The applicant also comply with the General conditions as per Annexure - I attached herewith (No.1 to 38) (whichever applicable).
27. The concentration of Noise in ambient air within the premises of industrial unit shall not exceed following levels:
 - Between 6 A.M. and 10 P.M. : 75 dB(A)
 - Between 10 P.M. and 6 A.M. : 70 dB(A)
28. Applicant is required to comply with the manufacturing, Storage and Import of Hazardous Chemicals Rules-1989 framed under the Environment (Protection) Act-1986.
29. If it is established by any competent authority that the damage is caused due to their industrial activities to any person or his property .in that case they are obliged to pay the compensation as determined by the competent authority.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD

U.K. Upadhyay
8/2/2017
(Smt U.K. Upadhyay)
ENVIRONMENTAL ENGINEER

Annex: N

79

Hazira Container Freight Station Pvt. Ltd.

Ref No. :

Date : - -20

No. HCFSP/L/CFS/Hazira/Forest/2018-19/

Dated: 27.03.2019

The Deputy Conservator of Forest,
Deptt of Forest,
Van Bhavan, Adajan,
SURAT (Gujarat)

Sub: Compliance/ Latest Progress report of 25 Ha of Unclassed Forest land for setting up Port Back up facilities in Village Hazira(Suvali), Ta. Choryasi, Distt. Surat- regarding

Ref: 1. MOEFCC, Bhopal, GOI letter No. 6-GJC 003/2014-BHO/124 dated 30.01.2015
2. MOEFCC, Gandhinagar letter No. FCA-1012/10-10/12/S.F-104/F dated: 07.02 2015

Respected Sir,

Kindly refer to the letters under reference No. 1 & 2 regarding diversion of 25 Ha unclassified Forest Land to our company for setting up Port backup facilities in Hazira.

We would like to place on record the Compliance/Progress Report before you for your kind perusal.

A. LAND:

(1) M/s Hazira Container Freight Station Pvt. Ltd., a private limited company, of ours was incorporated on 15.04.2011. A Memorandum of Understanding (MOU) was entered between the company and the Government of Gujarat on 11st January, 2013 at Gandhinagar as part of investment Promotion activity for **Vibrant Gujarat Summit 2013** for setting up a full fledged Container Freight station.

(2) We applied for allotments of land to the Forest Deptt way back in 2011. The Forest Deptt., Government of Gujarat acceded our request and allotted 25 Hectares of land to us only for a specific purpose for setting up of **Port Back Up Facilities**. The land was taken over on 19.02.2015.

ટાઇલ કારકુન

નાયબ વન સંરક્ષકની કચેરી,

સુરત વન વિભાગ, સુખી ક્લેરન્સ:

29/03/19

7/33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road, Surat - 395 003.

Ph.: 0261-2419300, Fax No.:0261-2412244, E-mail : hazira_freight@yahoo.com

80

We submitted an application to the **Inter Ministerial Committee(IMC)** on **02.04.2015** for setting up of a Container Freight Station (CFS) in this land at Hazira (Distt Surat), which is just 4 Kms from Adani Hazira Port, a private port which is growing very fast. The IMC acceded our request and granted approval(**Letter of Intent**) for setting up CFS on **14.09.2015**. This LOI was granted by IMC after getting due recommendations from Ministry of Railways, Ministry of Civil Aviation, Ministry of Shipping, Central Board of Excise and Customs and Ministry of Commerce and Industry. The IMC has also extended the LOI up to **31.03.2019**. We will again apply for further extension of LOI.

C. STUTUARY APPROVALS:

- (1) **Pollution Clearance:** We have already got approval of pollution control from Gujarat Pollution Control Board on 15.02.2017.
- (2) **CRZ Clearance:** There was an issue cropped up regarding CRZ regulations since our site is near to the sea coast. So we engaged Institute of Remote Sensing, Chennai for this purpose. They have completed the work and sent the report to us in July, 2018. As per their report our site is falling completely outside the CRZ area. Soon after getting report from them, we started the filling work on war footing so as to complete it as early as possible. **It is necessary to mention here that filling work can only be done after getting confirmed CRZ report.**
- (3) **Financial Assistance from Gujarat Govt:** We have applied on 14.10.2016 for Financial Assistance under the scheme for Financial Assistance to Logistic Park. State Level Empowered Committee of Gujarat Govt. in its meeting on 28.11.2016 approved 25% Financial Assistance to us on our initial project cost of Rs 41.59 Crores.

D. CONSTRUCTION:

- (1) **Retaining and Boundary Wall:** Total length of the periphery of the land is 2.2 Kms. The entire pile work of **9 metres down below the original level** has already been completed long back. The work of pile cap and 7 feet high retaining wall has also been completed.
- (2) **Land Filling:** Since the land is in low lying area, we have therefore, a need was felt to raise its level by at least 7 feet, little above to the level of adjoining road so as to avoid flooding of the land during monsoon. Keeping in view of Port throughput and growth, we have decided to start initial operations of CFS as phase-I as early as possible. We have started filling work and more than 95% work has already been completed till date. Balance 5% work is expected to be completed very soon.
- (3) **Electricity connection:** We have applied to Gujarat Electricity Board for electricity connection. The electricity Board has completed the work and the required connection has been provided to us January, 2019.

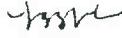
81

E. OTHER MISC PLAN:

We are already in dialogue with Bullet Train Company of Japan who is creating high speed train infrastructure between Ahmedabad and Mumbai for storage and handling of their import containers & cargo, few importers who are importing liquids for their storage in Tanks and Warehousing facilities of importers and exporters of Adani Hazira Port.

Thanking you.

Yours faithfully,


(Sanjay Shah)
Managing Director

Annex 0

82

ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ, સુરત

પ્રાદેશિક કચેરી, સુરત

338, બેલગુમ સ્કેવર, ટીપીકલ ફર્સ્ટ ફ્લોર, સિલ્વર પ્લાઝા કોમ્પ્લેક્સ, લીનીયર બસ સ્ટેન્ડની સામે,
રીંગ રોડ, સુરત-૩૯૫૦૦૩. (ગુજરાત) ફોન નં. (૦૨૬૧) ૨૪૪૨૬૯૬

ISO - 9001 - 2008 & ISO - 1401-2004 Certified Organisation

Website : www.gpcb.gov.in

XGN website : http://gpcbagn.gujarat.gov.in

E-mail : ro-gpcb-sura@gujarat.gov.in

GST No. : 24SRTG00481F1DK

તપાસ માટે દાખલ થવાની સૂચના (નોટીસ)

નં :

પાણી અધિનિયમ 1974 ની કલમ - 23, હવા અધિનિયમ ની 1981 ની કલમ-24 અને પર્યાવરણ (સુરક્ષા) અધિનિયમ - 1986 ની કલમ-10 હેઠળ અમોને મળેલ સત્તાની રૂએ અમો નીચે સહી કરનાર અમોને જરૂરી લાગે તેની સહાય લઈને તમામ સમયે નીચેના હેતુઓ માટે આપની જગ્યામાં દાખલ થવાનો અને તપાસ કરવાનો અધિકાર ધરાવીએ છીએ.

