

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
APPEAL NO.7 OF 2025

Janardhan P Mesta and Anr.

...Appellant

Vs

State Environment Impact Assessment Authority
(SEIAA), Karnataka and Anr

...Respondent

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

MOST RESPECTFULLY SHOWETH:

1. The address for service of notice and process on the 2nd Respondent is that of its counsel M/s. Ramasubramaniam Raja, Jansi Rani C, Arvind A.S and D. Thanigaivel Advocates at Pent House, 4th Floor, Corrdel Apartments, 29 Pycrofts Garden Road, Nungambakkam, Chennai- 600006. Email: ram@ramlawchambers.com Phone: 9500082400
2. The present Appeal filed under Section 16(h) read with Section 18(1) of the National Green Tribunal Act, 2010 is neither maintainable in law or in facts. The above Appeal filed by the Appellant is frivolous and vexatious and is an attempt to reagitate and re-argue same issues that have already been subject matter of various previous litigations which are hereinunder setout in detail. The Appellants are having vested interest and have in collusion with the Applicants in the earlier rounds of litigation have presently filed this Appeal in order to stall the construction of the port with malafide intention. The fact that the Appellants herein are in collusion with the Applicants in the earlier round of litigation in OA No. 76 of 2022 is evident from the fact that the photographs pertaining to the alleged olive ridley turtles filed as part of Annexure W in O.A No. 76 of 2022 is filed by the Appellant in the present Appeal as Annexure 13. The description of the said photographs is also verbatim the same and the same could have only been provided by the Applicant in OA No. 76 of 2022. This itself would show the collusion and the malafide intentions of the Appellant to stall the construction of the port. The Appellant under the guise of challenging

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the EC granted in favour of this Respondent, is attempting to reargue and re-argue same issues such as turtle nesting among others that have already been decided in various proceedings including OA No. 76 of 2022 and Writ Petition No. 4039/2021 (PIL). Therefore, the present Appeal is barred by the principles of res judicata and estoppel.

3. The Appellants have been handpicked to falsely project as though they were not heard when the original EC was obtained in 2012 and now, they have a right to be heard. It is submitted that the Appellants are people with vested interest who have filed the present Appeal with a sole object of stalling the construction of the port. It is to be noted that the present EC in-principle an extension of the earlier EC.
4. Before dealing with parawise allegations, the Appellants wishes to set out a brief background. the State Government of Karnataka had introduced Industrial Policy, 2006 to increase the growth of GDP and share of export from Karnataka and generate additional employment. As the State of Karnataka was having only one major port at Mangalore at that point of time, that too at the Southern end of the coast line, it was decided by the Government of Karnataka to develop a port in order to promote regional development. In view of this, the Government of Karnataka decided to develop a minor port at Honnavar. Honnavar was strategically located in connecting infrastructure facilities such as road and railways for effective handling of cargo movement.
5. The Notification issued under Section 5 of the Indian Port Act, 1908 declaring the port limits of Honnavar port The GO No. PPWD 119 PSP 2010 dated 22.09.2010 issued in favour of the 2nd Respondent's predecessor in interest M/s. Nort Canara Sea Port granting permission for the Port Land to develop Honnavar Port at Kasarkod. Thereafter a Lease Agreement for use of the Land for Port Project was entered between Port Department and M/s. Nort Canara Sea Port.. The said M/s. Nort Canara Sea Port transferred the permission that

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was accorded to them to the 2nd Respondent. The Permission accorded to the 2nd Respondent i.e., M/s. Honnavar Port Private Limited (SPV). The 2nd Respondent herein had applied for environmental clearance/CRZ clearance for development of barge/Vessel Loading facility to handle 4.9 MTPA of cargo at the coastal sand pit Kasarkod, Tonka Village, Honnavar Thaluk, Uttar Karnataka district, Karnataka. The said project required Environmental clearance under EIA Notification dated 14.09.2006. The said activity falls under 7(e) of the EIA notification.

6. The 2nd Respondent had appointed L & T - Ramboll Consulting Engineering Limited for Consultancy services for preparing an EIA. Based on the said EIA, EC was granted on 21.09.2012.
7. The 2nd Respondent had obtained all the necessary approval from the all required governmental, administrative and statutory permissions, clearances and approvals for the project in question and then only has commenced the project in question. At the cost of repetition, this Respondent is setting out the details of all governmental, administrative and statutory permissions and approvals in the following tabular column for the easy reference:

| Sl.NO | CLEARANCES/ APPROVALS OBTAINED | CLEARING AUTHORITY |
|-------|---|---|
| 1. | Environment clearance and CRZ clearance. Issue date: 21/09/2012 | State level environment impact assessment authority- Karnataka- vide its letter no. SEIAA: 22: IND: 2011 dated 21/09/2012 |
| 2 | Consent for establishment issue date: 06/03/2013 | Karnataka state pollution control board- vide its letter no. KSPCB/SEO (|

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| | | non-EIA Honnavar port/EIA/2012-13/1381 dated 06/02/2013 |
| 3 | Detailed project report approval issue date; 26/03/2014 | Government of Karnataka - vide its letter no PWD/41/PSP/2013 dated 26/03/2014 |
| 4 | Construction plans and designs-technical approval issue date- 30/04/2015 | Director of ports and IWD department, karwar- vide its letter no. PIWT 62/LND 11/2016 dated 30/04/2015 |
| 5 | Break water plans/ drawings approval issue date : 03/08/2015 | Director of ports amd IWT department, karwar vide its letter no. PIWT-73/DEV-1/2015 03/08/2015 |
| 6 | Capital dredging plans/ desings approval issue date 03/08/2015 | Director of ports and IWD department, karwar vide its letter no. PIWT-71/DEV- 1/2015 03/08/2015 |
| 7 | Enery approval for installation fo 100KVA (1MVA) issue date: 26/10/2015 | Hubil electricity supply company limited - vide its letter dated 26/10/2015 |
| 8 | No objection certificate from local authority issue date: 26/03/2016 | Gram Panchayat, Kasarkod, Honnavar taluk, Uttar kannada district- vide its letter dated 26/03/2016 |
| 9 | Terminal bay construction approval issue date: 14/07/2016 | Karnataka power transmission corporation limited - vide its 65 th T.B. committee meeting letter no: KPTCL/SEE(pig)/ EE- FIG- N/KCO-96/90/F-9252/2016-17/4622-28 dated 14 th / 07/ 2016 |
| 10 | Energy approval for installation of 1000KVA(1MVA) issue date: 21/06/2016 | Karnataka power transmission. corporation limited- vide its OM no. BGKT/CEE/TRNS/CA/SEE(O)/AEE-5?16-17/4021-24, dated 21/06/2016 |

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| 11 | Issue of notification 7(a) issue date 08/07/2016 | Central board of excise and customs, government of India, New Delhi- vide its notification no. 97/2016 customs (N.T) dated 08/07/2016 |
| 12 | Extension of environment clearance and CRZ clearance issue date: 01/07/2019 | State level environment impact assessment authority karnataka - vide its letter no. SEIAA:22: IND:2011 dated 01/07/2019 |
| 13 | Renewal of consent for establishment by KSPCB dated 26.03.2021 | Karnataka State Pollution Control Board - vide its letter No. PCB 185 Infra 2020/5881, Dated: 26/03/2021 |
| 14. | Extension of environment clearance issued on 20.09.2023 | State Level Environment Impact Assessment Authority - Karnataka - vide its letter No. SEIAA 22 IND 2011 dated: 20/09/2023 |
| 15. | Extension of the validity of Consent for Establishment | Karnataka State Pollution Control Board - vide its letter No. PCB 185 Infra 2020/4003, Dated: 25/10/2023 |

8. This Respondent submits that despite obtaining the necessary permissions and clearances from various governmental, administrative and statutory bodies, and having valid EC upto 20.09.2024. the Respondent was able to complete only 5% of the project on account of various litigations, obstructions and stay orders restraining this Respondent from proceeding with the construction. This Respondent submits that due the said factors, it was impossible to complete the Project within the validity of the EC, for no fault of this Respondent. The Monitoring Report as on 8.05.2024 issued by the MoEF & CC Regional Office Southern Zone on the status of the project as on 8.05.2024. The various litigations are set out hereunder.

