

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN**ZONE BENCH AT PUNE****APPEAL NO. 15 OF 2023**

Federation of Rainbow Warriors and Ors ... Appellants

And

Union of India and Ors. ... Respondents

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The index is filed on the 30th day of November, 2024 at Goa



Appellant No 1

(Mr. David Rodrigues)

**BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH AT PUNE**

APPEAL NO. 15 OF 2023

Federation of Rainbow Warriors and Ors ... Appellants

And

Union of India and Ors.

... Respondents



**AFFIDAVIT IN REJOINDER ON BEHALF OF THE
APPELLANTS**

I, Mr. David Rodrigues, the Secretary of the Appellant No.1 Society abovenamed, having its office at CSH-1, Block C-2, Leandra Heritage, Madel, Margao, Goa - 403601, do hereby state the following on solemn affirmation:

1. Vide the present Appeal, the Appellants are challenging the grant of the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance, dated **11.01.2023**, for the proposed capacity enhancement at Berths 5A and 6A of Mormugao Port, Goa. I say that I have read the present Appeal, as well as the Affidavits in Reply filed by the

David Rodrigues

Respondents 1-5 (“**Affidavits in Reply**”) and am familiar with their contents, thus I am competent to depose in the present Affidavit in Rejoinder on behalf of the Appellants in the matter.



2. The Appellants respectfully submit that the impugned combined EC and CRZ Clearance are fundamentally flawed due to non-compliance with the procedural and substantive requirements of the **EIA Notification, 2006**, and the **CRZ Notification, 2011**, as well as a blatant disregard for judicial precedents, relevant policy changes, and the evolving environmental context.

3. This Affidavit is intended to serve as conjoint rejoinder addressing the averments raised in the replies submitted by the Respondents:
 - a. Ministry of Environment, Forest and Climate Change (MOEF&CC) (R1);
 - b. Goa State Pollution Control Board (GSPCB) (R2);
 - c. Mormugao Port Authority (MPA) (R3);
 - d. The Project Proponent (R4);

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e. Goa Coastal Zone Management Authority (GCZMA)
(R5).

4. For the sake of brevity and cohesiveness, the Appellants are not submitting a para-wise response to each of the Affidavits in reply to the Respondent Authorities. The Appellants crave leave to file further affidavits in rejoinder if deemed to be necessary by this Hon'ble Tribunal.

5. The Appellants submit that the responses provided by the Respondents fail to address key legal, technical, and procedural issues raised in the Appeal. Instead, the replies make baseless assertions without furnishing the requisite evidence or records to substantiate the claims made therein

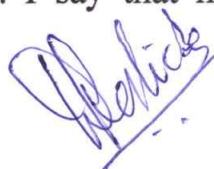
**I. REJOINDER TO POINTS RAISED BY MOEF&CC
(RESPONDENT NO.1)**

6. I say that the contents of paras 1-18 of the Affidavit of the Respondent No. 1 are a matter of record and do not warrant any specific response.

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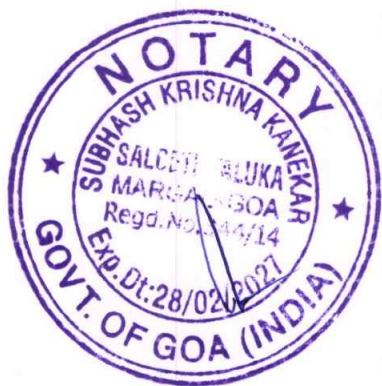
7. In relation to the statement of the Respondent No. 1 at para 18-22 of its Affidavit that the EAC was awaiting the updated Coastal Zone Management Plan (CZMP) map prior to granting the impugned EC and CRZ clearance was evidently awaited in the form of technical requirement under the law which was mechanically processed without any application of mind. The Respondent No.1 cannot assert that there was any substantive scrutiny of the said CZMP map nor was there any assessment made by the GCZMA on the basis of the updated CZMP map. I say that the Respondent No. 1 has curiously chosen not to annex to its affidavit any of the documents mentioned between para 18-22.

8. In relation to the averment of the Respondent No.1 MoEFCC at Para 23 of its affidavit that the Environmental Appraisal Committee (EAC) undertook a re-evaluation and scrutiny of the proposal prior to granting the impugned EC on **11.01.2023**, I say such an averment is wholly unsubstantiated. I say that no evidence or documentation



has been provided to this Hon'ble Tribunal to demonstrate that any meaningful re-evaluation or scrutiny took place. A detailed examination of the impugned EC reveals the following deficiencies:

- a. The last meeting of the EAC on the subject was held from **November 26–28, 2018**, which was more than five years prior to the issuance of the EC in January 2023. This significant time gap conclusively establishes that no re-evaluation or scrutiny occurred.
- b. The EC explicitly relies on CRZ recommendations issued by Respondent No. 5 on **18.08.2017**, which had a validity of only five years. By 2022, these recommendations had expired, and reliance on them violates procedural and substantive requirements. I say that the said recommendations could not have been unilaterally renewed by the “Department of Environment and Climate Change, Government of Goa” on 16.12.2022 as contended by the Respondent No. 1 at para 22 of its affidavit.
- c. All activities recorded in the EC, such as studies, data collection, and appraisals, pertain to dates prior to 2018, further confirming the lack of consideration of



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recent judicial decisions, updated environmental data, and new policy developments.

- d. In relation to the statement of the Respondent No.1 at para 24 of its affidavit, the **Claim That Railway Tracks Are Outside the Purview of EIA Notification, 2006** is baseless and contradicts the requirements of Form I under the EIA Notification, 2006. Section II of Form I explicitly includes two questions (Sl. Nos. 1.23 and 1.24) requiring details of railway traffic and infrastructure, clearly indicating that rail connectivity is not excluded from the scope of EIA studies.

- e. I further say that the **EIA Guidance Manual for Ports & Harbours**, issued by the Respondent itself, mandates the inclusion of road and rail connectivity in the Terms of Reference (TOR) for projects of this nature. Paragraph 2.8 of the Manual unequivocally states:

“The proponent should furnish the connectives of road and rail network to the proposed port location...

If existing road and rail facilities are utilized for the



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port activity, the proponent should furnish details of extra capacities required to augment the existing connectivity such that the infrastructure is not subject to congestion."



9. I further say that the Mormugao Port Master Plan, 2016, acknowledges that capacity enhancement at Berths 5A and 6A is contingent on the doubling of railway tracks. The Master Plan states:

"The existing single-track railway line restricts cargo evacuation to 15 MTPA, necessitating doubling to facilitate evacuation of increased cargo volumes of ~19 MTPA."

10. I say that the doubling of railway tracks is intrinsically linked to the project's capacity enhancement. The Hon'ble Supreme Court judgment dated 09.05.2022 further corroborates that the railway doubling is primarily intended to support coal transportation. The failure to consider its impacts renders the EIA incomplete and legally unsustainable.