- (૧) અમોને સોંપેલા રાજ્ય બોર્ડ/કેન્દ્ર સરકારનાં કાર્ય બજાવવાના હેતુ માટે,
- (૨) આવા કોઈ કાર્યો બજાવવાના છે કે કેમ અને તેમ હોય તો કઈ રીતે તે બજાવવાના છે અથવા આ અધિનિયમ અથવા તે હેઠળ કરેલા નિયમોની અથવા આ અધિનિયમ હેઠળ બજાવેલી કોઈ નોટીસની, કરેલા કોઈ હુકમની, આદેશની અથવા આપેલા કોઈ અધિકારપત્રની કોઈ જોગવાઈનું પાલન કરવામાં આવી રહ્યું છે કે પાલન કરવામાં આવ્યું છે કે કેમ તે નક્કી કરવાના હેતુ માટે,
- (૩) કોઈ સાધન સામગ્રી, ઔદ્યોગિક પ્લાન્ટ, રેકર્ડ, રજીસ્ટર, દસ્તાવેજ અથવા અન્ય કોઈ મહત્વની વસ્તુની તપાસ કરવા અને તેની કસોટી કરવાના હેતુ માટે અથવા જે જગ્યામાં તેને એમ માનવાને કારણ હોય કે આ કાયદા કે તે હેઠળ કરેલા નિયમો મુજબ કોઈ ગુનો કરવામાં આવ્યો છે અથવા થવાની તૈયારીમાં છે. તેવી કોઈ જગ્યાની ઝડતી લેવા માટે અને તેને એમ માનવાને કારણ હોય કે આ કાયદા કે તે હેઠળ કરેલા નિયમો હેઠળ શિક્ષાપાત્ર કોઈ ગુનો કર્યાનો પુરાવો, તેવા સાધન સામગ્રી, ઔદ્યોગિક પ્લાન્ટ, રેકર્ડ, રજીસ્ટર, દસ્તાવેજ અથવા અન્ય મહત્વની વસ્તુ કબજે લેવા માટે અમે નીચે જણાવેલ સમયે દાખલ થઈએ છીએ

ઉદ્યોગ/કારખાનામાં દાખલ થવાનો સમય :15:00..... કલાક તા05 /૦૧ / ..2૦1૧
અમારી સાથે મુલાકાત સમયે સહાય માટે નીચેના અધિકારીશ્રી / કર્મચારીશ્રી હાજર રહેલા છે.

ક્રમ	અધિકારીશ્રી / કર્મચારીશ્રી	હોદ્દો
(૧)	Ms. M.B. Desai	AE
(૨)	_____	_____
(૩)	_____	_____

પ્રતિશ્રી,

(GPCB ID & Harisa Freight Container
pub. Ltd,
plot NO. 434, parker A/I,

સહી _____

અધિકારીનું નામ M.B. Ahir

હોદ્દો (SO)

82/A

Gujarat Pollution Control Board, Surat
Regional Office, Surat
338, Belgium Square, Typical First Floor,
Silver Plaza Complex, Opp.Linier Bus Stand,
Righ Road, Surat-395003 (Gujarat) Phone
No.(0261)2442696
ISO-9001-2008&ISO - 1401-2004 Certified
Organization
Web Site :www.gpsb.gov.in XGN website
:http://gpcbagn.gujarat.gov.in
E-mail:ro-gpcbpsura@gujarat.gov.in
GST No.:24SRTG00481F1DK

Notice for entry for investigation (Notice)

No.:

By virtue of powers received under Section 23 of Water Act 1974, Section-24 of Air Act 1981 and Section -10 of Environment (Protection) Act-1986, I the undersigned have rights to enter into you place and to investigation for following purposes with the help of those who are needed.

- 1.For the purposes of performing work of State Board/ Central Government handed over to me.
- 2.For the purpose of deciding if any such works are to be performed and if so, how they are to be performed or Notice served under this act, any order or provisions of any letter of rights is being followed or what,

82/B

3. For investigating any equipments, industrial plant, record, register, documents or any other important thing and for examining it or there is any reason to believe that any crime has been committed under this act and under the rules made thereunder and it is contemplated. I am entering at the below mentioned time for investigating any such place and if there is a reason to believe so and for taking under custody, the evidence of punishable crime made, such equipments, industrial plant, record, register, documents and any other important things.

Time of entry in industry/ factory : 15:00 hours, date 05.09.2019.

Following officer/ employee will be present with me for help at the time of my visit.

Sr. Officer/ Employee	Designation
-----------------------	-------------

1. Ms.M.B.Desai	AEE
-----------------	-----

To,

(GPCB & ID & Hazira Freight Container Pvt. Ltd. Plot No.434 Paikee A/1.

Sign -sd- illegible

Name of Officer M.B.Ahir

Designation (SO)

Gujarat Pollution Control Board

83

ISO - 9001-2008 & ISO - 14001-2004 Certified Organisation

338, Belgium Square, Typical First Floor, Silver Plaza Complex,

Opp. Linear Bus Stand, Ring Road, Surat-395 003. Phone : 2442696

Website : www.gpcb.gov.in XGN website : http://gpcbgn.gujarat.gov.in

E-mail : ro-gpcb-sura@gujarat.gov.in GST No. : 24SRTG00481F1DK

પ્રતિ શ્રી
 Hazira Freight Containers Station Pvt. Ltd
 P. No. 434 Paikhe Ali, Hazira, Dist. Surat
 વિષય : આપના એકમની બોર્ડ દ્વારા લેવામાં આવેલ તા. ૫-૦૬-૨૦૧૯ નાં ચેજની મુલાકાત.

શ્રીમાન,
 આપના એકમની આજરોજ મુલાકાત લેવામાં આવેલ તે દરમ્યાન નીચે મુજબના મુદ્દાઓ ધ્યાનમાં આવેલ છે.
 ૧. આપના એકમની મુલાકાત તા. ૦૬-૦૬-૨૦૧૯ ના રોજની લેખી
 તપાસ દરમ્યાં આપના એકમ દ્વારા કરેલા સીમાવલન ડ્રોઇંગ મા.
 ૨. આપના એકમની સીમાવલન ડ્રોઇંગ મા. મા., અમરા પાલોડી
 કોલોનરી (અવરો લેડ લેવલ) માં કોલોનરી કોલોનરી ૨૦૧૪ રજીસ્ટર્ડ
 અને CR2 notification ૨૦૧૧ Under H.W. Amended Rule -
 ૨૦૧૬ નાં લેખી તપાસ કરેલ છે તેનો ઉલ્લેખ કરેલ છે. આના અંદર મુદ્દા
 બાબતે આપના એકમની મુલાકાતે Google Image Latitude
 Longitude માંથી તપાસ કરેલ છે.
 ૩. આપના એકમ દ્વારા રેલ માર્ગમાં આપેલ કોલોનરી
 મા. યાંત્રો, વેલ્ડીંગ મા. લેડ લેવલ તપાસ કરેલ છે, લેવલ સંપૂર્ણ
 સ્થિતિ/માર્ગ સુધારા કરેલો નથી તેમજ અન્ય તપાસ.