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| SL. No. | Litigation | Remarks |
|---------|--|--|
| 1. | Eviction of Illegal Occupants from the Port land leased for construction | <p>The Government initiated proceedings to remove them from the unauthorized occupation under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act. The said action was challenged by some of the unauthorized occupants and their petition came to be dismissed by the learned Single of this Hon'ble Court in W.P.No.100908-934/2016(GM-Res) vide order dated 10.02.2016. The order of the learned single Judge was challenged before the Division Bench of this Hon'ble Court in W.A.No.100303/2016 & 101144-101169/2016 (GM-Res) and the Division Bench was pleased to dismiss the writ appeal vide its order dated 20.09.2016</p> <p>Parallely, they filed a Petition before the Deputy Commission Ultra Kannada which was dismissed vide order dated 29.11.2016. The Deputy Commission Ultra Kannada directed the Petitioners to vacate and deliver vacant possession of the schedule property immediately. On failure to do so, the Port Authorities are directed to evict the encroachers and take vacant possession of the property.</p> <p>The Appeal filed under S. 10 of Karnataka Premises (Eviction of Unauthorized Occupants) Act, 1974</p> |

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| | | <p>challenging the order dated 30.12.2015. The said Appeal was dismissed vide order dated 7.1.2019,</p> <p>Therefore, only in 2016 the illegal occupants were evicted</p> |
| 2, | Writ Petition challenging the validity of EC | <p>Writ Petition filed by Honnavar Taluka Hasi Meenu Vyaparasthara Sangha challenging the EC in Writ Petition No. 4039/2021 (PIL). The said Writ Petition was dismissed vide order dated 24.11.2021 and the validity of the EC was upheld.</p> <p>An Appeal was filed before the Hon'ble Supreme Court of India in Special Leave to Appeal (c) No. 8586/2022 in and the same was dismissed as Withdrawn vide order dated 29.08.2022.</p> |
| 3. | Case before NGT regarding the construction of 4-Lane, 4-Km, 40mwide) dedicated road corridor to provide road connectivity from the Honnavar Port Project to the National Highway - 66. | <p>A case before this Hon'ble Tribunal in OA No. 76 of 2022 making false and vexatious allegations that CRZ approval was granted for Road. The said OA was dismissed with certain directions vide order dated 26.09.2023. It is not out of place to state that during the pendency of the OA, this Hon'ble Tribunal had passed an order of interim injunction.</p> <p>This Hon'ble Tribunal had granted liberty to this Respondent to approach the SCMZA-Karnataka and SEIAA -Karnataka for usage of existing roads vide order dated 21.10.2022.</p> |

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9. Apart from the above, the 2nd Respondent's men are manhandled and were not permitted to enter the project site. The high value machineries such as rigs, quality control lab equipment, survey equipment and surveillance equipment are at the site and the locals with malicious intention is trying to pilferage the said equipment. The construction of the port project is stopped midway. The 2nd Respondent has already constructed tressel to the berth which is stopped midway on account of commotions and manhandling by locals.
10. It is submitted that on account of the above reasons that are not attributable to this Respondent, the construction of the port could not be completed and this Respondent was constrained to file fresh EC. The failure to complete was purely due to impossibility. The principle of "*impossibilium nulla obligatio act*" is applicable in the present fact of the case. It is submitted a Monitoring Report and Compliance Report was conducted could complete only 5% of the work on account of the ongoing litigation. In the said compliance report itself it can be seen that this Respondent is in compliant with the applicable EC condition.
11. The Environment Clearance granted by SEIAA Karnataka vide Letter No. SEIAA:22: IND:2011 dated: 21/09/2012 was in force till 20/09/2024. On 29/04/2024 during the validity of the EC, this Respondent applied for fresh EC & CRZ clearance for the port project in the Parivesh Portal. In continuation to the online application, on 12/08/2024, the Karnataka State Environmental Impact Assessment Authority (KSEIAA) granted ToR for the port project. On 13/11/2024, the SEAC meeting was held for further consideration of issuing of the EC & CRZ clearance for the project. Further, after due diligence under the legal framework, the State Environment Impact Assessment Authority (SEIAA) Karnataka issued the Environment Clearance on 31/12/2024. Therefore this Respondent has obtained the EC in accordance with law and the present case is nothing but an abuse of process of law.

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Para-Wise Allegation

12. Without prejudice to the above submission, this Respondent proceeds to deal with para-wise allegation made in the Appeal. With respect to the averment in paragraph 1, as stated hereinabove, the Appellants in collusion with the Applicants in O.A No. 76 of 2022, under the guise of challenging the EC granted in favour of this Respondent, are attempting to reagitate and re-argue same issues that have already been decided in favour of this Respondent. The Environmental Clearance (EC) granted under EIA Notification, 2006, and CRZ Notification, 2019, bearing identification no. EC24B3501KA5218090N and file no. SEIAA 02 IND 2024 dated 31.12.2024, was issued following due regulatory process and does not warrant any interference from this Hon'ble Tribunal. The present Appeal itself is vexatious.
13. The averments in paragraph 2 and 3 are false and misleading. It is submitted that even though the EC was originally granted on 21.09.2012 that was subsequently extended, this Respondent could not carry on with the construction of the port due to various litigations before various forums, interim orders passed therein and on account of other hinderance caused by the local people and other fringe elements. This Respondent submits that it was impossible for this Respondent to complete the project and the contention that the 2nd Respondent did not complete the project despite lapse of 12 years is misleading. The reasons for the none completion of the project within the validity is setout hereinunder which were also mentioned in the monitoring report as well as before SEAC and SEIAA -
- Leased port land was Illegally encroached from 2010 to 2016. The encroachers were evicted only in December, 2016 as per the Orders of the Hon'ble High Court & Deputy Commissioner Uttara Kannada.

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- Changes in the clauses of the lease agreement was mandated as a requirement for financial closure (2016 to 2018).
- After commencement of the work, obstruction was created by the localities in the movement of vehicles and machineries thereby causing disruption of project work.
- COVID - 19 pandemic effected the work during the year 2020-21.
- From 2021 onwards up to 2023, work was suspended due to cases before the Hon'ble Karnataka High Court and interim order passed by this Hon'ble Tribunal

Despite there being no fault on the part of this Respondent, the construction of the port could be completed even within the extended period of EC. Therefore, this Respondent obtained fresh EC in accordance with law and the same is still subsisting. The contention that the environmental setting of the project area, the demography of the project area has greatly changed in the last decade is false and misleading and the Appellant is put to strict proof of the same.

14. The averments in paragraph 4 are denied as false and vexatious. The contention that the EC on 31.12.2024 was in complete violation of EIA Notification 2006, the CRZ Notification, 2019 the principles of sustainable development, precautionary principles and public trust doctrine is denied as false and vexatious. The Environment Clearance granted by SEIAA Karnataka vide Letter No. SEIAA:22: IND:2011 dated: 21/09/2012 was in force till 20/09/2024. On 29/04/2024 during the tenure of a valid EC , HPPL applied online requisition for fresh EC & CRZ clearance for the port project in the Parivesh Portal. In continuation to the online application, on 12/08/2024, the Karnataka State Environmental Impact Assessment Authority (KSEIAA) granted ToR for the port project. On 13/11/2024, the SEAC meeting was held for further consideration of issuing of the EC & CRZ clearance for the project. Further, after due diligence under the legal framework, the State Environment Impact Assessment Authority (SEIAA) Karnataka issued the Environment Clearance on 31/12/2024.

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15. The averments in paragraph 5 are misleading. The Environment Clearance granted by SEIAA Karnataka vide Letter No. SEIAA:22: IND:2011 dated: 21/09/2012 was in force till 20/09/2024. On 29/04/2024 during the tenure of a valid EC, HPPL applied online requisition for fresh EC & CRZ clearance for the port project in the Parivesh Portal. In continuation to the online application this Respondent had sought for exemption of public hearing while granting ToR for the said subject project as the public hearing was already conducted for the very same project in the year 2012. The reasons for the failure in execution of the project was also set out as follows:-

1. Illegal encroachment of the port land reserved for the project and as per the Hon'ble HC Orders eviction was made in December 2016.
2. Changes in the clauses of the lease agreement for financial closure with the GoK (2016 - 2018).
3. When the Construction was started, the movement of vehicles and machineries was obstructed by miscreants.
4. COVID - 19 pandemic effect between 2020 - 21.
5. Public Interest Litigation was filed in Hon'ble HC on 22-02-2021 and was disposed on 24-11-2021 in favour of HPPL.
6. OA 76/2022 was filed in Hon'ble NGT in 12-07-2022 and was disposed on 26-09-2023.