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**DREDGING CLAIMED AS AN INTEGRAL PART OF THE
PROJECT BY THE RESPONDENT NO. 1**

11. I say that at para 24, the Respondent No. 1 has made an admission that dredging approvals were clandestinely incorporated at the final stage without any prior scoping, studies, or appraisal, highlights severe procedural lapses. I say that it is pertinent to note that the Respondent No. 4, the Project Proponent, explicitly denied the need for dredging in its Form I submissions, further compounding the irregularities.

12. I say that dredging activities have significant environmental impacts, including increased sedimentation, habitat destruction, and marine biodiversity loss. The omission of these impacts from the EIA and the failure to conduct necessary studies violate the precautionary principle and the statutory mandate of the EIA Notification, 2006. I also repeat and reiterate the submissions made in the Appeal that dredging in the Mormugao Port had previously been prohibited by this Hon'ble Tribunal in its order dated 02.09.2016 in Appeal 10/2016 and that the Respondents



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have sought to surreptitiously include dredging of the channels in the Mormugao Port through the present project to circumvent the order of this Hon'ble Tribunal dated 02.09.2016.



II. REJOINDER TO POINTS RAISED BY GOA STATE POLLUTION CONTROL BOARD (R2)

13. I say that most of the paragraphs of the affidavit of the Respondent No. 2 are matters of record and do not warrant a specific response. However, at Para 19 of its affidavit, the Respondent No. 2 has wrongfully alleged compliance with EIA Notification, 2006, during the Public Hearing. I say that the minutes of the Public Hearing reveal its ineffectiveness:

- a. Submissions made by 98 speakers were recorded; however, no meaningful responses were provided to their queries.
- b. Only five generic clarifications were offered post-hearing, as reflected in the EIA Report (Pages 1037–1085 of the Appeal).

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- c. The Public Hearing was reduced to a perfunctory exercise aimed at procedural compliance rather than addressing the genuine concerns of the affected stakeholders.



III. REJOINDER TO POINTS RAISED BY MORMUGAO PORT AUTHORITY (R3)

14. I say that the Respondent No. 3 at Paras 4–26 of its Affidavit made various submissions in regards to its alleged mitigation measures undertaken to reduce Air Pollution. I say that these measures are self-evidently inadequate, as can be seen from the persistent complaints from Vasco City residents, as well as findings from the IIT Bombay Study annexed by the Respondent No. 3 itself as the Exhibit R1, demonstrates the ineffectiveness of claimed measures to mitigate Air Pollution.

- a. The Respondent's claims regarding steps taken to mitigate air pollution are contradicted by continuous and well-documented complaints from residents of Vasco City and nearby areas. The submissions in their affidavit (paras 17 and 27) clearly demonstrate

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that these grievances persist, highlighting the inadequacy of the measures purportedly implemented.



The Final Report by IIT Bombay on Particulate Matter Source Apportionment in Vasco da Gama, Goa, commissioned by the Respondent, provides conclusive evidence that the coal and limestone handling activities at the port contribute significantly to particulate matter (PM_{10} and $PM_{2.5}$) concentrations in the area.

- c. The report states that, as coal-handling activities increase, the contribution to air pollution follows an exponential decay pattern with far-reaching impacts.
- d. A simulation in the report indicates that doubling the port's coal-handling capacity would result in a spatial and quantitative increase in PM concentrations. This finding invalidates Respondent No. 3's claim of effective pollution control measures, and confirms the apprehensions of the Appellants.

15. I say that the IIT Bombay report identifies specific gaps in pollution control practices, including inadequate

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control over fugitive dust emissions from stockpiles and coal handling operations.

- a. The report emphasizes the necessity of maintaining moisture content (~12%) in coal stockpiles and implementing advanced screening mechanisms to prevent fugitive dust.



Despite these recommendations, there is no evidence that such measures have been effectively implemented. The persistent high Elemental Carbon to Organic Carbon (EC/OC) ratios observed near the port strongly indicate the continued contribution of coal-handling activities to local air pollution.

2.2. Annexures R2 and R3 of Respondent No. 3's affidavit highlight ongoing instances of air quality violations, despite the measures claimed to be in place. The inadequacy of these measures undermines the Respondent's assertion of environmental compliance.

16. I say that the capacity enhancement at Berths 5A and 6A will inevitably lead to an increase in coal and coke handling volumes, which in turn will exacerbate air pollution in Vasco City and its surrounding areas.

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17. At the cost of being repetitive I say that the Mormugao Port Master Plan, 2016, recognizes the potential for increased air pollution, stating that the port's capacity expansion will necessitate significant infrastructural upgrades, including railway double-tracking and additional dredging. These interlinked activities have cumulative environmental impacts that are not addressed in the impugned Environmental Clearance (EC).



18. I say that it is also pertinent to note that the Master Plan further acknowledges that coal evacuation from the port is already constrained by logistical and infrastructural bottlenecks. Doubling coal-handling capacity without resolving these issues will result in increased stockpile volumes, prolonged handling times, and greater fugitive emissions.

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LACK OF DENIAL OF KEY FACTS

19. I say that the Respondent No. 3 has not contested or refuted several critical points raised in the Appeal, including:

- a. The necessity of capital dredging for the project's viability, which was not subjected to proper scoping or appraisal as part of the EC process.
- b. The need for double-tracking of railway lines, which is an integral component of the project's operational capacity enhancement but was excluded from the EIA study.
- c. Evidence of marine pollution caused by coal runoff from port activities, which has detrimental impacts on the marine ecosystem in Vasco Bay and the Zuari Estuary.
- d. The Environmental and Socio-economic impacts of the project as raised by the Appellants



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**IV. REJOINDER TO THE AFFIDAVIT OF RESPONDENT
NO. 4 (PROJECT PROPONENT)**



20. At the outset, I wish to address the submissions made by the Respondent No. 4 in relation to the judgments cited by the Respondent No. 4. It is pertinent to note that in its recent judgment dated 25.07.2024, the full bench of the Hon'ble Supreme Court of India held in the matter of *Santosh Kumar Singh v State Level Environmental Impact Assessment Authority* (Civil Appeal) No 4178/2023 that,

“In fact, looking at the challenge to the environmental clearance, it was the duty of the NGT to satisfy itself that all the conditions precedent for the grant of environmental clearance were complied with. It is the duty of the NGT to ensure that the environmental clearance is lawfully granted. One of the duties of the NGT is to uphold and preserve the right to a healthy environment guaranteed under Article 21 of the Constitution. In this case, the NGT should have directed the fourth respondent to produce on record material to show whether compliance was made with clause 2(b) of the Revised Guidelines. The NGT has not examined the same. “

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"In our considered view, the NGT ought to have directed the fourth respondent to place on record the material to show that compliance was made with the requirements of clause 2(b) of the Revised Guidelines. Thereafter, the NGT could have gone into other issues, such as whether there is a power to relax the guidelines, the locus of the appellant, etc"

I therefore say that the Hon'ble Supreme Court has made it clear that while considering a challenge to an Environmental Clearance, the Hon'ble NGT has to satisfy itself that:

1. that all the conditions precedent for the grant of environmental clearance were complied with.
2. that the environmental clearance is lawfully granted
3. That grant of the environmental clearance is consistent with the right of persons affected by the grant of the clearance to a healthy environment guaranteed under Article 21 of the Constitution

A copy of the order dated 25.07.2024 of the full bench of the Hon'ble Supreme Court of India held in the matter of *Santosh Kumar Singh v State Level Environmental Impact*

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Assessment Authority (Civil Appeal) No 4178/2023 has been annexed hereto and marked as **Annexure A-1**.