ઉપરોક્ત બાબતોની પૂર્તતા દિન-૩ માં કરી અત્રેની તેમજ ગાંધીનગર ખાતેની વડી કચેરીને જાણ કરવા આથી જણાવવામાં આવે છે. સદર બાબતે પગલાં લેવામાં ચૂક થશે તો બોર્ડ દ્વારા કાયદાકીય પગલાં લેવામાં આવશે જેની નોંધ લેવી.

Mr. Girish Gupta
 આ સુચના (નોટીસ) સ્વીકારનારનું નામ, ઓફિસ તથા સહી
 ૦૬/૦૬/૨૦૧૯ (Incharge)

સહી _____
 M.B. Desai અધિકારીનું નામ M.B. Desai
 ઓફિસ _____ ૬૦

83/A

Gujarat Pollution Control Board, Surat
Regional Office, Surat
338, Belgium Square, Typical First Floor,
Silver Plaza Complex, Opp.Linier Bus Stand,
Righ Road, Surat-395003 (Gujarat) Phone
No.(0261)2442696
ISO-9001-2008&ISO - 1401-2004 Certified
Organization
Web Site :www.gpsb.gov.in XGN website
:http://gpcbagn.gujarat.gov.in
E-mail:ro-gpcbpsura@gujarat
GST No.:24SRTG00481F1DK

To,

Hazira Freight Container Station Pvt. Ltd.
No.434 Paikie, A/1, Hazira, Dist. Surat

Subject : Visit dated 05.09.2019 of your unit
by the board

Mr.,

Following points have come to the Notice during
the today's visit of your unit.

- 1.Visit of your unit on today. Written
complaint dated 19.08.2019 in which
working relating to land leveling by
bringing fly ash from M/s. Reliance
Industries Ltd., and M/s. Essar Steel
India Pvt. Ltd., Hajira and there is
mention that breach of CRZ Notification
2011 under H.W. amended rule 2016 has been
made. Hence, it is instructed to clarify

83/B

with regard to said activity by Google Image Latitude Longitude Machine.

Further you are to submit the complete details/ information to the local office immediately that in what quantity and from whom and which type of solid waste has been brought by your unit and leveling has been done.

You are hereby informed to furnish the above information within 3 days and inform to this office and Head Office at Gandhinagar.

Sign -sd- illegible

Name of Officer M.B.Ahir

Designation S.O.

-sd- Mr.Girish Gupta

Name, Designation and Sign who
accepted this Notice. (In Charge)

05.09.2019

Annex. P

01284

Hazira Container Freight Station Pvt. Ltd.

Ref No. :

Date : - -20

Date : 09/09/2019

To,

The Member Secretary,
Gujarat Pollution Control Board,
Paryavaran Bhavan,
Sector-10/A,
Gandhinagar.

Sub.: Your representative visited on dated 05/09/2019

Respected Sir,

- We, Hazira Container Freight Station Pvt. Limited, have taken over 25 Hectares of land from Forest Department for developing port back up facility.
- Since the land is low lying area and needs adequate filling so as to raise its height up to the adjoining road level, we therefore request Essar Steel India Limited & Reliance Industries to provide fly-ash from their power plant for the purpose of reclamation & compaction of our aforesaid plot.
- Our request is in line with MOEF notification S.O. 763 (E) dated September 14, 1999 for Utilisation of Fly Ash from Coal or Lignite based Thermal Power Plants under clause 7 (Annexure 2).
- We confirm that we will use your fly ash for reclamation & compaction for our land as per the aforesaid notification.
- Also, we inform you that our project site is not affected by any CEZ area.

Thanking You

For & on behalf of
Hazira Container Freight Station Pvt Ltd


(SANJAY SHAH)
Director

7/33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road, Surat - 395 003.

Ph.: 0261-2419300, Fax No.:0261-2412244, E-mail : hazira_freight@yahoo.com

Service Tax No. : AACCH6389 ISD001

85

Annex 9 o/c

Hazira Container Freight Station Pvt. Ltd.

Ref No

Date : - -20

Date: 26.09.2020

To,
**Director of Environment &
 ex-officio MS - GCZMA,**
 Environment & Forest Dept., Govt. of Gujarat,
 Block No. 14, 8th Floor, New Sachivalaya,
GANDHINAGAR - 382 010

Sub. : CRZ Certification of Hazira CFS Plot
 Ref. : DoEF letter no. FCA-1015-MLA-05-F dated 22.06.2016

Dear Sir,

We refer to the letter referred hereinabove (Annex. 1) whereby we were advised to engage an MoEF-approved agency to prepare the CRZ maps and obtain CRZ demarcation report to ascertain that Hazira CFS plot falls outside the limits of CRZ and CRZ Notification 2011 is not applicable.

As directed, we had engaged MoEF-approved agency viz. Institute of Remote Sensing (IRS) - Chennai, vide our letter dt. 11.05.2016 (Annex. 2). IRS officials had visited Hazira CFS site on 28.06.2016 & 29.06.2016 and had carried-out field survey and collected relevant data for CRZ demarcation. IRS - Chennai have provided the CRZ Demarcation Map along with their Study Report whereby they have confirmed that the Hazira CFS plot falls completely outside the CRZ limits (Annex. 3).

We hereby submit the IRS-Chennai Report and request your good offices to kindly issue necessary certificate to the effect that *the Hazira CFS plot falls outside CRZ limits* so that appropriate reply can be filed before Hon'ble NGT in the matter of OA no. 27/2020 and oblige.

Thanking you in kind anticipation,

Yours faithfully,
 For Hazira Container Freight Station Pvt. Ltd.,

Sanjay G. Shah

(Sanjay G. Shah)
 Chairman

Sanjay G. Shah
 Chairman
 Hazira Container Freight Station Pvt. Ltd.
 Gandhinagar, Gandhinagar

Encl. : As Above

copy to

Sr. Manager - Projects, Gujarat Ecology Commission, Udyog Bhavan, Gandhinagar

Gujarat Ecology Commission

Block No. 19, First Floor,

Udyog Bhavan, Sector-11,

Gandhinagar-382014

Ph.: 0261-2419300, Fax No.:0261-2412244, E-mail : hazira_freight@yahoo.com

Service Tax No. : AACCH6389JSD001

Anna. R

86



GOVERNMENT OF GUJARAT
FORESTS & ENVIRONMENT DEPARTMENT
BLOCK NO. 14, 8TH FLOOR, SACHIVALAYA
GANDHINAGAR - 382 010.