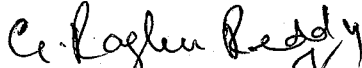
With respect to the contention that the 2nd Respondent inter alia requested exemption from conducting public hearing and the proposal was deferred, it is submitted even though it is referred to as exemption from public hearing, in effect what the 2nd Respondent sought for using the public hearing that was conducted for obtaining the original EC dated 21.09.2012. Further the MoEF & CC had accorded the EC for the project of M/s. Mumbai Port Trust without Public Hearing vide letter F. No. 10-10-2017-IA-III dated 11-07-2017, as the Mumbai Port Trust's project also faced litigations due to which there was delay

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in execution of the project. The Public Hearing for that project was conducted in 2005. Considering the situations, MoEF & CC has exempted the Public Hearing for that project. Even in the present case the Project could not be completed on account of the litigations and other hindrance faced by the 2nd Respondent and the same is not attributable to the 2nd Respondent. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. The SEAC and SEIAA issued standard ToR and special ToR in order to ensure that all the recommendations and suggestions are taken into account while the EIA report is submitted. The 1st Respondent based on the fact that various litigations were pending in which, they were also a party exempted de novo public hearing based on correct principles which are fair, free and in line with principles of sustainable development wherein the 1st Respondent had directed in the ToR to include the earlier public hearing into the EIA and special ToR was also issued, taking into account the observations made in the public hearing as well various concerns raised in previous litigations. No circumstances have emerged that warrants fresh public hearing. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing. The 2nd Respondent lawfully applied for fresh clearance on 26.04.2024, before the expiry of previous approvals, ensuring compliance with the EIA Notification, 2006, and CRZ Notification, 2019. The Terms of Reference were issued after due regulatory scrutiny, ensuring a thorough environmental impact assessment before granting clearance. The contention that the SEAC illegally exempted public hearing and recommended the proposal for issuance of Terms of Reference is denied as false and vexatious. The 2nd Respondent's request for ToR was reviewed in multiple SEAC meetings namely 310th, 312th, and 321st meeting. The SEAC identified key

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environmental aspects requiring study, specification of data collection and impact assessment requirements, incorporation of mitigation measures for environmental sustainability and thereafter the ToR was issued based on expert recommendation. This ensured that all relevant environmental concerns were studied before clearance was granted. It is submitted that Public Hearing was already conducted on 27.1.2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. Therefore there is no violation in the issuance of EC on 31.12.2024.

16. The averments in paragraph 6 are denied as false and vexatious. The contention that the EC has been issued in violation of law and liable to be quashed is denied as false and vexatious. The contention that the impugned clearance is void ab initio as it has been issued without conducting mandatory public hearing, in violation of EIA Notification 2006 is denied as false and vexatious. It is submitted even though it is referred to as exemption from public hearing, in effect what the 2nd Respondent sought for using the public hearing that was conducted for obtaining the original EC dated 21.09.2012. It is submitted that Public Hearing was already conducted on 27th January 2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. Therefore, the mandatory public hearing was complied with. The contention that the 1st Respondent does not have powers under the Notifications to dispense with the mandatory requirement of subjecting the project to public hearing and the clearance is thus vitiated is denied as false and vexatious.
17. The contention in paragraph 6b that the 1st Respondent has granted the impugned clearance on the basis of a rapid EIA report, instead of a comprehensive EIA study mandated under the CRZ Notification, 2019 thus

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vitiating the clearance is misleading. In the present case, the earlier EC was based on comprehensive EIA. The project scope remains the same and does not cause any impact beyond what was assessed in the earlier EIA, The impact assessment made in the earlier EIA is valid. Moreover, it is submitted that this Respondent submitted baseline data periodically during the validity of the earlier EC to the 1st Respondent and the said data was available with the 1st Respondent and said data was also presented to the 1st Respondent during the appraisal meetings dated 09/05/2024 and 06/06/2024 Thus, the baseline data for time to time, was also taken it account while the EIA was considered by the 1st Respondent. It is not out of place to state that the said study is based on standard and specific conditions envisaged in the ToR issued by the 1st Respondent. Therefore, the said contention is baseless.

18. The contention in paragraph 6c that the 1st Respondent had failed to see that the coastline along the proposed site is subject to erosion at rates of more than 1 metre and even more than 5 metres a year, and classified as an eroding coast in the NCCR, 2022 report, as also the shoreline management plan for Karnataka, and the siting of the port is prohibited is denied as false and vexatious. Further the contention that the EIA itself contains extract from the NCCR Report which evidences this fact is misleading. It is submitted that as per the research of NCSCM - High Resolution Erosion/Accretion Mapping for the Coast of India there is no high erosion zone in the entire Karnataka Cost. Further the NCSCM prepared for Government of Karnataka in September 2024 for developing shoreline management plan in the state of Karnataka has recorded that there is no high erosion zone qua the project. The said report clearly shows the shoreline changes from March 2010 to March 2024 which does not show high erosion. The contention of the Appellant with respect to NCCR is misleading as the same is only in a small pocket that too for a period between 1990-2018. In any event the EIA has provided for shoreline protection in the EC under the heading Water Quality monitoring and preservation point no. 11 which is extracted hereunder:-

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"All the erosion control measures shall be taken at water front facilities. Earth Protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body"

Similarly provision for shoreline protection has been provided in EC under the heading Waste Management point ii which is extracted hereunder:-

"Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring report."

It is not out of place to state that the original EC was granted on 21.09.2012 based on Environment Impact Assessment study that was conducted by L&T Ramboll (Authorized agency of Ministry of Environment & Forest). The validity of the EC was challenged in the abovementioned Writ Petition No. 4039/2021 (PIL) and the validity of EC was upheld. The said order has attained finality. Therefore, at this stage, the Appellant cannot now contend that the proposed site is a high erosion site. Further the contention that the impact of erosion due to the proposed port has not been considered at all by the 1st Respondent, and the EIA report is silent on it is denied as false and vexatious. It is submitted that the EIA was studied the zones of erosion and recommended mitigation measures for addressing the issue if it arises.

19. The contention in paragraph 6d that the 1st Respondent has failed to see that sand spit where the project is proposed is dynamic, and its morphology changes based on various factors like littoral drift etc., and it is impermissible to locate the port on a sand spit is denied as false and vexatious. The EIA report clearly takes into account the port is to be developed at a coastal sand spit. The present EC is nothing but an extension of the EC which was also granted for the very same site. The Hon'ble High Court of Karnataka for the very same project vide its order dated 24.11.2021 in paragraph 7 has held that the question of location of a port depends on various factors including the requirement and

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necessity of a port and it is for the experts to determine the location of the port and its requirements. Thus the project location and other parameters have been considered before issuance of EC.

20. The contention in paragraph 6e is denied as false and vexatious. The impact due to change in coastline/shoreline has been dealt with at Paragraph 4.2.1.3, 4.5.1.3 and other places of the EIA Report,
21. The contention in paragraph 6f is denied as false and vexatious. The contention that the EIA report is inchoate, does not satisfy the terms of reference issued by the 1st Respondent, does not assess the impact of the proposed project, the impact of proposed cargo like coal and iron ore etc., and ought not to have even been considered by the SEAC and SEIAA is denied as false and vexatious. The contention that the EIA report is also based on inadequate, antiquated data and the EIA report does not study or assess the impact on livelihood of the fishers in the region due to the project and its impacts is denied as false and vexatious. The relevant portion of the EIA dealing with livelihood of fishers is extracted hereunder:-

"11.7.4 Social Impact Assessment

No land acquisition and R&R is envisaged as HPPL has been allotted to use government land of 44 hectares by Government of Karnataka. The construction activities involve dredging, construction of cargo berth which may likely impact the fishing activity at nearby fishing villages. There are no major fishing zones in the study area. The fish landing centres in the study area are Kasarkode ~1km, Mavinkuroe ~3.4km, Haldipur ~3.8km, Dhareshvar ~7.6km, Manki-Madi ~13.2km and fishing settlements within 5km radius are Karki ~0.97km, Honnavar ~1.2km, Mavinkuroe ~2.5km and Haldipur ~4.3km. However, necessary marker buoys shall be installed and interactions shall be initiated with the fishing community about the marker buoys indicating the areas of operation so that they may avoid those areas

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during construction period. Hence, minimal hindrance to fishing activity is anticipated during construction phase of the proposed barge/vessel loading facility."

"11.10 Conclusion

The proposed site for development of Barge/ Vessel loading facility is located near mouth of Sharavati River in Honnavar Taluk of Uttara Kannada district in Karnataka. It is planned to handle 4.9 MTPA import/export of non-hazardous cargo. The operations of the proposed facility are not expected to negatively impact or hinder the movement of boats or fishing activities. No additional private land acquisition is required at port site. Besides, there is no rehabilitation or resettlement is involved.

The project will generate direct and indirect employment in the region and improve socio- economic conditions. Besides, the proposed project will act as a catalyst for industrialization and urbanization in the region."

22. The contentions in paragraph 6g are denied as false and vexatious. Environmental sensitivity of the region, turtle nesting grounds, sand dunes, the impact on the estuarian ecosystem, salt marshes and other sensitive ecosystems due to the proposed port, have not been considered is denied as false and vexatious. It is submitted that Chapter 10.4.3 of the EIA exclusively deals with sea turtle conservation. Similarly the EIA covers estuarian ecosystem, salt marshes and other sensitive ecosystems comprehensively.