21. I further say that the reliance placed by the Respondent No. 4 on judgments such as those in the matter of *Rajeev Suri v DDA (2022) 11 SCC 1 and 1*. G. *Sundarrajan v. Union of India, (2013) 6 SCC 620.*, indicate that the Respondent no. 4 is attempting to argue that the challenge to the impugned EC should not be considered by this Hon'ble Tribunal. However, it is submitted that the illegalities and the irregularities behind the grant of the impugned EC, in particular in relation to the surreptitious inclusion of dredging as a part of the project though it was not mentioned in the Form I submitted by the Respondent No. 4 and the fact that the GCZMA had granted its recommendation to the project on the understanding that there would be no dredging required for the project, and that the GCZMA's recommendations of 2017 was renewed in December 2022, not even by the GCZMA but by the Environment Department of the Government of Goa renders the impugned EC prima facie illegal. The impugned EC

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should be set aside as per the standard of review/adjudication the Hon'ble Supreme Court of India put forth in the matter of in *Rajeev Suri v DDA (2022) 11 SCC 1* and *I. G. Sundarrajan v. Union of India, (2013) 6 SCC 620*, as the non- application of mind of the EAC is self-evident from the record of the matter.

22. I say that the other judgments cited by the Respondents such as *Pravin Prabhakar Fadte v MOEF&CC Appeal 18/2022, State of A.P. v Raghu Ramakrishna Raju Kanumuru, 2022 SCC Online SC 728* can clearly be distinguished on facts, and the Appellants will rely on additional judgments to support their contentions at the time of final arguments of the present Appeal.

23. I further say, that the reply affidavit of the Respondent No. 4 is convoluted and repetitive. I say that for the sake of instilling some clarity during the hearing of the present matter, the Appellant has prepared a list of dates, a copy of which has been annexed hereto and marked as **Annexure A-2.**



24. In relation to the averments at paras 3, 17-24 of its affidavit, the Respondent No. 4 has raised averments regarding how the allegations of pollution are matters of litigation before High Court and Administrative Tribunal. The Respondent No. 4 has claimed PIL WP 24/2018 on air pollution in Mormugao Port area and a source apportionment study by IIT Bombay are pending before the High Court and EC is subject to outcome of the matter.

25. In response to the said averments, I say that there are no matters pending before the Administrative Tribunal. I categorically and emphatically deny the averment of the Respondent No. 4 that the Appellants have suppressed the pendency of proceedings before the Administrative Tribunal. I say that Appeals No 1/2019 and 2/2019 were filed before the Administrative Tribunal against grant of Consent to Operate which are dismissed.

26. I further categorically and emphatically deny the averment of the Respondent No. 4 that the Appellants have





suppressed the following material facts- (i) GCZMA revalidated recommendation on 16.12.2022; (ii) PIL on pollution pending before High Court.

27. I say the document issued by the “Department of Environment and Climate Change, Government of Goa” on 16.12.2022 renewing/re-validating the recommendations for the project furnished by the Respondent GCZMA does not exist in the public domain, and the Appellants only learnt of the same through the affidavits filed by the Respondents in the captioned matter. I say that it is pertinent to note that the Respondent No. 5 itself has not even mentioned this document in its affidavit in reply.

28. I say that the litigation before the Hon’ble High Court is a PIL WP asking for reliefs from air pollution in Vasco City due to all the coal berth operators at Mormugao Port. The present Appeal is an appeal against the grant of Environmental Clearance for capacity expansion of coal handling operations at Mormugao Port and is strictly within the ambit of EIA Notification 2006, while the PIL WP

before the High Court is on Constitutional grounds related to air pollution due to ongoing operations. The two matters have completely independent and distinct prayers and cannot lead to conflicting directions. I say that the only statutory remedy to challenge the present impugned EC is to file an Appeal under Section 16 of the NGT Act, 2010. I say that the Appellants cannot be prejudiced for preferring a statutory appeal to the impugned EC.



29. At paras 4, 5, 6, the Respondent No. 4 claimed that the impugned Environmental Clearance includes setting up covered sheds and mechanized environmentally friendly material handling systems. However, I say that the pollution due to spillage of coal cannot be prevented, and marine pollution stands to increase due to increased use of water to trap coal dust particles. At paras 7, 8; 38, 41 of its Affidavit the Respondent No. 4 has claimed that by implementation of *State-of-the-Art* facilities, the Respondent would get consequential capacity enhancement at Berts 5A and 6A without change in stockyard area, waterfront area, and putting additional pressure on the existing resources. I say

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that the impugned EC is for doubling of the coal handling capacity at Berths 5A and 6A. I say that this certainly entails an increase in pollution, not just from handling of the additional coal, but also from double the number of ships, capital dredging, double the number of coal trains (racks), and double tracking of the railway tracks.



30. I say that the Respondent admitted at para 38 of its affidavit that there is pollution at present caused due to the operation of its berths. I say that if so, the resolution of the pollution is a duty of the Respondent, and cannot be linked with the application for grant of EC for additional capacity. Conversely, if the Respondent claims that there is no pollution now, he cannot claim any environmental benefits from the proposed capacity expansion project.

31. I say that at Paras 12 to 16; 46 and para 52 of its Affidavit, the Respondent No. 4 has claimed, repeatedly, and incorrectly that all relevant factors were considered by EAC before grant of EC. However, I say that the EAC has completely failed to apply its mind, some examples being:



a. **Form I lies and concealments** – EAC has failed to see the fraud committed by Respondent No 4 in the Form I and EAC has issued a TOR blindly ignoring some of the most important issues to be included in the study, listed in the Appellant No 1's submission at the Public Hearing and annexed to the Appeal as Annexure A-19 Colly, on page 518 of the Appeal. Some examples of the gross lies and concealments are –

1. The blatant lie that dredging is not required for the enhancement of the capacity (Section II, sr. no. 1.11 of the Form I, page 181 of the Appeal);
2. The blatant lie that double tracking is not required for the project (Section II, sr. no.s 1.17 and 1.18 of the Form I, page 182 of the Appeal);
3. The blatant lie that clearances under FCA and WPA are not required for the project (Section I, sr. no. 21 of the Form I, page 180 of the Appeal);
4. The blatant lie that there are no other existing or planned projects with similar effects in proximity of the project (Section II, sr. no. 9.4 of the Form I,