S. M. SAIYAD, IFS
DIRECTOR(ENVIRONMENT) &
MEMBER SECRETARY, GCZMA

Ph : (079) 23251062
Fax : (079) 23252156
E-mail direnv@gujarat.gov.in

Ref No: ENV-10- 2020-174 -T

Date: 11/11/2020

To,
M/S Hazira Container Freight Station Pvt. Ltd,
7/33-34, Sharda Sadan Building,
Near Alankar Cinema, Station Road,
Surat-395003..

Sub: Opinion about applicability of CRZ Notification-2011 for Hazira Container Freight Station Pvt. Ltd. situated at, Hazira, Surat.

Ref : (1) Your letter dated. 26/09/2020.

(2) A letter of GEC No. GEC/GCZMA/T-6/1501/2020 dated. 04/11/2020.

Dear Sir,

Please refer to your letter dated 26/09/2020 vide which you have submitted CRZ map prepared by Institute of Remote Sensing (IRS) Anna University, Chennai-600025 (one of the authorized agency authorized by MOEF & CC. GOI.) As per IRS map, your proposed project site is outside the CRZ area. However, it was not superimposed on approved CZMP map of Surat district, therefore GEC was requested to check and verify with approved CZMP map of Surat district.

The GEC has submitted their opinion along with super imposed map on approved CZMP map of Surat District vide its letter dated 04/11/2020. GEC has superimposed the project location of Hazira Container Freight Station Pvt. Ltd. R.S.No. 434, Hazira, Surat on the NCZMA approved CZMP map sheet No. F/43 M 12/NE (1: 25000 scale) based on which aforesaid plot of Hazira Container Freight Station Pvt. Ltd falls outside the CRZ applicability.

You are here by directed not to carry out any activity within the CRZ area without prior CRZ clearance as per CRZ Notification-2011.

This is for your information.

Yours Sincerely,

(S. M. Saiyad)

Encl: As stated

Annex 1.1 S
87

Notifications under the Environment (Protection) Act, 1986

**UTILISATION OF FLYASH FROM COAL OR LIGNITE BASED
THERMAL POWER PLANTS**

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 14th September, 1999

S.O.763(E).- Whereas a draft notification containing rule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Whereas it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of ¹[one hundred kilometers] from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99: Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

¹ Substituted by para 1 of the Notification S.O.979 (E), dated 27.8.2003.

1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.-

(1) No person shall within a radius of ¹[one hundred kilometres] from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

²[(i) use of fly ash based products in construction activities];

³[1(A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometres from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks, or bricks, blocks or tiles or cement fly ash bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

1(B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable.]

⁴[1(C) Minimum fly ash content for building materials or products to qualify as "fly ash based products" category shall be given in the Table I below:

TABLE I

Serial No.	Building Materials or Products	Minimum % of fly ash by weight
(1)	(2)	(3)
1.	Fly ash bricks, blocks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone duct etc. (without clay).	50% of total input materials
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

¹ Substituted by para 2 (a) of the Notification S.O.979 (E), dated 27.8.2003.

² Substituted by para 2(a) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

³ Substituted by para 2(b) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

⁴ Inserted by para 2(c) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

3.	Cement	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	25% of total raw materials
5.	Concrete, mortar and plaster	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.]

¹[²1(D) The authority for ensuring the use of specified quantity of ash as per sub-paragraph ³[(1C)] shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

1(E) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraph (1A)].

⁴[(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union Territory Government level monitoring committee mentioned elsewhere in this notification .

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.]

⁵[*****.....]

⁶[(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a

¹ Substituted by para 2(c), of the Notification S.O.979 (E), dated 27.8.2003.

² Number of sub-paragraph (2) substituted as paragraph (ID) by para 2(d) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

³ Substituted by para 2(d) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

⁴ Substituted by para 2(f) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

⁵ Sub-paragraphs (3B), (3C), and (3D) omitted by para 2(g) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

⁶ Sub-paragraphs (4) and (5) substituted by para 2(h) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

90

Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. An unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

- (5) No agency, person or organisation shall, within a radius of hundred kilometres of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No.SP:58 of 2001 as amended from time to time regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer –in – Chief of the concerned agency or organisation or on production of a certificate of “fly ash not available” from the thermal power plant(s) (TPPs) located within hundred kilometres of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available.]
- (6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankment site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In either case, the topsoil should be kept or stored separately. [Voids created at soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project.]
- ²[(7) No agency, person or organisation shall within radius of hundred kilometres of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub paragraph (1) of paragraph 3.
- (8) (i) No person or agency shall within fifty kilometres (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

¹ Substituted by para 2(i) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

² Sub-paragraphs (7), (8), (9), (10) and (11) substituted by para 2(j) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

91

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometres (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clause (i) and (ii) of sub paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clause (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety(DGMS), Central Mines Planning and Design Institute Limited(CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research(CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), (8) (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph(1) of paragraph 3.

(11) The concerned State Government or Union Territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii).]

92

2. ¹[Responsibilities of Thermal Power Plants].

²[Every coal or lignite based thermal power plant shall take the following steps to ensure the utilization of ash generated by it, namely: -]

³[(1) All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:-

(i) the pond ash should be made available free of any charge on "as is where basis" to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay -fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized on for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the TABLE-II given below:-

TABLE-II

Serial No.	Percentage Utilization of Fly Ash	Target Date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.

¹ Substituted by para 3(a), of Notification S.O.No.979 (E), dated 27.8.2003.

² Substituted by para 3(b), *ibid*.

³ Sub-paragraphs (1), (2) and (3) substituted by para 3(a) of Amendment Notification S.O.2804 (E), dated 3.11.2009.

93

3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.
4.	At least 90% of fly ash generation	Four years from the date of issue of this notification.
5.	100% of fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilised fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per the TABLE-III given below:-

TABLE-III

Serial No.	Fly Ash Utilization Level	Target Date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of commissioning.
2.	At least 70% of fly ash generation	Two years from the date of commissioning.
3.	90% of fly ash generation	Three years from the date of commissioning.
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilised fly ash accumulated during first four years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.]

94

- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of ¹[four months] from the date of publication of this notification.
- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- ²(6) The amount collected from sale of fly ash and fly ash based products by coal and /or lignite based thermal power stations, or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilised only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent fly ash utilization level is achieved, thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilization level is again achieved and maintained.
- (7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.]

¹ Substituted by para 3(b) of the Amendment Notification S.O.2804 (E), dated 3.11.2009.

² Sub-paragraphs (6) and (7) substituted by para 3(c) of the Amendment Notification S.O.2804 (E), dated 3.11.2009.

95

¹[2A. Utilization of fly ash for reclamation of sea.

Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash.]

3. Specifications for use of ash-based products.-

(1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.

(2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective ²[tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification.]

³[(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.]

¹ Inserted by para 4 of the Notification S.O.No. 979(E), dated 27.8.2003.