23. The contention in paragraph 6h and 6i are denied as false and vexatious. The contention that the SEAC and the SEIAA have failed to appraise the project in the manner of expert bodies, and have issued the impugned clearance without necessary due diligence or application of mind is denied as false and vexatious. The contention that the impugned EC has been issued for activity / infrastructure like four lane roads, railway lines etc., but neither the proposal nor the EIA report study/ assess these activities, and they are entirely silent on

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these aspects, thus vitiating the clearance is denied as false and vexatious. It is submitted that the previous EIA report was also submitted in reply to EDS, which was also considered while issuance of the present EC. The previous EIA contains the required details. In addition, Chapter 2.7.19 of the EIA and Chapter 8.2 of EIA deals with Rail and Road Connectivity.

24. The averments in paragraph 7, 8 and 9 are denied as false and vexatious. With respect to the contention that the 2nd Respondent inter alia requested exemption from conducting public hearing and the proposal was deferred, it is submitted even though it is referred to as exemption from public hearing, in effect what the 2nd Respondent sought for using the public hearing that was conducted for obtaining the original EC dated 21.09.2012. Further the MoEF & CC had accorded the EC for the project of M/s. Mumbai Port Trust without Public Hearing vide letter F. No. 10-10-2017-IA-III dated 11-07-2017, as the Mumbai Port Trust's project also faced litigations due to which there was delay in execution of the project. Public Hearing for that project was conducted in 2005. Considering the situations, MoEF & CC has exempted the Public Hearing for that project. Even in the present case the Project could not be completed on account of the litigations and other hindrance faced by the 2nd Respondent and the same is not attributable to the 2nd Respondent. The Public hearing for the project was already conducted on on 27.1 2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing.

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25. The averments in paragraph 10, 11 and 12 are denied as false and vexatious. The contention that 1st Respondent or its SEAC have no powers to dispense with the public hearing requirement, and this illegality goes to the root of the matter and vitiates the entire clearance process is denied as false and vexatious. As stated hereinabove, public hearing was not exempt but the earlier public was incorporated. The 1st Respondent had considered the various litigations and directed the said incorporation of the previous public hearing based on correct principles. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing.

26. The averments in paragraph 13 and 14 are denied as false and vexatious. The contention that the 1st Respondent has no powers whatsoever to exempt this Respondent project from the mandate to conduct public hearing is denied as false and vexatious. The contention that SEAC lacks the jurisdiction or power to do so is also denied. It is submitted that the 1st Respondent did not exempt the 2nd Respondents project from public hearing. The Public hearing for the project was already conducted on on 27.1 2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing. The contention that SEAC fell in error in citing clause 7(ii) of the Notification in a

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futile attempt to accede to the request of the 2nd Respondent is denied as false and vexatious.

27. The averments in paragraph 15 is denied as false and vexatious. The contention that the attempted justification that public hearing was conducted for the issuance of the previous EC dated 21.09.2012, which has now expired, is without merit and is demonstrative of the lack of application of mind by the 1st Respondent is denied as false and vexatious. The contention that public hearing conducted on 27.01.2012 is irrelevant for the grant of the impugned clearance is denied as false and vexatious. The contention that public hearing on 27.01.2012 was based on the earlier EIA report, resulting in the issuance of the EC dated 21.09.2012 and more than 12 years have lapsed since the public hearing, and the environmental setting of this dynamic coast has obviously changed is denied as false and vexatious. It is submitted that Public Hearing was already conducted on 27.1 2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing. It is submitted that a fresh EIA has been prepared to study the environmental changes. Therefore, even the changes in the environment has been taken into account while issuing the present environmental clearance. The contention that the affected parties in 2025 are different from the population in 2012 and they have an absolute, inalienable right to participate in the environmental clearance process is denied as false and vexations. The contention that an entire

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generation has come to pass since the public hearing and the justification employed by the 1st Respondent, apart from being illegal, is also bereft of logic is denied as false and vexatious. It is submitted that the present population in 2025 even though can be said to be different, their claims are under the same title as the once in 2012. Therefore, the claims of the population in 2025 is already stands addressed in the earlier public hearing itself.

28. The averments in paragraph 16 is denied as false and vexatious. The contention that the reliance placed on the alleged exemption granted to Mumbai Port Trust in an allegedly similar case by the MoEFCC vide letter dated 11.07.2017 is misplaced and there is no equity in illegality is denied as false and vexatious. The MoEF & CC had accorded the EC for the project of M/s. Mumbai Port Trust without Public Hearing vide letter F. No. 10-10-2017-IA-III dated 11-07-2017, as the Mumbai Port Trust's project also faced litigations due to which there was delay in execution of the project. The Public Hearing for that project was conducted in 2005. Considering the situations, MoEF & CC has exempted the Public Hearing for that project. Even in the present case the Project could not be completed on account of the litigations and other hindrance faced by the 2nd Respondent and the same is not attributable to the 2nd Respondent. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. The said exemption cannot be said to be illegal. The contention that even if exemption were granted by MoEFCC to a different project proponent, it does not empower the 1st Respondent to commit the same illegality qua the 2nd Respondent's project is denied as false and vexatious.

29. The averments in paragraph 17 is denied as false and vexatious. As stated herein above even though it is referred to as exemption from public hearing, in effect what the 2nd Respondent sought for using the public hearing that was conducted for obtaining the original EC dated 21.09.2012. The SEAC after

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taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing.

30. The case law relied by the Appellant in Hanuman Laxman Aroskar v. Union of India (2019) 15 SCC 401 in paragraph 19, has no application to the present case as in the facts of the present case, public hearing was in fact conducted and principles enumerated in the said Judgment have been fulfilled. There is no change in scope of the project. Similarly, the case law relied by the Appellant in Electrotherm Ltd vs Patel Vipulkumar & Ors (2016) 9 SCC 300 has no application to the present case as the said case pertains to expansion of plant with three times increase in capacity and pollution load. In the present case there is no additional increase in capacity, change in project or pollution load. Further, in the present case public hearing was duly conducted on 27.1.2012 and all concerns of raised by the public was duly addressed. It is not out of place to state that even in Electrotherm Ltd vs Patel Vipulkumar & Ors (2016) 9 SCC 300, the Hon'ble Supreme Court permitted post decisional public hearing. This itself shows that the concept of public hearing is a very dynamic concept and it is permissible to conduct the same in a different manner. The contention of the Appellant in paragraph 21 that this Hon'ble Tribunal in its judgement dated 17.9.2021 in Appeal No. 6 of 2020 held that exemption granted from conducting public hearing to a thermal power plant in Ennore was illegal, suspended the clearance and directed the conduct of public hearing and fresh consideration by the authorities is denied as false and misleading. The said decision is not applicable to facts of the present case as the facts in Appeal No.

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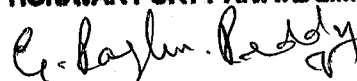
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6 of 2020 involved expansion for the project. In the present case there is no additional increase in capacity, change in project or pollution load.

31. The contention in paragraph 21 is denied as false and vexatious. The contention that the EC is liable to be quashed as the entire process has been vitiated, as the clearance has been illegally issued without conducting mandatory public hearing is denied as false and vexatious. It is submitted that the EC was obtained in accordance with law and it does not warrant any interference from this Hon'ble Tribunal.
32. The contention in paragraph 22 is denied as false and vexatious. The contention that that clause 4(vii) of the CRZ Notification, 2019 prohibits the construction of ports and harbour projects in high eroding stretches of the coast is misleading. At the outset it is submitted that from the NCCR Report which evidences this fact is denied as false and vexatious. It is submitted that as per the research of NCSCM - High Resolution Erosion/Accretion Mapping for the Coast of India there is no high erosion zone in the entire Karnataka Coast. The Appellant is wilfully attempting to mislead this Hon'ble Tribunal by falsely attempting to project as though the subject port is in a high erosion zone. Further the Appellant is clearly misinterpreting the CRZ Notification, 2019. Paragraph 4 of the CRZ Notification, 2019 clearly states certain activities are generally prohibited in CRZ and the permissible and regulated activities are specified in Paragraph 5. Port construction is clearly a permissible activity under Clause 5 of the CRZ Notification, 2019. Further No Development shall not be applicable in areas falling within notified Port Limits. The project site has been declared as Port Limits as per government Notification No. PWD/107/PSP/2013 dated 09.12.2013 in accordance with Section 5 of the Indian Ports Act 1908.