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page 189 of the Appeal), although Adani operates identical coal handling operations on the adjacent Berth 7 (see page 233 of the Appeal), while Vedanta is to commence a similar operation on Berths 8 and 9;



5. There are numerous other concealments and lies in the Form I at Section II, sr. no.s 1.21, 1.22 and 1.24 (page 182 of Appeal); Section II, sr. no.s 3.2 and 3.3 (page 184 of Appeal); Section II, sr. no.s 7.1, 7.2, 7.3, 7.4 and 7.5 (pages 187 & 188 of Appeal); Section II, sr. no. 9.1 (pages 188 and 189 of Appeal); and Section III, sr. no.s 1, 2, 3, 7, 8, 9, 10, 11, and 12 (pages 189 and 190 of Appeal),

b. **Scoping:** In relation to issues and irregularities arising from the scoping procedure for the impugned EC, the following issues are evident:

- i. I say that the terms of Reference could not have been issued without considering port connectivity and evacuation of the coal from the Port. The existing railway track is fully utilized and a second track is required to be



laid for any increase in coal handling permissions. The double tracking proposal has been stopped by the Hon'ble Supreme Court by quashing the Wildlife Clearance. The double tracking is essential for increasing coal evacuation from the Port, without which the capacity enhancement sought by the impugned Environmental Clearance cannot be possible.

- ii. The necessity for the TOR to include studies of the environmental and socio-economic impacts of rail connectivity is clearly mandated by the EIA Guidance Manual for Ports & Harbours. Paragraph 2.8 of the Manual states (Annexure A-31, page 1122), *"The proponent should furnish the connectives of road and rail network to the proposed port location. Details of dedicated road/rail networks in the proposed port area and outside the proposed area should be furnished, with necessary clearances obtained for the same. In case the existing road and rail facilities are utilized for the port activity, the proponent should furnish details*

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of extra capacities required to augment the existing connectivity such that the infrastructure is not subject to congestion. The layout of such road and rail facility should be incorporated in the project layout."

(para 46 (c) of the Appeal)

- iii. The Mormugao Port Master Plan of 2016 clearly declares the necessity for double tracking for any capacity enhancement. Para 11.2.3.2 of the Master Plan (Annexure A-14, page 291) states, "*Port railway system is connected to South Western Railway through which it is also linked to the Konkan Railway. Both these railways together facilitate easy access to the port from any part of the hinterland. Currently, there is only one line that connects the port to the hinterland. The capacity of this line restricts the total cargo that can be evacuated from the port to 15MTPA. After dredging, the combined capacity of JSW coal terminal and Adani is ~19MTPA. Hence, the railway line has to be*



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doubled. " It continues, "The line capacity is 14 rakes, of which, recently, railways committed to send 11 rakes to the port. This would enable the port to evacuate a maximum of 15MTPA of coal from the port. Evacuation remains a bottleneck at the port. Hence, doubling of the line is essential for the port to increase capacity."

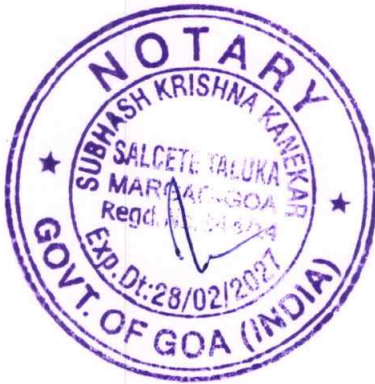
- iv. The submissions of the Railway Authorities before the Hon'ble Supreme Court reproduced in the judgement dated 09.05.2022 (annexed as Annexure A - 34) that the double tracking is for the increase in coal transportation from MPT, imply that the double tracking is essential for Terminal Capacity Enhancement of Berths 5A and 6A. The impacts of the double tracking of the railway line are therefore an essential part of the EIA study for the impugned EC/CRZ Clearance. (para 17 of Appeal)
- v. The necessity for the TOR to include for studies of the environmental and socio-



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economic impacts of capital dredging is clearly mandated by Paragraphs 4.2.4, 4.4.1 and 4.5.1 of the EIA Guidance Manual for Ports & Harbours Manual (Annexure A-31, pages 1126, 1128 and 1129, also stated under paras 46 (k), (m) and (n) of the Appeal)

- vi. The Master Plan of 2016 for the Mormugao Port prepared by the Respondent No 3 ((Annexure A-14, page 285) reveals that capital dredging undertaken by Respondent No 3 is for the increased capacity of Respondent No 4s coal berth. Para 11.2.21 of the Master Plan entitled "Initiative: MPT 3.1 Enhance draft for JSW coal berth to increase capacity" states, *"The JSW coal berth B-6 handles coal for the JSW Vijayanagara plant's coking coal requirements. The plant currently has a demand of 15 MTPA (FY 15) and it is expected to increase to 17 MTPA in the next 1-2 years. JSW is currently handling 8 MTPA at its coal terminal in MPT and the remaining volume is imported through Krishnapatnam port. JSW is*



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planning to import the majority of its coal requirements in cape size vessels to save on logistics. While Krishnapatnam has cape handling capacity, MPT's current draft only allows Panamaz vessels. If the draft continues to be the same, there is a risk of coal cargo getting shifted from MPT to Krishnapatnam."



The Master Plan further states, *"The port will undertake capital dredging initiative for the deepening of the channel to 19.8 metres along the approach channel, turning circle, JSW terminal and 16.5 metres at the Adani terminal. After capital dredging, the additional capacity at the JSW terminal will increase to 14 MTPA due to increase in productivity. A mentioned earlier, the additional capacity created at the terminal will be used up by the JSW plant in Vijaynagara"* [emphasis supplied] (paras 20 and 21 of the Appeal, Annexure A-14, pages 285 and 286)

- vii. I say that I repeat my submissions in my Appeal that the Respondent No 3 had

commenced capital dredging in the Vasco Bay in January 2016, which was stopped by this Hon'ble Tribunal by its judgment dated 2nd September 2016 (Annexure A-15 Colly of the Appea;). Para 36 of this judgment of this Hon'ble Tribunal states,

"The learned Counsel for Appellants argued that the capital dredging cannot be considered in isolation to the material handling capacity of the port activities. The increased depths in the approach channel will undoubtedly allow movement of large vessels enabling them to carry larger loads. We find merit in this argument and it is for MoEF to consider whether the capital dredging can be considered in isolation to the port cargo handling capacity which is referred in Entry 7(e) of the Schedule of EIA Notification, 2006.