² Substituted by para 4(a) of the Amendment Notification S.O.2804 (E), dated 3.11.2009.

³ Substituted by para 4(b) of the Amendment Notification S.O.2804 (E), dated 3.11.2009.

96

[(2B) All agencies undertaking construction of roads or flyover bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Department and other State Government Agencies, shall within a period of four months from the publication of this notification:-

(a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and

(b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).

(3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.

(4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.

(5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.

(6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Adviser or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

¹ Sub-paragraphs (2B), (3), (4), (5), (6) and (7) substituted by para 4(c) of the Amendment Notification S.O.2804(E), dated 3.11.2009.

386

Notifications under the Environment (Protection) Act, 1986

97

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union Territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union Territory level and this Committee would also empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.]

[F.No.9-8/2005-HSMD]

G.V.SUBRAHMANYUM, Scientist 'G'

Foot Note:- The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) *vide* notification number S.O.763(E), dated the 14th September, 1999 and was amended *vide* notification number S.O.979 (E), dated the 27th August, 2003.

98

Fly Ash Notification ... including all amendments

1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities :-

(1) No person shall within a radius of ¹[three Hundred Kilometers] from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for ²[use of fly ash based products in construction activities] without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

³[(1A) Every construction agency engaged in the construction of building within a radius of three hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks; blocks or tiles or cement fly ash bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual reports to the concerned State Pollution Control Board or Pollution Control Committee, as applicable.]

⁴[(1C) Minimum fly ash content for building materials or products to qualify as " Fly ash based products" category shall be given in the table I below] :-

Sr No.	Building Materials or Products	Minimum % of fly ash by weight
(1)	(2)	(3)
1	Fly ash bricks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone, duct etc. (without clay)	50% of total input materials
2	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder	Usage of PPC(IS-1489:Part-I) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content
3	Cement	15% of total raw materials
4	Clay based building materials such as bricks, blocks, tiles, etc.	25% of total raw materials
5	Concrete, mortar and plaster	Usage of PPC(IS-1489:Part-I) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content

¹ substituted by sub-para (a) of para 1 of the notification S.O. 254(E), dated 25.01.2016

² substituted by sub-para (a) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

³ substituted by sub-para (b) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

⁴ inserted by sub-para (c) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

99

1(1D) The authority for ensuring the use of specified quantity of ash as per sub-paragraph (1C) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

(1E) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraph (1A)]

(3) ²[In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within ³[300 Km] of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union Territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee].

* (3B) (3C) (3D) of notf 2009 omitted

(4) ⁴[Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and representative of the Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. An unresolved dispute shall be dealt with by the concerned State or Union Territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of ⁵[three hundred kilometers] of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP:58 of 2001 as amended from time to time regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organization or on production of a certificate of "fly ash not available" from the thermal power plant(s) (TPPs) located within [three hundred kilometers] of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available].

¹ inserted by sub-para (d) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

² substituted by sub-para (f) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

⁴ substituted by sub-para (h) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

^{3, 5} substituted by sub-para (b&c) of para 1 of the notification S.O. 254(E), dated 25.01.2016

/ 0 0

- (6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankments site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In either case, the topsoil should be kept or stored separately.
- (7) ¹[No agency, person or organization shall within radius of ²[three hundred kilometers] of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub paragraph (1) of paragraph 3.
- (8) (i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidelines of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub paragraph (10) for this purpose.

(ii) No person or agency shall within the fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub paragraph (10) for this purpose.

- (9) The provisions contained in clause (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clause (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.]

¹ substituted by sub-para (j) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

² substituted by sub-para(d) of para 1 of the notification S.O. 254(E), dated 25.01.2016

/01

- (10) ¹[The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mines Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), (8) (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.
- (11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii).]

2. Responsibilities of Thermal Power Plants

Every coal or lignite based thermal power plant shall take the following steps to ensure the utilization of ash generated by it, namely :-

- (1) ²[All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely :-
- (i) The pond ash should be made available free of any charge on "as is where basis" to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies Public Works Department, and to agencies engaged in backfilling or stowing of mines
 - (ii) At least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay - fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized on for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

³[Provided further that the restriction to provide 20% of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilize 100% of fly ash in the prescribed manner]]

¹ substituted by sub-para (j) of para 2 of the notification S.O. 2804(E), dated 03.11.2009

² substituted by sub-para (a) of para 3 of the notification S.O. 2804(E), dated 03.11.2009

³ substituted by sub-para(d) of para 1 of the notification S.O. 254(E), dated 25.01.2016

102

- (2) ¹[All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the table-II give below :-

TABLE -II

Sr no.	Percentage Utilization of Fly Ash	Target Date
(1)	(2)	(3)
1	At least 50% of fly ash generation	One year from the date of issue of this notification
2	At least 60% of fly ash generation	Two years from the date of issue of this notification
3	At least 75% of fly ash generation	Three years from the date of issue of this notification
4	At least 90% of fly ash generation	Four years from the date of issue of this notification
5	100% of fly ash generation	Five years from the date of issue of this notification

The unutilized fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

- (3) New Coal and, or lignite based thermal power stations and, or expansions units commissioned after this notification to achieve the target of fly ash utilization as per the TABLE-III given below :-

TABLE-III

Sr no.	Fly Ash Utilization Level	Target Date
(1)	(2)	(3)
1	At least 50% of fly ash generation	One year from the date of issue of this notification
2	At least 70% of fly ash generation	Two years from the date of issue of this notification
3	90% of fly ash generation	Three years from the date of issue of this notification
4	100% of fly ash generation	Four years from the date of issue of this notification

The unutilized fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.]

¹ substituted by sub-para (a) of para 3 of the notification S.O. 2804(E), dated 03.11.2009

103

- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para(2) and (3) of para-2 of this notification, shall be submitted to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of four months from the date of publication of this notification.
- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- (6) ¹[The amount collected from the sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent fly ash utilization level is achieved, thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programs also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilization level is again achieved and maintained.]
- (7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants and also be made a part of the annual report of the thermal power plants as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owing more than one thermal power plant.]
- (8) ² [Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details stock of each type of ash available with them and thereafter shall update the stock position at least once a month.]
- (9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.

¹ substituted by sub-para (c) of para 3 of the notification S.O. 2804(E), dated 03.11.2009

² inserted by sub-para (b) of para 2 of the notification S.O. 254(E), dated 25.01.2016

104

- (10) ¹[The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite thermal power plant.
- (11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based products manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.
- (12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.
- (13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.
- (14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments.]
- (15) Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash ²and the coal or lignite based thermal power plant located in coastal districts shall support, assist or directly engage into construction of shore line protection measures]

3. Specifications for use of ash-based products:-

- (1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.

^{1,2} inserted by sub-para (b & c) of para 2 of the notification S.O. 254(E), dated 25.01.2016

105

- (2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective ¹[tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification].

²[(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.]