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33. The averments in paragraph 23 are denied as false and vexatious. The Appellant relies on an Office Memorandum dated 3.11.2009 to falsely contend that MoEF& CC prohibited establishment of new ports and harbors in hot spot stretches, that is, those areas which are prone to high erosion above 1 meter per year. It is submitted that the said Office Memorandum dated 3.11.2009 has lost its relevance as there has been subsequent CRZ notification in 2011 and another CRZ notification in 2019. Therefore, no reliance can be placed on the Office Memorandum dated 3.11.2009. The contention that Honnavar is one of the locations mentioned in the OM as an erosion hotspot as well is denied as false.
34. The averments in paragraph 24 -27 is misleading The contention that 4.2.3.4 of the EIA report at pg. 4-6, a figure has been provided (figure 4-1) marking the proposed ports, breakwater and layout on the shoreline change map of the National Centre for Coastal Research's National Assessment of Shoreline Changes dated March 2022 and this image makes it evident that the shoreline along the port site has been marked as low, moderate and high eroding is misleading. It is submitted that as per the research of NCSCM - High Resolution Erosion/Accretion Mapping for the Coast of India there is no high erosion zone in the entire Karnataka Cost. Further the NCSCM prepared for Government of Karnataka in September 2024 for developing shoreline management plan in the state of Karnataka has recorded that there is no high erosion zone qua the project. The said report clearly shows the shoreline changes from March 2010 to March 2024 which does not show high erosion. The contention of the Appellant with respect to NCCR is misleading as the same is only in a small pocket that too for a report between 1990-2018. In any event the EIA has provided for shoreline protection in the EC under the heading Water Quality monitoring and preservation point no. 11 which is extracted hereunder:-
- "All the erosion control measures shall be taken at water front facilities. Earth Protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body"

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Similarly provision for shoreline protection has been provided in EC under the heading Waste Management point ii which is extracted hereunder:-

“Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring report.”

The contention that EIA report itself shows that where the proposed port is to be located is an erosion hotspot is denied as false and vexatious. The contention that the stretches where the port is proposed to be developed erode at a rate greater than 1 m per year is denied as false and vexatious. The contention that the Further evidence of the rate of erosion on the subject shoreline may be gleaned from the Shoreline Change Atlas of the Indian Coast Volume III, prepared by the Space Applications Centre of the Indian Space Research Organisation, dated August 2021. Sheet no. 48J07SE at pg. 28 of the report pertains to the subject shoreline, and the entire coast has been marked as an eroding stretch (marked by the red colour line) is denied as false. It is submitted that as per the research of NCSCM - High Resolution Erosion/Accretion Mapping for the Coast of India there is no high erosion zone in the entire Karnataka Coast. The Appellant is wilfully attempting to mislead this Hon'ble Tribunal by falsely attempting to project as though the subject port is in a high erosion zone. The contention that erosion rate classified by the Ministry as high erosion or an erosion hotspot insofar as siting of ports is concerned is 1 m per year is denied as false and vexatious. The contention that the EC ought not to have been granted to the proposed project, which is admittedly and indisputably located on a shoreline that is eroding at a rate greater than 1 m per year is denied as false and vexatious. It is not out of place to state that the issue of erosion has been considered in the EIA and mitigation measures have been suggested for addressing the same.

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35. The averments in paragraph 28 are denied as false and vexatious. The contention that the OM dated 03.11.2009 also prohibits ports and harbours within 10 km on either side of CRZI(i) areas - i.e. CRZ IA areas is denied as false and vexatious. It is submitted that the subject port does not fall within the CRZ IA. The contention that the subject sand spit and the surrounding baches are olive ridley nesting grounds are denied as false and vexatious. It is submitted that the issue has already been agitated and decided by the Hon'ble Karantaka High Court in Public Interest Litigation in WP No. 4039/2021 (PIL) as well as this Hon'ble Tribunal in OA No. 76/2022. The Appellant had wilfully suppressed the report filed by National Centre for Sustainable Coastal Management (NCSCM), pursuant to the directions of the Hon'ble High Court of Karnataka on 13.07.2021 in a Public Interest Litigation in WP No. 4039/2021 (PIL) by Honnavar Taluka Hasi Meenu Vyaparasthara Sangha. The said NCSCM had demarcated and delineated the entire coast of India for the purpose of ecologically sensitive area (ESA) under Coastal Regulatory Zone notification 2019. The ESA comprises of 11 geomorphological features which pay a role in maintaining the integrity of the coast out of which Turtle nesting grounds is one among them. The ESA which was demarked and delineated by NCSCM have been approved by the respective State/ Union territory Governments and have been integrated in the Coastal Zone Management Plan. The Karnataka State Coastal Zone Management Plan approved the said CRZ on 18.07.2018 based on the recommendation made by the National Coastal Management Authority (NCZMA) in its 34th Meeting. As per the CZMP Map No. KA 25, there is no reported ESA (CRZ 1A) in the site of the Honnavar Port as per approved CZMP maps of Honnavar. Therefore, there is no subject port does not fall within the CRZ IA. The contention that the local fishers, like all artisanal fishers, have a unique, respectful relationship with turtles, and it is their sustainable practices which have ensured the survival of the species along these coasts is denied as false and vexatious. It is submitted that in a recent article reported in the the Hindu, titled "A surge of dead sea turtles in the sand", the primary reason for the death of the turtles is widespread use of

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fishing gear such as gill net and trawl boat. Now the fishermen cannot take a moral high ground and falsely state that there is a respectful relationship with turtles and there is sustainable practices.

36. The averments in paragraph 29 are denied as false and vexatious. The said documentary titled "The Ocean Connection" published on YouTube on 28.11.2024 is nothing but a cooked up video made after the dismissal of the case filed in OA No. 76 of 2022 by this Hon'ble Tribunal with a sole purpose of preventing the construction of the port. The fact that the counsel for the Applicant in OA No. 76 of 2022 who had earlier attempted to derail the construction of the port also features extensively in the said video. The contention that the said video contains conversations with numerous fisherfolk of Kasarkod and Tonka villages near the proposed port site, referring to turtle nesting in the area is denied as false and vexatious. The contention that the documentary also refers to tie-ups between the Forest Department and local fisherfolk for the conservation of sea turtles which nest in the area is also denied as false and vexatious.
37. The averments in paragraph 30 are denied as false and vexatious. The issue of turtle nesting is already attained finality in WP No. 4039/2021 (PIL) as well as this Hon'ble Tribunal in OA No. 76/2022 and the same cannot be reagitated once again.
38. The averments in paragraph 32 is denied as false and vexatious. It is submitted that the said Office Memorandum dated 3.11.2009 has lost its relevance as there has been subsequent CRZ notification in 2011 and another CRZ notification in 2019. Therefore, no reliance can be placed on the Office Memorandum dated 3.11.2009. The contention that this disqualification / prohibition has also missed the attention of the 1st Respondent is denied as false and vexatious.

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39. The averments in paragraph 33 are denied as false and vexatious. The contention that the siting of port at the present location is prohibited and no clearance could have been granted for the establishment of the proposed port, despite the clear and unambiguous prohibition under the CRZ Notification, 2019 is denied as false and vexatious. The contention that the impugned clearance is thus vitiated and liable to be quashed is once against denied. It is reiterated that Environmental Clearance (EC) granted under EIA Notification, 2006, and CRZ Notification, 2019, bearing identification no. EC24B3501KA5218090N and file no. SEIAA 02 IND 2024 dated 31.12.2024, was issued following due regulatory process and does not warrant any interference from this Hon'ble Tribunal.
40. The averments in paragraph 34 -38 is denied as false. The contention that this Respondent attempts to mislead the 1st Respondent on eroding nature of the subject shoreline is denied as false. The contention that the 2nd Respondent falsely states in response that the location nis a non-eroding cost is denied as false and vexatious. The case law relied by the Appellant in Hanuman Laxman Aroskar v. Union of India (2019 15 SCC 401) has no application to the present case as this Respondent has not provided any false or erroneous statement in the Form I. The contention that the 2nd 2nd Respondent is thus guilty of wilful suppression of facts and the clearance is liable to be rejected for this reason as well, as mandated under clause 8(6) of the EIA Notification, 2006 and the impugned EC is denied as false and vexatious. All other allegations are false and baseless.
41. The averments in paragraph 39 - 41 is denied as false and vexatious. The contention that the impugned clearance is liable to be set aside as it has been issued without the conduct of comprehensive EIA ie., based on three seasons data is denied as false and vexatious. It is submitted that the environmental monitoring data for the last several years have been covered in the

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comprehensive EIA. The EIA report complies with regulatory guidelines, covering terrestrial and marine environments over an appropriate timeframe. Marine sampling was conducted using scientific methodologies, ensuring accurate and representative baseline data. The contention that the EIA report cannot even be called a rapid EIA report as the marine baseline was collected only for one month is denied as false and vexatious. The contention that the , the impugned clearance has been issued based on an inchoate, inadequate EIA study, and cannot be sustained is denied as false and vexatious.