- viii. It is clear that this Hon'ble Tribunal Hon'ble Tribunal has already found merit in the argument that capital dredging cannot be

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considered in isolation to the material handling capacity of the port.

ix. The Supreme Court passed judgement on 09.05.2022 (annexed hereto as Annexure A - 34) revoking wildlife clearances granted for the section of the double tracking of the railway line from Mormugao Port to Hospet within the Protected Areas of Goa's Western Ghats. The submissions of the Railways before the Supreme Court, reproduced in the judgement dated 09.05.2022, that the double tracking is for the increase in coal transportation from MPT, imply that the double tracking is essential for Terminal Capacity Enhancement of Berths 5A and 6A. The impacts of the double tracking of the railway line are therefore an essential part of the EIA study for the impugned EC/CRZ Clearance.



x. The Respondent No 3 MOEF, being fully aware of the Orders of the Supreme Court dated 09.05.2022 (annexed as Annexure A – 34 to the Appeal) , could not have granted the

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impugned EC without the wildlife clearance being granted for the construction of the second track, a precondition for enhancement of capacity of the Berths 5A and 6A.

c. **Appraisal:** In relation to issues and irregularities arising from the Appraisal proceedings for the impugned EC the following issues are evident:

- i. The EAC failed to consider if any alternatives were available for the proposed capacity enhancement at Berths 5A and 6A of Mormugao Port. The EAC was required to consider the reasoned conclusion of the Hon'ble Supreme Court in its judgment dated 09.05.2022 that utilisation of the Krishnapatnam Port in Andhra Pradesh for the transportation of coal would be a better alternative to the construction of the double tracking project which would result in second line connecting Mormugao Port to the industrial belt in Bellary district. It is relevant to note that the EIA report conceals this



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existing alternative, revealing that the proposed enhancement of Berths 5A and 6A, capital dredging and double tracking of railway line across the Western Ghats are driven by unhealthy competition, as stated in MPT's Master Plan and quoted herein above, with no regard for environment or people.

- ii. I say that the EAC has failed to consider that the TOR was granted in 2016, over 8 years ago and that the EIA Report was prepared and Public Hearing held in 2017 over 7 years ago. The changes in the facts that have taken place such as the Hon'ble Supreme Court judgment annexed as Annexure A-34 were completely ignored and the EAC blindly and mechanically granted the impugned Environmental Clearance.
- iii. I say that The EAC has failed to consider serious flaws in the EIA Report highlighted during the Public Hearing, which are detailed in the Appeal and paragraphs herein below. These include the failure to consider marine



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ecology and impacts, severe water and air pollution that will be caused, socio-economic impacts, environmental impacts, and cumulative impacts considering the other activities at the Port and Vasco City contributing to the environmental degradation of the study area.



28.I categorically deny the averment of the Respondent No. 4 at para 51 that the revocation of CTO was unjustified and without application of mind. I say that the statements made by the Respondent No. 4 regarding removal of leachates during beneficiation and low level of trace metals at para 72 of its Affidavit, covered conveyors at para 73 of its reply, and other pollution control measures are stated without any evidence.

29. In relation to the averments at para 76 of the affidavit of the Respondent No. 4, I say that almost no replies were given at the Public Hearing, as is proved by the Proceedings recorded by Respondent No2 and included in the EIA

Subhash Kanekar

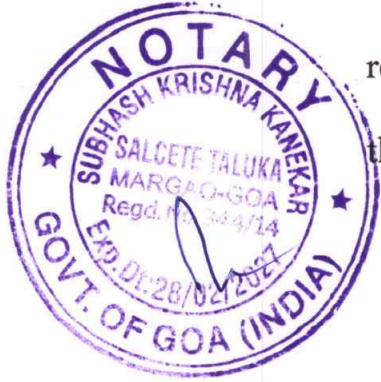
Report annexed to the Appeal as Annexure A-30 on pages 1037 to 1085. The contents of the responses submitted on 13.11.2017 (almost 7 months later) by Respondent No 4 to Respondent No 1 and annexed as Annexure A-20 reveal the inability of Respondent No 4 to reply to the queries even 7 months after the Hearing. A few examples of evasive or unsatisfactory responses provided are at sr. no. 1, b on page 562, sr. no. 3, on page 565, sr. no. 4, a to i on pages 565 and 566, sr. no. 5, a to k on pages 566 to 568, sr. no. 6, a to c on pages 568 and 569, sr. no. 7, a, e and f on page 569, sr. no. 9, b on page 570, sr. no. 15, i to n and p on pages 573 and 574, sr. no. 17, a to f on pages 574 and 575, sr. no. 21, f and g on page 577, sr. no. 22, a to l on pages 577 and 578, sr. no. 23, b to l on pages 578 and 579, sr. no. 22, a to l on pages 577 and 578, sr. no. 22, b to l on pages 578 and 579 and sr. no. 35, a, to aaa on pages 587 to 591.

30. In relation to the averment of the Respondent No. 4 at Para 78 of its affidavit that the 12th 5 year plan cannot be enforced. I say that the, 12th 5 Year Plan, 269th Report of the Parliamentary Standing Committee, scientific reports and

Which



studies, and government policies and commitments are policy decisions of the Government and scientific works that must guide decision making and judicial processes, and record the reality of the concerns raised by the Appellant in the present Appeal.



31.I say that at para 79-82, 91 of its Affidavit, the Respondent No. 4 has denied water pollution, I say that such denials are clearly mistruths and since the water pollution is clearly proved by

- a. Annexure A-24 to the Appeal – an inspection report by Respondent No 2 stating that monsoon runoff is taken to the settlement tank and overflow is taken to the sea.
- b. Annexure A-25 to the Appeal – Consent to Operate dated 15.3.2022 imposes specific condition 7, vi, viii, ix, xv, xxvi and xxviii related to use of water for dust suppression, and control of resultant water pollution. Specific condition 7, xxviii on page 768 of the Appeal states, *"The port facility should submit a action plan within one month with a detailed layout*

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plan and settlement pond arrangements to ensure that no rain water contaminated with coal enters water body.” This condition reveals that the facility of the Respondent No. 4 creates water pollution and he was granted one month to submit a detailed layout plan and settling pond arrangements to stop coal entering waters of the Vasco Bay. The large-scale water pollution continues till date unabated.



- c. Annexure A-26 – The Respondent No 4 had submitted to Respondent No 2 on 29.4.2019 a layout plan for drainage from his facility and settlement tanks (pages 774 and 775 of Appeal). This layout shows that water from settlement tanks and overflow run directly into the sea. The simple calculations attached by the Appellants on page 776 clearly show the inadequacy of the existing system to control or even reduce pollution during the monsoon period.
- d. There are no facilities for removal of heavy metals and other poisonous elements normally found in coal from the leachates and runoffs from the facility of the Respondent No 4 into the sea.

32. In relation to the averment of the Respondent No. 4 at para 84 of its affidavit regarding the ambient Quality and STP water quality reports annexed by it, I say that the reports are only for NOX, SOX, PM 10 and PM 2.5 in the air. There are no studies for water pollution, especially coal and heavy metals and other trace elements which leach from coal. I say that no there are point sources specified of fuel combustion-based pollutants in the project.

33. I say that at para 85 of its Affidavit, the Respondent No. 4 has made reference to some report by ROOTS, Gujarat but the same has not been annexed and the Appellants therefore cannot comment on the same.