³[(2B) All agencies undertaking construction of roads or flyover bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DoRTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Department and other State Government Agencies, shall within a period of four months from the publication of this notification :-

- (a) Make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and
 - (b) Make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.
- (5) All financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.]

¹ substituted by sub-para (a) of para 4 of the notification S.O. 2804(E), dated 03.11.2009

² substituted by sub-para (b) of para 4 of the notification S.O. 2804(E), dated 03.11.2009

³ substituted by sub-para (c) of para 4 of the notification S.O. 2804(E), dated 03.11.2009

106

- (6) ¹[A monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Adviser of Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.
- (7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union Territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union Territory level and this Committee would also empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.]
- (8) ²[It shall be responsibility of all State Authorities approving various construction projects to ensure the Memorandum of Undertaking or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- (9) The State Authorities shall amend Building Bye Laws of the cities having population one million or more so as to ensure the mandatory use of ash based bricks keeping view the specifications necessary as per technical requirements for load bearing structures.
- (10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or Programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABHIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including building in designated industrial Estates or Parks or Special Economic Zone.]

³ substituted by sub-para (c) of para 4 of the notification S.O. 2804(E), dated 03.11.2009

² inserted by para 4 of the notification S.O. 254(E), dated 25.01.2016

107

(11) ¹[The Ministry of Agriculture may Consider the Promotion of ash utilization in agriculture as soil conditioner.]

4. ²[The time period to comply with the above provisions by all concerned authorities is 31st December, 2017. The Coal or lignite based thermal power plants shall comply with the above provision in addition to 100% utilization of fly ash generated by them before 31st December, 2017.]

¹ inserted by para 4 of the notification S.O. 254(E), dated 25.01.2016

² inserted by para 5 of the notification S.O. 254(E), dated 25.01.2016

Annex: T

O/C

Hazira Container Freight Station Pvt. Ltd.

Ref No. :

Date : - -20

108

તા. 11/10/2018

પ્રતિ,
અધિકારીશ્રી,
ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ,
પ્રાદેશિક કચેરી,
સુરત

વિષય: તાપસ માટે દાખલ થવાની સૂચના (નોટિસ)

- સંદર્ભ: 1. આપશ્રી તરફ થી મળેલ સૂચન (નોટિસ) તારીખ 27/09/2018
2. ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ નો પત્ર ક્રમાંક GPCB/CTE-SRT-3282/ID
તા. 15/02/2017 નો પત્ર

મહેરબાન સાહેબ,

જય ભારત સાથે જણાવવાનું કે ઉપરોક્ત વિષય અન્યથા આપશ્રી તરફ થી મળેલ સૂચન (નોટિસ) તારીખ 27/09/2018 આ બાબતે અમો તમને જણાવીએ છીએ કે અમારી કંપની દ્વારા કોઈ ઓપરેશન કાર્ય હજી શરૂ થયું નથી.

વધુમાં આપશ્રી ને જણાવવાનું કે અમારી જમીન રોડ લેવલ થી ખુબજ નીચાળ માં આવેલ છે જેને કારણે અમો દ્વારા આ નીચાળવાડી જમીન ને પુરાણ કરી લેવેલિંગ નું જ કાર્ય હાથ ધરેલ છે. અમારા અપેક્ષા પ્રમાણે અમારા પ્રોજેક્ટ ને પૂર્ણ રૂપે કાર્યરત થતા 1 વર્ષ થી 1.5 વર્ષ નું સમય લાગશે.

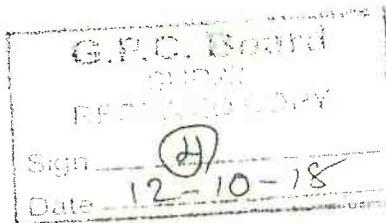
અમે જ્યારે અમારા પ્રોજેક્ટ ને પૂર્ણ રૂપે કાર્યરત કરીશું ત્યારે આપશ્રી દ્વારા મંગાવામાં આવેલ માહિતી ને આપશ્રી સમક્ષ રજૂ કરીશું.

આભાર સહ,
આપનો વિશ્વાસુ,
હજીરા કન્ટેઇનર ફ્રેઇટ સ્ટેશન પ્રા.લી. લ્.તી.

(Signature)

સંજય જી. શાહ
(ચેરમેન)

બીડાણ: ઉપર મુજબ



7/33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road, Surat - 395 003.

Ph.: 0261-2419300, Fax No.:0261-2412244, E-mail : hazira_freight@yahoo.com

Service Tax No. : AACCH6389JSD001

108
AHazira Container Freight Station Pvt. Ltd.

Sr.No.

Date: - -20

Date:11.10.2018

To,

Officer,

Gujarat Pollution Control Board,

Regional Office,

Surat

Subject : Notice for entering for investigation

Ref.:

1. Notice dated 27.09.2018 received from you.

2. Letter No.GPCB/CTE-SRT-3282/ID, dated
15.02.2017 of Gujarat Pollution Control Board.

Respected Sir,

With most respectfully, it is stated that with respect to Notice dated 27.09.2018 received from you on the subject noted above, I state that no operation work has been started by our company.

It is further informed to you that our land is at very low level from the road level due to which we have taken on hand work of only filling the low level and leveling. As per our expectation, our this project will taken time of 1 year to 1.5 years.

108
B

When we will complete the said project, we will produce the information as sought for by you before you.

Thanking you,

Yours faithfully,

For Hajir Container Freight Station Pvt. Ltd.

-sd- illegible

Sanjay G. Shah

(Chairman)

Encl.: As above

109



ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ

પ્રાદેશિક કચેરી, સુરત

338, બેલગુચમ સ્ટેવર, ટીપીકલ ફર્સ્ટ ફ્લોર, સિલ્વર પ્લાઝા કોમ્પ્લેક્સ,
લીનીયર બસ સ્ટેન્ડની સામે, રીંગ રોડ, સુરત-૩૯૫૦૦૩. (ગુજરાત)
ફોન નં. (૦૨૬૧) ૨૪૪૨૬૯૬, ૨૪૧૧૧૯૨ ફેક્સ નં. (૦૨૬૧) ૨૪૨૯૭૩૩
ISO - 9001 - 2008 & ISO - 1401-2004 Certified Organisation

તપાસ માટે દાખલ થવાની સૂચના (નોટીસ)

નં :

પાણી અધિનિયમ 1974 ની કલમ - 23, હવા અધિનિયમ ની 1981 ની કલમ-24 અને પર્યાવરણ (સુરક્ષા) અધિનિયમ - 1986 ની કલમ-10 હેઠળ અમોને મળેલ સત્તાની રૂએ અમો નીચે સહી કરનાર અમોને જરૂરી લાગે તેની સહાય લઈને તમામ સમયે નીચેના હેતુઓ માટે આપની જગ્યામાં દાખલ થવાનો અને તપાસ કરવાનો અધિકાર ધરાવીએ છીએ.