42. The averments in paragraph 42 and 43 is denied as false and vexatious. The contention that the impugned clearance for establishment of proposed port at the narrow sand spit at the mouth of the Sharavathi estuary has been issued without any consideration of the dynamic nature of the landform is denied as false and vexatious. The contention that the EIA report does not even consider the fact that the mouth of the estuary does not remain static and is extremely dynamic is denied as false and vexatious. It is submitted that the EIA covers all the environmental aspects and the authorise considered all the environmental factors and issued the Environmental clearance.
43. The averments in paragraph 44 is denied as false and vexatious. It is submitted that the construction of the breakwater at the confluence point at the channel mouth of Sharavti River is proposed only after conducting appropriate studies by the Central Water and Power Research Station (CWPRS), Pune. This proposed Construction will stabilize the tidal gut and restrict the forceful flush of the water to the Arabian sea, thus maintaining the stability, leading for smooth navigation of the Mechanized fishing vessel. The same will also help the fisherman of the locality.
44. The averments in paragraph 45 is denied as false and vexatious. The contention that the EIA report is inchoate and does not assess the impact of the port on either the estuary or the impact of the proposed breakwaters on the stability of

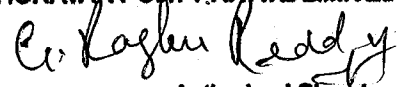
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the coastline is denied as false and vexatious. The EIA contains a detailed scientific studies, impact assessments, and mitigation measures addressing all the concerns raised including the impact on estuary and coastline stability. The EIA report conducts hydrodynamic modelling to assess water flow, sediment transport, and salinity variations due to port activities. Breakwater stability and coastal impact studies have been carried out to ensure shoreline protection. The EIA also assess the impact during operation phase. Therefore, the EIA report comprehensively evaluates all key environmental aspects using scientific methodologies and proposes robust mitigation strategies. The contention that the traffic potential is expected to increase to 21.66 MTPA in the next thirty years ought to have resulted in the proposal being appraised as a category A project, which would have ensured better appraisal and consideration of relevant factors is denied as false and vexatious.

45. The averments in paragraph 46 is denied as false and vexatious. The contention that the EIA report is tailor made to suit the needs of the 2nd Respondent and the 1st Respondent has failed to notice the shortcomings in the report is denied as false and vexatious. The contention that the since the EIA report was not placed before the public for consultation, this opportunity to identify lacunae in the report was foreclosed by the 1st Respondent is denied as false and vexatious. It is submitted that the EIA report comprehensively evaluates all key environmental aspects using scientific methodologies and proposes robust mitigation strategies and there is no lacunae in the said report. It is submitted that Public Hearing was already conducted on 27.1 2012 at Project Site, all the opinions, objections, demands were heard after detailed enquiry to serve the interest of Public. In fact even issues raised in the present Appeal were also addressed in said public hearing. It is submitted that no prejudice is caused to the Appellants as all the concerns of the locals were addressed in the earlier public hearing and no new circumstances have emerged that warrant a fresh public hearing.

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46. The averments in paragraph 47 is denied as false and vexatious. The contention that the 2nd Respondent has stated the capacity of the port to be 4.9 million tonnes per annum (MTPA) only to avoid approaching the MoEFCC for clearance as a category A project is denied as false and vexatious. The contention that the Respondent played any subterfuge in order to avoid proper scrutiny and secure clearance from the 1st Respondent without appraisal is denied as false and vexatious. The contention that there is falsity in the claim of the 2nd Respondent as to the to the capacity of the proposed port is evident from the EIA report, the 1st Respondent ought to have directed the 2nd Respondent to approach the MoEFCC for clearance is denied as false and vexatious. It is submitted that only port with handling capacity of 5 MTPA and above require clearance form MoEFCC. This Respondents port is only handling 4.9 million tonnes per annum (MTPA). Therefore, there is no requirement to approach MoEFCC for clearance.
47. The averments in paragraph 48 is matter of record and does not warrant any reply. The averments n paragraph 49 -51 is denied as false and vexatious. The contention that the impact of emissions from the coal and iron ore storage has not been assessed in the EIA report is denied as false and vexatious. The report includes detailed emission modelling, air pollution control measures, and mitigation strategies to manage fugitive emission. The Cargo Handling Rate and Equipment Details are provided in Tables 2-10 and 2-11. The impact of emissions from coal and iron ore storage has been assessed and the measures to address the same has also been provided. For Example, during coal handling and storage activities there may be fugitive dust emission and to address the same dust suppression will be provided. Dust control equipment system consisting of suitable pump, storage tank for water and sprinklers & nozzles for dust suppression will be provided. In addition to the above, suitable spray system shall also be provided at ship unloader & coal stockyard. The contention that the project is inconsistent with the government's coal import policy is incorrect. The EIA report acknowledges the evolving coal import scenario and

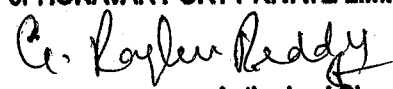
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ensures that the project remains aligned with future policy changes. The EIA report recognizes India's shift towards domestic coal but also highlights that coal imports continue for blending and quality requirements. Further the EIA report recognizes India's shift towards domestic coal but also highlights that coal imports continue for blending and quality requirements. Further the Karnataka's steel and cement industries rely on imported coal and the Honnavar port supports coastal coal movement for these industries. Further the port is not exclusively dependent on coal imports and other items such as iron ore, fertilizers and general cargo.

48. The averments in paragraph 52- 54 are denied as false and vexatious. The contention that the EIA report does not characterise the baseline environmental of the proposed port side adequately or accurately is denied as false and vexatious. The contention that the study period itself is inadequate and the rapid EIA is impermissible and could not have been the basis for the appraisal of the present port is denied as false and vexatious. It is submitted that the EIA report presents detailed environmental assessments covering land, water, air, marine ecology, biodiversity, and socio-economic factors as per the MoEF&CC guidelines and covers both terrestrial and marine environments across different seasons. The Terrestrial baseline data was collected for one full season (Winter: October–December 2023), ensuring seasonal variations were accounted for. Similarly Marine baseline data was collected pre-monsoon (April 2024), aligning with standard environmental study practices. Additional the historical and secondary data were used from the 1st EIA Report and monitoring studies to create a comprehensive environmental profile. The contention that the marine baseline data has not been collected even for one season data and has been collected only for April 2024 is false and misleading. The contention that there is a failure in the EIA report to even collect baseline data for the required period vitiates the entire report and the anticipated impacts forecasted in chapter 4 have been rendered otiose is denied as false and vexatious. As stated hereinabove the EIA report presents detailed

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environmental assessments covering land, water, air, marine ecology, biodiversity, and socio-economic factors as per the MoEF&CC guidelines and covers both terrestrial and marine environments across different seasons. The contention that the data presented at 3.7 of the EIA is irrelevant for the purpose of the present study as it is not based on monitoring for the prescribed period and hence cannot be used for any meaningful understanding of the baselines environment and for forecasting impact is denied as false and vexatious.

49. The averment in paragraph 55 to 57 are denied as false and vexatious. It is submitted that the EIA report presents scientific air quality monitoring, emission source identification, and predictive modelling to evaluate impacts. The EIA report thoroughly assesses air pollution impacts using scientific and regularly practiced methods and regulatory-compliant mitigation measures. With respect to the contention that only one very specific engine capacity has been specified and a stack of 18m height has been mentioned, therefore the forecast based on these values is useless and ought not to be the basis for any decision making process is denied as false and vexatious. It is submitted that the EIA report specifies an auxiliary engine capacity of 364.37 kW and a stack height of 18m in Table 4-3 as a representative case for point source emissions. This value is based on standard emission factors and regulatory guidelines to provide a baseline for air dispersion modelling. While ports receive vessels with varying engine capacities, the modeling approach uses a conservative estimation to assess the worst-case scenario. Additionally, the EIA accounts for emissions from multiple sources, including auxiliary engines, cargo handling, and vehicular movement, to ensure a comprehensive impact assessment. Continuous air quality monitoring during port operations will further validate these projections and enable corrective actions if necessary. With respect to the emission dispersion and emission occurring from lower heights, it is submitted that the EIA covers the impact of cargo handling where the main concern is the fugitive dust created by handling of bulk cargo. The cargo handling mechanism will be done through a mechanized manner and in such a way that minimum

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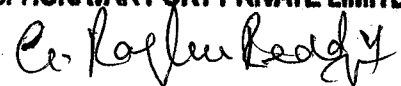
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dust emission will occur and even this fugitive will be well mitigated by dust sprinkling system in all vantages vulnerable points such as Key side, storage. The necessary mitigation measures such as Green Belt development and Water Sprinkling etc., to suppress the dust while handling and storage will be employed as a part of Environmental Management Plan. Proper dust suppression will, be ensured in the port premises and carried during the construction phase.