34. I say that at para 87 the Respondent No 4 has denied air pollution citing PCB reports up to 2016. However, I say that the said report relied upon are only up to 2016 and therefore cannot be relied upon today.



Notary

35. In relation to the contents of para 88, 89 wherein the Respondent No. 4 has claimed that CAAQMS have been installed, I say that CAAQMS data is installed by Respondent No 4 and cannot be relied upon without independent verification.

36. In relation to the averments made at Para 92 of the affidavit of the Respondent No. 4, I say that EIA report is not adequate.

- a. The inadequacies in the EIA Report are stated in Appellant No 1s submission on 26/4/2024 to Respondent No 2 for the Public Hearing (Annexure A-19 Colly to the Appeal), especially paras 2, 3, 8, 9, 10, 11, 12, 13, 19, 20, 21 and 22. As an example, even baseline data of marine and terrestrial biodiversity and of fisher folk is missing or woefully inadequate, as stated in para 21, e on pages 531 and 532. Even endangered species like killer whales, *dipcadi concanese* and dolphins are excluded from



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the study. No primary studies were carried out on site, except a 2 day study of marine life. None of the affected fishers were consulted or met and no health studies were carried out.



37. In relation to the contents of para 93, 98 and 100 of the affidavit of the Respondent No. 4, I deny that the EIA meets parameters of Guidance Manual. I repeat and reiterate my submissions made at para 46 of the Appeal stating and proving the non-compliance with the EIA Guidance manual.

38. I deny the contents of Para 94 of the Affidavit of the Respondent No. 4 that Bathymetry and hydrography charts and data are not required. I say that such studies are required as per the Guidance Manual and because dredging is required for the project.

39. I say that once again at para 95 to 97, 99, the Respondent No. 4 has stated that assessment of the double tracking is

Notary

not required. I say, at the cost of repetition, that such assessment is required as per the Guidance Manual and because double tracking is required for the project.



40. At para 113 the Respondent No. 4 has made averments regarding how as per table 3.51, MPT hospital data shows respiratory diseases are lesser than others.

a. The MPT hospital data provided in the EIA Report does not provide data on the number of respiratory cases. The respiratory cases seem to be listed under at least 3 columns namely Asthma, COPD and Others, which could add up to be the highest among all kinds of diseases.

b. The MPT hospital data provided in the EIA Report is almost 10 years old.

The MPT hospital data is not independently collected by an independent party and has been collated by the Respondent No. 3

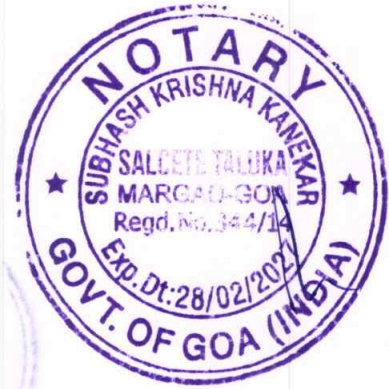
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At Paras 115, 116 of the Affidavit of the Respondent No. 4, I say that the Respondent No. 4 has said there will be no marine side expansion and one Ms Pooja Mitra was not present at the time of the Public hearing. I say that Pooja Mitra's written submissions and the study were obtained under RTI from Respondent No 2 as a submission made at the Public Hearing. Her name appears in the minutes of the Public Hearing, but it is recorded that she did not appear, possibly as the Public Hearing extended to 3 days and many registered speakers could not be present when their names were called out. The clearly documented presence of dolphins, killer whales and corals in the study area was required to be considered in the EIA study.

41. In relation to the contents of para 119 of the Affidavit, where the Respondent No. 4 has stated that it provides employment to 550 employed presently, make contributions to exchequer; and is invested in sustainable development, I say that, the employment provided is negligible compared to

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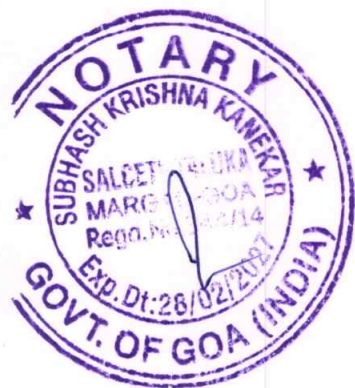
the destruction of marine resources, Western Ghats, Goan villages, and environment that will be caused, and the number of fishers, farmers and tribals that will lose livelihoods. Further, the proposed mechanization will reduce jobs drastically, probably to below a hundred employees. I say that the contributions to exchequer by Respondent No 4 pale into insignificance in front of (i) the Public Funds being spent on the double tracking and capital dredging projects, (ii) the use of commons of the people (the Port, the Sea, the Goan villages, and the Western Ghats), and the destruction of environment by double tracking and capital dredging projects and by the proposed enhancement of coal handling capacity, admittedly for the benefit of Respondent No 4.

**V. RESPONSE TO THE AFFIDAVIT OF THE GCZMA
(RESPONDENT NO. 5)**

I say that it is pertinent to note at para 9 of its Affidavit that the Respondent No. 5 has re-affirmed its understanding that dredging was not part of its project, in particular while

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explaining the expert opinion of one Dr Prabhakar Shirodkhar, who had evidently conducted a site inspection of the site and was made to believe that no construction or dredging was required for the project.



I also say that the document issued by the "Department of Environment and Climate Change, Government of Goa" on 16.12.2022 renewing/re-validating the recommendations for the project furnished by the Respondent GCZMA dated 18.08.2017 has not been mentioned at all in the affidavit of the Respondent No. 5, conforming that the Respondent no. 5 had nothing to do with the renewal of its previous recommendations.

I say that the affidavits submitted by Respondents fail to address critical procedural and substantive deficiencies in the EIA process for the proposed project. Their submissions are characterized by misrepresentations, omissions, and a lack of evidence, thereby undermining the validity of the impugned Environmental Clearance.

42. The Appellants respectfully pray that this Hon'ble Tribunal
revokes the impugned EC and CRZ Clearance, directs the
Respondents to conduct a comprehensive and independent
EIA study, and ensures adherence to the principles of
environmental justice and sustainable development.



Solemnly affirmed at Goa)

Dated this 30th day of November 2024)

Appellant No. 1

(Mr. David Rodrigues)

Identified be me

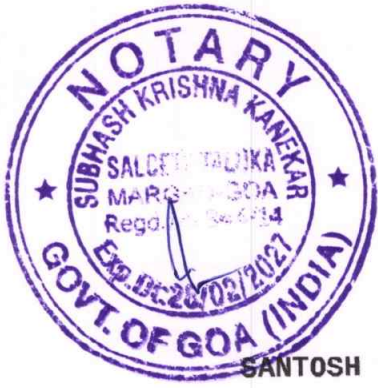
Advocate for the Appellant

BEFORE ME



Solemnly affirmed before me by,
Shri/Smt. David Rodrigues
Who is identified to me by vide
Shri/Smt. Eric, TVK 031 1993
Who is personally known to me
this 30th day of Nov. 2024
Reg. No. 1802/2024

SUBHASH KRISHNA KANEKAR
NOTARY
SALCETE TALUKA
STATE OF GOA (INDIA)



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 4178/2023

SANTOSH KUMAR SINGH

APPELLANT(S)

VERSUS

STATE LEVEL ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY & ORS.