- (૧) અમોને સોંપેલા રાજ્ય બોર્ડ/કેન્દ્ર સરકારનાં કાર્ય બજાવવાના હેતુ માટે,
- (૨) આવા કોઈ કાર્યો બજાવવાના છે કે કેમ અને તેમ હોય તો કઈ રીતે તે બજાવવાના છે અથવા આ અધિનિયમ અથવા તે હેઠળ કરેલા નિયમોની અથવા આ અધિનિયમ હેઠળ બજાવેલી કોઈ નોટીસની, કરેલા કોઈ ભુક્કમની, આદેશની અથવા આપેલા કોઈ અધિકારપત્રની કોઈ જોગવાઈનું પાલન કરવામાં આવી રહ્યું છે કે પાલન કરવામાં આવ્યું છે કે કેમ તે નક્કી કરવાના હેતુ માટે,
- (૩) કોઈ સાધન સામગ્રી, ઔદ્યોગિક પ્લાન્ટ, રેકર્ડ, રજીસ્ટર, દસ્તાવેજ અથવા અન્ય કોઈ મહત્વની વસ્તુની તપાસ કરવા અને તેની કસોટી કરવાના હેતુ માટે અથવા જે જગ્યામાં તેને એમ માનવાને કારણ હોય કે આ કાયદા કે તે હેઠળ કરેલા નિયમો મુજબ કોઈ ગુનો કરવામાં આવ્યો છે અથવા થવાની તૈયારીમાં છે. તેવી કોઈ જગ્યાની ઝડતી લેવા માટે અને તેને એમ માનવાને કારણ હોય કે આ કાયદા કે તે હેઠળ કરેલા નિયમો હેઠળ શિક્ષાપાત્ર કોઈ ગુનો કર્યાનો પુરાવો, તેવા સાધન સામગ્રી, ઔદ્યોગિક પ્લાન્ટ, રેકર્ડ, રજીસ્ટર, દસ્તાવેજ અથવા અન્ય મહત્વની વસ્તુ કબજે લેવા માટે અમે નીચે જણાવેલ સમયે દાખલ થઈએ છીએ

ઉદ્યોગ/કારખાનામાં દાખલ થવાનો સમય :15:00..... કલાક તા27..... /09..... /2018.....
અમારી સાથે મુલાકાત સમયે સહાય માટે નીચેના અધિકારીશ્રી / કર્મચારીશ્રી હાજર રહેલા છે.

ક્રમ અધિકારીશ્રી / કર્મચારીશ્રી હોદ્દો

(૧) Ms. B.C. Mehta (APE)

(૨) _____

(૩) _____

પ્રતિશ્રી,

(GPCB ID & 50993

M/s. Hazima Freight Containers

Private Ltd.
Hazima - 394240

સહી _____

અધિકારીનું નામ M. B. Ahir

હોદ્દો (SO)

109
A

Gujarat Pollution Control Board, Surat
Regional Office, Surat
338, Belgium Square, Typical First Floor,
Silver Plaza Complex, Opp.Linier Bus Stand,
Righ Road, Surat-395003 (Gujarat) Phone
No.(0261)2442696
ISO-9001-2008&ISO - 1401-2004 Certified
Organization
Web Site :www.gpsb.gov.in XGN website
:http://gpcbagn.gujarat.gov.in
E-mail:ro-gpcbpsura@gujarat.gov.in
GST No.:24SRTG00481F1DK

Notice for entry for investigation (Notice)

No.:

By virtue of powers received under Section 23 of Water Act 1974, Section-24 of Air Act 1981 and Section -10 of Environment (Protection) Act-1986, I the undersigned have rights to enter into you place and to investigation for following purposes with the help of those who are needed.

1.For the purposes of performing work of State Board/ Central Government handed over to me.

2.For the purpose of deciding if any such works are to be performed and if so, how they are to be performed or Notice served under this act, any order or provisions of any letter of rights is being followed or what,

109
B

3. For investigating any equipments, industrial plant, record, register, documents or any other important thing and for examining it or there is any reason to believe that any crime has been committed under this act and under the rules made thereunder and it is contemplated. I am entering at the below mentioned time for investigating any such place and if there is a reason to believe so and for taking under custody, the evidence of punishable crime made, such equipments, industrial plant, record, register, documents and any other important things.

Time of entry in industry/ factory : 15:00 hours, date 27.09.2018.

Following officer/ employee will be present with me for help at the time of my visit.

Sr. Officer/ Employee	Designation
-----------------------	-------------

2. Ms.M.B.Desai	AEE
-----------------	-----

To,

(GPCB & ID 50993

M/s. Hazira Freight Container Pvt. Ltd. Plot No.434 Paikee A/1 Hazira-394270.

Sign -sd- illegible

Name of Officer M.B.Ahir

Designation (SO)

Hazira Container Freight Station Pvt. Ltd.

Ref No. :

Date : 30-09-20 20

પ્રતિ,
નાયબ વન સંરક્ષકશ્રી
સુરત વન વિભાગ
સુરત.

વિષય :- Diversion of 25.00 Ha. of Unclassed Forest land for setting up Port back up Facilities in Village Hazira (Suvali), Ta. Choryasi, Dist.Surat in favour of Hazira Container Freight Station Pvt. Ltd.

સંદર્ભ :- (૧) ભારત સરકારશ્રીના વન અને પર્યાવરણ વિભાગ, ભોપાલના પત્ર ક્રમાંક 6 - GJC 003/2014-BHO/124 Dt. 30/01/2015.
(૨) ગુજરાત સરકારશ્રીના વન અને પર્યાવરણ વિભાગ, ગાંધીનગરના પત્ર ક્રમાંક FCA- 1012/10-10/12/S.F.-104/F Dt. 07/02/2015. (મેમોરેન્ડમ)

સવિનય સહ ઉપરોક્ત વિષય અન્વયે જણાવવાનું કે, અમો હજીરા કન્ટેઈનર ફ્રેઈટ સ્ટેશન, હજીરા દ્વારા પોર્ટ બેકઅપ ઈન્ફ્રાસ્ટ્રક્ચર ફેસિલીટી, લોજેસ્ટીક, ગોડાઉન, ટેન્ક ફાર્મ તેમજ કસ્ટમ કલીયરન્સના કામે મોખે હજીરા તા.ચોર્યાસી જી.સુરત ના જંગલ સર્વે નંબર ૪૩૪ પેકીની ૨૫.૦૦ હે. જંગલ જમીનની માંગણી, વન સંરક્ષણ ધારા ૧૯૮૦ ની જોગવાઈ હેઠળ કરતાં ભારત સરકારશ્રીના સંદર્ભ - ૧ ના પત્રથી અમારી ઉપરોક્ત વિષય હેઠળની દરખાસ્તને મંજૂરી આપવામાં આવેલ છે.