50. The averments in paragraph 58 and 59 are denied as false and vexatious. The emission estimates in Tables 4-5 and 4-6 are based on established emission factors, handling capacities, and assumed control efficiencies. The report considers fugitive emissions from coal and iron ore stockpiles, as well as loading/unloading operations, incorporating pollution control measures such as dust suppression and mechanized unloading systems. The 70% reduction in emissions is derived from standard mitigation techniques, including covered unloading points and water sprinkling systems. These reductions align with emission estimation methods outlined in the National Pollutant Inventory Emission Estimation Technique Manual for Mining. Additionally, these inputs were used in the AERMOD dispersion model as per Section 4.7.3.2 to predict air quality impacts. Therefore the contention that the details are extremely unrealistic is nothing but a frivolous claim. The model results presented in Section 4.7.3.5 incorporate baseline Ambient Air Quality (AAQ) data from the monitoring stations listed in Section 3.6. These baseline values were combined with the modelled incremental pollutant concentrations to estimate the resultant air quality levels. As shown in Section 4.7.3.7, the resultant concentrations for PM₁₀, PM_{2.5}, SO₂, and NO₂ remain within the National Ambient Air Quality Standards (NAAQS), 2009. This methodology is commonly used in dispersion modelling studies to assess air quality impacts.

51. The averments in paragraph 60 and 61 is denied as false and vexatious. The baseline Ambient Air Quality (AAQ) monitoring stations used in the study are

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located at distances ranging from 0.9 km to 7.0 km from the project site. The isopleths presented in Figures 4-76 to 4-80 indicate that the highest incremental pollutant concentrations occur closer to the emission sources. The EIA report includes air quality monitoring stations at varying distances, ranging from 0.9 km to 7 km from the project site, to capture a broader spatial representation of ambient air quality. The modeling results account for fugitive emissions from stockyards and handling operations, considering dispersion patterns influenced by local meteorology. Therefore the contention that using monitoring stations located kilometres away to project the likely impact of fugitive emissions from stockyard and handling is an intentional subterfuge to mask the true emissions that will result from the project is denied as false and vexatious. With respect to the contention regards port being on a narrow coastal spit that is about 300 meter wide, bounded on the Arabian sea on one side, the Sharavathi estuary and villages on the other sides, it is submitted that the EIA report assesses the port's location on a narrow coastal spit, considering its proximity to the Arabian Sea, Sharavathi Estuary, and nearby villages. Mitigation measures such as dust suppression systems, wind barriers, and greenbelt development have been proposed to minimize emissions at the source and their impact on sensitive receptors.

52. The averments in paragraph 62 and 63 are denied as false and vexatious. The contention that Particulate matter pollution from coal and iron ore stackyards, and handling emissions are well known sources of pollution, and their impact on the receiving environment ought not to be handled in such a cavalier fashion by the 2nd Respondent is denied as false and vexatious. It is submitted that multiple mitigation measures have been adopted to address the said issue including mechanized handling, water sprinkling, wind barriers, and greenbelt development to minimize fugitive dust emissions. The contention regarding Madras High Court has no relevance to the present case and is made with a sole purpose of prejudicing the Respondents. The contention that the subject EIA presents the same problem that would have been presented if the Chennai

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Port had pointed to low levels of emissions 3 and 7 km away from the port site, in order to claim that there was no environmental harm being caused is denied as false and vexatious. The contention that environmental pollution being caused by the Chennai Port that the handling of coal was directed to be shifted to the Ennore port is misleading and is of no relevance to the present case. The contention that the present EIA report does not assess the air pollution that will be caused by the 2nd Respondent by the handling of the dirt cargo like coal and iron ore is denied as false and vexatious. The EIA report does extensively assess the potential air pollution caused by coal and iron ore. It includes air quality modeling studies that consider emissions from area sources (stockyards), volume sources (handling operations), and line sources (transportation). The report also outlines specific mitigation measures such as water sprinkling, mechanized unloading, wind barriers, and greenbelt development to minimize fugitive emissions. Additionally, air dispersion modeling using AERMOD has been conducted to predict pollutant concentrations in surrounding areas, ensuring compliance with National Ambient Air Quality Standards (NAAQS).

53. The averments in paragraph 64 is denied as false and vexatious. It is submitted that the Appellant is merely nit picking the EIA report and the same is without any merit. The EIA report does consider the socio-economic impact of the proposed port on nearby fishing communities, including Tonka village. The report mentions that Kasarkod Tonka village is within the project's influence area, and socio-economic measures have been outlined to mitigate any potential disruptions. The contention that there is suppression of material that as the impact of the project on the village has conveniently been ignored and has not even been assessed is denied as false and vexatious. The contention that the EIA report does not even purport to assess the socio economic impact of the project on fishers and livelihood is denied as false and vexatious. It is submitted that the EIA discusses fishing activities. Measures such as setting up marker buoys, regular interaction with the fishing community, and ensuring clearances for fishing vessels have been proposed. The contention that

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destruction of a dynamic shoreline and a biodiversity rich estuary so as enable profiteering by a private entity cannot be permitted is vexatious and clearly shows the ulterior motive of the Appellants. The contention that there was failure to discuss the fact that the proposed port site, the sand spit forms and important component of the livelihood spaces for the fishers is fatal to the impugned clearance is denied as false and vexatious. It is further submitted that the issue regarding fishing and fisherman have already been decided in OA No. 76 of 2022 on the file of this Hon'ble Tribunal and Writ Petition No. 4039/2021 (PIL) before the Karnataka High Court. The contention that the area is used to dry fish, cast nets, dry nets, store fishing gear, park boats etc is denied as false and vexatious. The contention that the fishing community does not privatise these community resources and they remain free for all to use is denied as false and vexatious and is of no relevance to the present case. The contention that the 2nd Respondent has suppressed these facts and has falsely contended as though the area is in effect a barren wasteland is denied as false. With respect to the contention that failure to assess socio economic impact is crucial and it needs to be remembered that the absence of mention in the report is not the absence of impact, it is submitted that the EIA report does consider the socio-economic impact of the proposed port on nearby fishing communities and there was no failure.

54. The averments in 65 to 69 are denied as false and vexatious. The EIA report provides a detailed assessment of the flora and fauna in the project area, including the terrestrial and marine ecosystems. The study identifies 193 bird species, 6 mammal species, 44 butterfly species, 29 amphibian species, and 21 reptile species in the broader study area. However, the core project site is primarily a sandy intertidal zone with minimal vegetation. Additionally, the report states that no Reserve Forests, National Parks, or Wildlife Sanctuaries are located within the proposed development area. While some vegetation clearance will occur along the access road, compensatory afforestation measures have been proposed. Furthermore, the EIA includes mitigation

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measures such as a greenbelt development plan, monitoring of noise levels, and protection measures for mangroves and marine biodiversity to ensure minimal ecological disruption. Considering these factors, the assessment follows standard environmental protocols, and necessary mitigation measures are in place to address potential ecological impacts. The contention that there is any disregard to the ecological sensitivity and biodiversity of a highly productive estuary and associated ecosystems is vexatious. With respect to the contention regarding Sharavathi Estuary, it is submitted that the report recognizes the ecological significance of the Sharavathi Estuary, detailing its rich biodiversity, including fish, crustaceans, and migratory birds. It identifies key habitats such as seagrass beds, mangroves, and salt marshes, which are protected under CRZ-1A regulations. Furthermore, the report highlights the sparse and random presence of Olive Ridley turtles, listing conservation measures such as protecting nesting sites, minimizing light pollution, and restricting construction activities during nesting seasons. These measures align with national and international wildlife protection guidelines, ensuring minimal disruption to the estuarine ecosystem. To safeguard the biodiversity of the Sharavathi Estuary, the project includes continuous environmental monitoring and mitigation strategies as part of its Marine Biodiversity Management Plan. With respect to the Energy and Wetlands Research Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore (Envis report 52) and, it is submitted that the said report is of no relevance as the EIA itself comprehensively covers the biodiversity of the area.