RESPONDENT(S)

O R D E R

1. The appellant filed an Appeal before the National Green Tribunal (for short, "the NGT") established under the National Green Tribunal Act, 2010, for quashing an environmental clearance granted on 24th January 2023 by the State Level Environmental Impact Assessment Authority to the second respondent. One of the grounds of challenge was that it is not made clear whether the exercise required to be undertaken in terms of clause 2(b) of the Revised Guidelines for Common Bio-medical Waste Treatment Facilities (for short, "the Revised Guidelines") was in fact carried out by the State Pollution Control Board before the environmental clearance was granted. A notice was issued on the Appeal by the NGT to the respondents, including the fourth respondent, which is the State Pollution Control Board.

2. A perusal of the impugned order shows that an opportunity was not granted by the NGT to any of the respondents to file a counter affidavit. In fact, looking at the challenge to the environmental clearance, it was the duty of the NGT to satisfy itself that all the conditions precedent for the grant of environmental clearance

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ASHISH K. SINGH
Date: 2024.07.31
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Reason:

ASHISH

were complied with. It is the duty of the NGT to ensure that the environmental clearance is lawfully granted. One of the duties of the NGT is to uphold and preserve the right to a healthy environment guaranteed under Article 21 of the Constitution. In this case, the NGT should have directed the fourth respondent to produce on record material to show whether compliance was made with clause 2(b) of the Revised Guidelines. The NGT has not examined the same.

3. However, the NGT has interpreted clause 2(b) of the Revised Guidelines in a particular manner. Clause 2(b) reads thus:

"2) Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region.

...
b) SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM, as given in Annexure-I"



4. The NGT, based on a view taken earlier, has virtually substituted the requirement of the coverage area of a radius of 75 KM by 40 KM. Clause 2(b) cannot be read in this fashion. The learned senior counsel appearing for the appellant relying upon a subsequent decision of the NGT dated 5th July, 2024 in Appeal No.04/2024 [Indotech Waste Solution vs. Uttar Pradesh State Impact Assessment Authority (UP SEIAA)] submitted that the NGT has now taken the view that the Guidelines including clause 2(b) have a statutory force.

Subhash Krishna Kanekar



The learned counsel appearing for the second respondent seeks to contend that the requirements of clause 2(b) have been met. He objects to the appellant's locus.

6. The NGT has not rejected the Appeal filed by the appellant on the grounds of lack of locus, but the NGT has interpreted the requirement of clause 2(b) in a particular manner.

7. In our considered view, the NGT ought to have directed the fourth respondent to place on record the material to show that compliance was made with the requirements of clause 2(b) of the Revised Guidelines. Thereafter, the NGT could have gone into other issues, such as whether there is a power to relax the guidelines, the locus of the appellant, etc.

8. Hence, to enable the NGT to make an elaborate enquiry as warranted by law, we set aside the impugned order dated 13th April 2023 and restore Appeal No.05/2023 to its original number on the file of the National Green Tribunal, Principal Bench at New Delhi. We direct the NGT to decide the restored Appeal afresh after calling upon the fourth respondent to produce the material on record regarding compliance with clause 2(b) of the Revised Guidelines. The respondents shall be permitted to file counter. The restored Appeal shall be decided afresh in accordance with law.

9. The Registry of this Court shall forward a copy of this order to the Registrar of the National Green Tribunal, Principal Bench at New Delhi. The Registrar of the NGT will ensure that the restored Appeal is listed for directions on 9th September, 2024 at 10:30 a.m.

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All the parties which are before this Court shall appear before the NGT on that day.

10. The Appeal is, accordingly, partly allowed on the above terms.

11. All contentions of the parties are left open to be decided by the NGT.



.....J.
(ABHAY S. OKA)

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
JULY 25, 2024.

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ITEM NO.120

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 4178/2023

SANTOSH KUMAR SINGH

APPELLANT(S)

VERSUS

STATE LEVEL ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY & ORS.

RESPONDENT(S)

(IA No. 124368/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 124369/2023 - STAY APPLICATION, IA No. 124370/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 167096/2023 - EXEMPTION FROM FILING O.T., IA No. 124372/2023 - EXEMPTION FROM FILING O.T. AND IA No. 259388/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

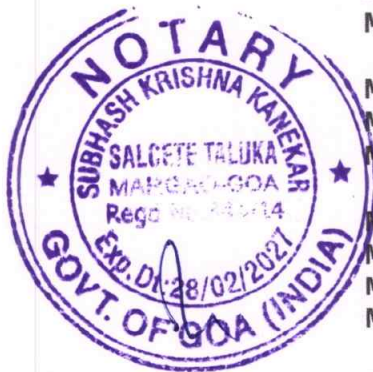
Date : 25-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

For Appellant(s) Mr. Devashish Bharuka, Sr. Adv.
Mr. Yash Mishra, Adv.
Mr. Anuj Rathee, Adv.
Mr. Nirmal Goenka, AOR

For Respondent(s) Mr. Rajiv Yadav, AOR
Mr. Nishant Bhatia, Adv.
Mr. Rahul Bali, Adv.



Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Suraj Singh, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Bansuri Swaraj, Adv.
Mr. Prahlad Singh, Adv.
Mr. Rohit Pandey, Adv.
Mr. Saransh Kumar, Adv.

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Ms. Sweksha, Adv.
Ms. Swarupama Chaturvedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Appeal is partly allowed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

APPEAL NO. 15 OF 2023

Federation of Rainbow Warriors and Ors

... Appellants

And

Union of India and Ors.

... Respondents

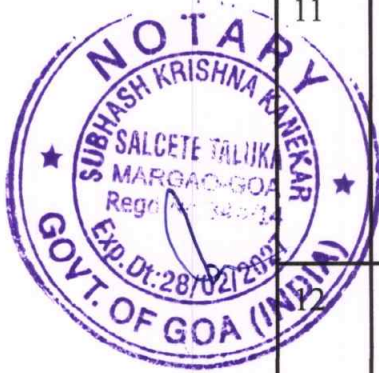
LIST OF DATES

Sr No	Date	Particulars	Page No
1	October 2011	The 12th Five- year plan was prepared by the Report of the Working Group for the Port Sector for the 12th Five Year Plan, constituted by the Ministry of Shipping of the Central Government. The Report noted that the Mormugao Port falls within the category of high severity of potential hazards due to the density and proximity of the population near the port as well as the hazardous nature of the cargo handled in the port. The 12th Five year plan categorically recommends the port authorities to, <i>"monitor the development of the ports and prepare a plan for shifting of the new developments or activities in the nearby locations.</i>	A-23 Page 753-757 Relevant Pages 756-757
2	07.10.2014	A Circular of the MoEFCC recommended that EAC should not ask for additional documents while considering an application for an EC but should reject the proposal if it was evident that data was not provided or was falsified.	A-16 Page 331-332
3	23.12.2014	A site inspection report prepared by the GPCB showed that run off from the settling tank of the Respondent Project Proponent is disposed into the sea	A-24 Page 758-759
4	2016	Master Plan for Mormugao Port Trust reveals	Annexure