જે અનુસાર સંબંધિત રેવ્યુફોરેસ્ટ ઓફીસરશ્રી દુમસ ધ્વારા અમારી માંગણી અનુસારની જંગલ જમીનનું સ્થળ ઉપર ડિમાર્ક્શન કરી હદ-નિશાન ચોકકસ કરી અમોને તા. ૧૯/૦૨/૨૦૧૫ ના રોજ સ્થળ પ્રત્યક્ષ કબજો સોંપવામાં આવેલ છે.

અત્રે ઉલ્લેખનીય છે કે, ઉપરોક્ત હુકમથી અમને ફાળવેલ જમીનની બાબુમાં કોઈ પક્ષી અભચારણ્ય કે, પક્ષીઓની કોઈ વસાહત આવેલ છે. કે, કેમ? તેમજ બાબુની વન જમીનમાં ગીધ પક્ષીઓની હાલ હાજરી બાબતે જરૂરી અહેવાલ આપવા વિનંતી છે. સદર માહિતી અમારે કોર્ટમાં રજુ કરવાની છે. જેની જાણ થવા વિનંતી.

FOR HAZIRA CONTAINER FREIGHT
STATION PVT. LTD. .


AUTH. SIGN.

~~HAZIRA CONTAINER FREIGHT STATION PVT. LTD.~~

7/33-34, Sharda Sadan Building, Near Alankar Cinema, Station Road, Surat - 395 003.
Ph.: 0261-2419300, Fax No.:0261-2412244, E-mail : hazira_freight@yahoo.com
Service Tax No. : AACCH6389JSD001

110
AHazira Container Freight Station Pvt. Ltd.

Sr.No.

Date:30.09.2020

To,

Deputy Forest Conservator,

Surat Forest Division,

Surat.

Surat

Subject : Diversion of 25.00 Ha. Of Unclassed Forest land for setting up Port back up Facilities in Village Hazira (Suvali), Ta. Choryasi, Dist. Surat in favour of Hazira Container Freight Station Pvt. Ltd.

Ref.:

1. Letter No.6-GJC 003/2014-BHO/124, dated 30.01.2015 of Forest and Environment Department, Bhopal of Government of India.
2. Letter No.FCA-1012/10-10/12/S.F.-104/F, dated 07.02.2018 (Memorandum) of Forest and Environment Department, Gandhinagar of Gujarat Government.

With most respectfully on the subject noted above, it is stated that, proposal under the subject has been sanctioned vide letter of the Indian Government cited at reference - 1, wherein demand of forest land of Survey No.434 paiki, 25. He. Forest land of Mauje Hajira, Ta.

110
B

Choryasi, Dist. Surat had been made for the work of Back up Infrastructure facility, logistic, godown, tank farm and custom clearance by us i.e., Hajira Container Freight Station, Hajira.

As per it, Range Forest Officer, Dumas has handed over the direct possession of the forest land as per our demand on 19.02.2015 after doing demarcation of the same on the venue.

It is remarkable here that as to whether there is one colony of any bird sanctuary or birds nearby land allotted to us? and also to give us report regarding presence of vulture bird in the forest land nearby. Said information is to be produced before the Court by us. Kindly take a note of it.

FOR HAZIRA CONTAINER FREIGH
STATION PVT. LTD.

-sd- illegible

AUTH. SIGN.

Annex: 111

111

ક્રમાંક : ક/૧૭/સર્વે/ ૫૫૧ /૨૦૨૦-૨૧
 નાયબ વન સંરક્ષકશ્રીની કચેરી,
 સુરત વન વિભાગ
 સુરત. તા. ૧/૧૦/૨૦૨૦.

પ્રતિ,
 ડાયરેક્ટરશ્રી,
 ગે.હજીરા કન્ટેઇનર ફેઇટ સ્ટેશન પ્રા.લી.
 હજીરા, સુરત.

વિષય : Diversion of 25.00 Ha. of Unclassed Forest land for setting up Port back up Facilities in Village Hazira (Suvali), Ta. Choryasi, Dist.Surat in favour of Hazira Container Freight Station Pvt. Ltd.

સંદર્ભ : આપશ્રીના તા. ૩૦/૦૯/૨૦૨૦ના પત્ર અન્વયે.

મહાશય,

જય ભારત સહ ઉપરોક્ત વિષય અન્વયે જણાવવાનું કે, હજીરા કન્ટેઇનર ફેઇટ સ્ટેશન લી. હજીરા દ્વારા પોર્ટ બેકઅપ ઇન્ફ્રાસ્ટ્રક્ચર ફેસીલીટી, લોજેસ્ટીક, ગોડાઉન, ટેન્ક ફાર્મ તેમજ કર્મ ક્લીયરન્સના કામે જંગલ જમીનનો ઉપયોગ કરવા સબબ વન સંરક્ષણ ધારા ૧૯૮૦ હેઠળ કરેલ દરખાસ્તને ભારત સરકારશ્રીના પત્રકમાંક: 6 - GJC 003/2014-BHO/124 Dt. 30/01/2015.થી મંજૂરી આપવામાં આવેલ છે.

આપના સંદર્ભના પત્રથી માગવામાં આવેલ ગીઘ/પક્ષી અભયારણ્ય અંગેની માહિતી નીચેની વિગતે આપવામાં આવે છે.

અત્રેના કાર્યક્ષેત્ર હેઠળ આવેલ હજીરા ના વન વિસ્તારમાં કોઈ નોટીફાઇડ ગીઘ / પક્ષી અભયારણ્ય આવેલ નથી. જેની જાણ થવા વિનંતી.

આપનો વિશ્વાસુ



(પુનીત મેથા)

નાયબ વનસંરક્ષક

સુરત.

E:\JANGAL JAMIN\F.C.A\HAZIRA CFS\hajira cfs.docx

111
A

No.:K/17/Survey/551/2020-21

Office of Deputy Forest
Conservator,

Surat Forest Division.

Surat. Date:01.10.2020.

To,

Director,

M/s. Hajira Container Freight Station Pvt.
Ltd.,

Hajira, Surat.

Subject : Diversion of 25.00 Ha. Of Unclassed
Forest land for setting up Port back
up Facilities in Village Hazira
(Suvali), Ta. Choryasi, Dist. Surat
in favour of Hajira Container
Freight Station Pvt. Ltd.

Ref.: In view of your letter dated 30.09.2020.

Sir,

With most respectfully on the subject noted
above, it is stated that vide letter No.6-GJC
003/2014-BHO/124, dated 30.01.2015 of
Government of India, permission has been
granted to use land of forest for the work of
Back up Infrastructure facility, logistic,
godown, tank farm and custom clearance by us
Hajira Container Freight Station, Hajira in

111
B

view of proposal made under Forest Conservation Act 1980.

Information regarding vulture/ bird sanctuary as sought for by you vide letter under reference, is given as per following details.

There is no vulture/ bird sanctuary in forest area of Hajira under jurisdiction of this office. Kindly take a note of it.

Yours faithfully,

-sd- illegible

(Punit Nayyar)

Deputy Forest Conservator,

Surat.