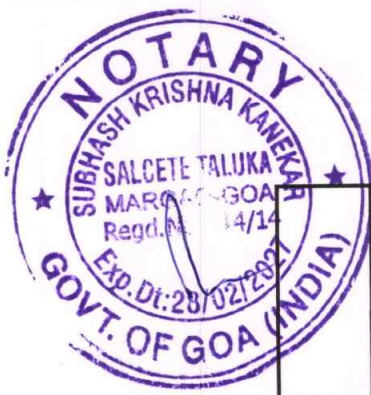
		that capital dredging is required to the deepen the channel to 19.8metres at the JSW terminal, which will permit the JSW berth to operate its berths at a coal handling capacity of 14 MTPA, in order to cater to the needs of the Vijaynagara plant of JSW. The report noted that a failure to increase coal handling capacity and allow cape-size vessels to enter Mormugao Port would result in JSW relying on the Krishnapatnam port instead of Mormugao Port	A-14 Page 213-296 Relevant Part Page 285-286
5	July 2017	Respondent No.1 applied for an EC/CRZ clearance. Form I showed that there would be no construction work, no reclamation work and no dredging work [Entry 1.5,1.0.1.11]	Annexure A -13 Pages 178-212
6	2nd September 2016	Hon'ble NGT prohibited dredging of the by the Mormugao Port Trust, set aside the EC for dredging granted and remanded the matter back for the EAC to take "further action". The Hon'ble NGT noted that studies relied upon by the Mormugao Port Trust for the project has been conducted on behalf of a third Party, JSW steel	Annexure A-15 Page 297-380 Relevant pages 317-318 Findings, pg 321-322, 323
7	19-21 May 2015	148th Meeting of EAC- Scoping was undertaken for the Project - No dredging to be undertaken - No reclamation would be needed - No new construction	A-2 Page 139-143
8	19.06.2015	Final ToR was issued by the MoEFCC -once again, it was noted that there would be no dredging for the project - submit consent and validity and compliance conditions	A-3 Page 144-148
9	18.08.2017	NOC granted to the project by the GCZMA, which lapsed in 5 years. At the time of the grant of the impugned EC clearance, the CRZ recommendation had lapsed	A-4 Page 148-150
10	21-24th August 2017	During the 21st meeting of the EAC, it was noted that necessary documents such as the EIA report, CRZ maps and certified compliance reports were not provided	A-5 Page 151-153

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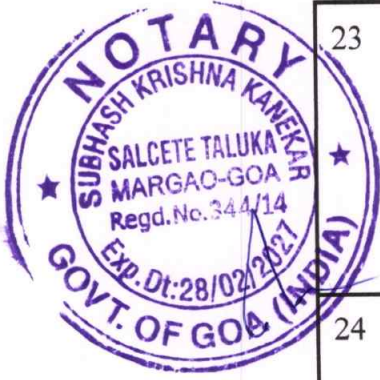
11	26-29th May 2017	Public Hearing was conducted for the project wherein the project was strongly opposed. The Respondent No. 4 failed to answer grievances raised in the public hearing effectively	A-19 Page 510-558 A-20 Page 554-741
	June 2017	Inadequate EIA report was prepared for the project which did not comply with the EIA guidance manual for Ports and Harbours	A-30 Page 801-1091 A-31 Page 1092-1223
13	30-31st October 2017	During the 24th meeting of the EAC it was noted the 1. Letter of the Chief Minister opposing the project 2. levels of particulate matter exceed permissible limits 3. Respondent GPSCB had directed the Respondent to reduce their coal handling capacity by 25% 4. EAC requested answers to grievances raised in the public hearing as well as response to the letter of the cm	Page 154-156
14	13.11.2017	JSW/Project Proponent responded to the letter of the Goa Government opposing the project by stating, inter alia, it would operate its coal handling processes on a closed shed and it further does not transport coal by road and does so only by rail	A-22 745-752
15	30.11.2017	Show Cause Notice of the GSPCB shows that Respondent Project Proponent had handled 10.112 MMT of coal in contravention to the CTO dated 21.07.2017 which only allowed the Project Proponent to handle only 4.125 MMT of coal annually. Respondent No. had only admitted to handling 6.01 MT of coal. Respondent No. 4 was also reprimanded for not shifting to CAAQMS as requested by the GSPCB	A -17 333-341
16	14-15th Dec 2017	During the course of the 26th Meeting, the EAC held -It was satisfied with issued pertaining to air	Page 157-161

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		<p>pollution</p> <ul style="list-style-type: none">-dredging could be undertaken in a confined manner provided it was not undertaken during fish breeding season-project was recommended for grant of EC	
17	29th -30th May 2018	<p>During the course of the 31st EAC meeting,</p> <ul style="list-style-type: none">-Project proposal was reconsidered in light of the letter from the Government of Goa-EAC requested for additional information from the Respondent No.4-GSPCB had previously revoked the CTO granted to the Project Proponent and had directed that it not exceed a limit of handling 5.5 MTPA of coal annually	A-8 Page 162-164
18	9th-10th August 2018	<p>During the 33rd Meeting of the EAC</p> <ul style="list-style-type: none">-The EAC directed that a source apportionment study be done-That the EAC be provided clarification regarding the pending court cases	Page 165-167
19	26-28th November 2018	<p>36th Meeting of the EAC</p> <ul style="list-style-type: none">-EAC recommended the project for EC and CRZ Clearance subject to outcome of pending cases-also directed a source apportionment study be done and Corporate Environment Responsibility plan be created	Page 168-170
20	04.09.2020	<p>Show Cause notice issued to JSW for non-payment of a cess of Rs 12.66 crore for transporting 25 lakh metric tonnes of coal from 2014-July 2018 by road</p>	A -21 Page 742-744
21	15.03.2022	<p>CTO issued by the Respondent GSPCB once again directed the Project Proponent not to exceed coal handling limit of 5.5 MTPA</p>	A-26 Page 760-772 Page 760-761
22	11.01.2023	<p>Impugned EC was abruptly granted 4 years after the EC was recommended by the EAC</p> <p>Specific conditions no v and vi allow dredging despite the fact that the Respondent Project Proponent has submitted that dredging is not required</p>	Page 118 Page 122



23		Parliamentary Standing Committee recommended at the 269th meeting Mormugao Port Trust be realigned to prioritise Tourism	Annexure A-12 Page 173-176 Relevant Page 176-177
24	09.05.2022	The Hon'ble Supreme Court passed an order disallowing double tracking of the railway line between Castlerock to Kulem	Page 1305-1329 Relevant observations 1308,1324,1328

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