55. The averments in paragraph 70-72 is denied as false and vexatious. It is submitted that the contention of the Appellant in paragraph 70 and 71 are mutually contradictory. In paragraph 70 the Appellant alleges that the EIA report is bind to turtle nesting whereas in paragraph 71 the Appellant allegations that there is an admission of presence of turtle nesting in the EIA report. It is submitted that the said contradictory statements itself shows that the Appellant has been make baseless claims without any merit just to mislead

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this Hon'ble Tribunal and stall the construction of the port at any cost. The issue of turtle nesting as already been decided in OA No. 76 of 2022 on the file of this Hon'ble Tribunal and Writ Petition No. 4039/2021 (PIL) before the Karnataka High Court. The Appellant is barred by principles of res judicata from reagitating the same. The Appellant has willfully suppressed the report filed by National Centre for Sustainable Coastal Management (NCSCM), pursuant to the directions of the Hon'ble High Court of Karnataka on 13.07.2021 in a Public Interest Litigation in WP No. 4039/2021 (PIL) by Honnavar Taluka Hasi Meenu Vyaparasthara Sangha. The said NCSCM had demarcated and delineated the entire coast of India for the purpose of ecologically sensitive area (ESA) under Coastal Regulatory Zone notification 2019. The ESA comprises of 11 geomorphological features which play a role in maintaining the integrity of the coast out of which Turtle nesting grounds is one among them. The ESA which was demarked and delineated by NCSCM have been approved by the respective State/ Union territory Governments and have been integrated in the Coastal Zone Management Plan. The Karnataka State Coastal Zone Management Plan approved the said CRZ on 18.07.2018 based on the recommendation made by the National Coastal Management Authority (NCZMA) in its 34th Meeting. As per the CZMP Map No. KA 25, there is no reported ESA (CRZ 1A) in the site of the Honnavar Port as per approved CZMP maps of Honnavar. Thus, the approved Coastal Zone Management Plan indicates absence of any ecologically sensitive area, which also includes ESA such as turtle nesting ground. Therefore there is only occasional only sporadic nesting of Olive Ridley turtles. The contention that the EIA report relies on data collected during non- turtle nesting season and is blind to the existence of turtle nesting, by design is denied as false and vexatious. The contention that the 2nd Respondent attempts to suppress the presence of turtle nesting on these beaches, in a bid to avoid the categorical siting disqualification / prohibition under the CRZ Notification, 2019 and the OM dated 03.11.2009 deserves to be deprecated is denied as false and vexatious. With respect to the contention regarding the direction by this Hon'ble Tribunal

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in judgement in OA No. 76 of 2022 dated 26.09.2023 to to consider the aspect of turtle nesting neither the EIA report nor the proceedings of the 1st Respondent contain any examination of this issue is denied as false and vexatious.

56. The averments in paragraph 73 is denied as false and vexatious. The contention that the entire assessment of impact on floral and faunal diversity in the EIA report is limited to the statement at 4-88 that the impact is "insignificant" and thus itself is sufficient to reject the EIA report as it makes a mockery of the entire process laid down by law, rendering it redundant is denied as false and vexatious.

57. The averments in paragraph 74 is denied as false and vexatious. The contention that the EIA report does not assess the impact on the hydrological profile of the estuary and its environs due to the dredging and deepening of the estuary to 10 m depth is denied as false and vexatious. The contention that there is no discussion on the impact on estuary, its biodiversity and the associated livelihood due to the proposed project is denied as false. The contention that Chapter 4 of the EIA report also does not assess the impact due to the huge breakwaters of length 820 m on the northern side and 865 m on the southern side is denied as false and vexatious. The contention that the report false states that no change is observed in the northern side while slight accretion of 30-40 m over 10 years is expected on the southern side is denied as false and vexatious. It is submitted that the EIA report thoroughly assesses the impact on the estuary's hydrology, biodiversity, and shoreline changes using MIKE 21 hydrodynamic modelling and sediment transport studies. In dredging impact no significant changes in tidal flow or sediment balance were found, ensuring estuarine stability. With respect to breakwaters & shoreline changes, two scenarios were analyzed with a seawall and the shoreline remains stable. The profile is not drastically altered, and the character of estuary will not be altered as per the impact assessment, in fact due to continuous flow a natural ecological

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balance will be created. Further mitigation measures such as Dredging Management Plan, shoreline monitoring, and biodiversity protection strategies are in place. Therefore, the report is scientifically robust and does not overlook environmental impacts, ensuring minimal disruption and regulatory compliance.

58. The averments in paragraph 75 and 76 is denied as false and vexatious. The contention that the EIA report provides no details of the seawall that is cryptically mentioned is denied as false and vexatious. The EIA report thoroughly assesses the seawall's impact using MIKE 21 hydrodynamic modelling, showing that with a seawall, the northern shoreline remains stable, while the southern side sees minor accretion (30-40m over 10 years). Erosion control measures, including beach nourishment, sediment replenishment, and regular shoreline monitoring, are in place to address the said issue. Further Dredged materials will be used for beach stabilization, minimizing erosion risks. The contention that the EIA fails to assess the impact of the hard structures vitiates the entire report is denied as false and vexatious. Therefore the EIA does not ignore coastal erosion but presents scientific analysis and mitigation strategies to ensure shoreline stability by providing more robust shore protection.
59. The averments in paragraph 77 and 78 are false and misleading. misleading. The EIA report includes detailed shore protection measures to prevent erosion near reclaimed port areas, using geo-textile and rock boulders over 3,330m. The contention that the the fact that the project proponent proposes to dump rock boulders and geo-textile to armour the seaside of the port area is clear evidence of the fact that the project site is located on an eroding stretch of the shoreline is denied as false and vexatious.
60. The averments paragraph 79 is denied as false and vexatious. The contention that Chapter 4 also does not contain any meaningful assessment of the impacts

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of proposed dredging and port activity on the marine environment is denied as false and vexatious.

61. The averments in paragraph 80 and 81 is denied as false and vexatious. With respect to the EIA report containing data from 2011 and EIA report cannot be based on data that is collected over 13 years ago is denied as false and vexatious. It is submitted that the EIA report include more recent data, ensuring compliance with the Ministry of Environment, Forest and Climate Change (MoEFCC) guidelines. The contention that the 1st Respondent has failed to notice this aspect, and instead of rejecting this inchoate report that can barely be called an EIA study, has rewarded the 2nd Respondent with a clearance is denied as false and vexatious. The contention that there is non notice of relevant facts or any lack of application of mind or pitiful appraisal process of the project is denied as false and vexatious.
62. The averments in paragraph 82 to 85 are denied a false and vexatious. The same allegation was subject matter of OA No. 76 of 2022. The various orders passed by this Hon'ble Tribunal including the interim order and final order maybe relied by this Respondent. With respect to the issue of forest, the same was also subject matter of earlier round of litigation. This Respondent has filed necessary documents. All other allegations are denied as false and baseless.
63. The case law cited by the Appeal in Utkarsh Mandal v. Union of India (2009 SCC OnLine Del 3836) is paragraph 86 of no relevance to the present case as the SEAC had performed its function in accordance with law.
64. The averments in paragraph 87 are denied as false and vexatious. The contention that there was lack of application of mind by KSZMA and SEAC is denied as false and vexatious. The contention that the 1st Respondent failed to exercise even the most basic due diligence while evaluation the request of the

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2nd Respondent is denied as false and vexatious.. The project was discussed in multiple meetings, and its compliance with environmental norms was carefully evaluated before any final decision was made. In the 310th SEAC meeting held on 09.05.2024 (minutes dated 21.05.2024), the committee did not summarily approve or reject the proposal but instead deferred it for further examination. The committee explicitly stated that it would review the request in accordance with the EIA Notification, 2006, before making a decision. In the 312th SEAC meeting held on 06.06.2024 (minutes dated 18.06.2024), the committee engaged in detailed deliberation and discussion before recommending Terms of Reference (ToR) to SEIAA. This demonstrates that SEAC was following due process rather than acting arbitrarily. The contention that the committee exempted public hearing is misleading. It is submitted even though it is referred to as exemption from public hearing, in effect what the 2nd Respondent sought for using the public hearing that was conducted for obtaining the original EC dated 21.09.2012. Further the MoEF & CC had accorded the EC for the project of M/s. Mumbai Port Trust without Public Hearing vide letter F. No. 10-10-2017-IA-III dated 11-07-2017, as the Mumbai Port Trust's project also faced litigations due to which there was delay in execution of the project. The Public Hearing for that project was conducted in 2005. Considering the situations, MoEF & CC has exempted the Public Hearing for that project. Even in the present case the Project could not be completed on account of the litigations and other hindrance faced by the 2nd Respondent and the same is not attributable to the 2nd Respondent. The SEAC after taking into account the facts of the present case asked this Respondent to include a chapter based on the queries and comments raised in the earlier public hearing suitably document in the form of a management plan drawn to address concerns expressed. This itself shows that the public hearing was not exempted but the earlier public hearing was incorporated. The contention that KSCZMA did not have an opportunity to even consider the baselines environment and forcecasted impact of the subject project during their appraisal of the subject project is denied as false and vexatious. While the final version of the EIA report was

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dated 25.10.2024, the project had already undergone multiple levels of assessment, and previous drafts, technical studies, and submissions were available for KSCZMA's review.

65. The contention that for an expert body to scrutinise 26 proposals for clearance over the course of a single sitting defies human capability is misleading and vexatious. It is submitted that the Appellant is merely assuming that all 26 projects were being reviewed for the first time or that they were granted approval without prior scrutiny. The EIA report, running over 900 pages, was available for review well in advance and was not expected to be scrutinized in a single meeting. The contention that SEAC has made a macokey of the rigour expected of a technical body, by recommending the project for CRZ clearance in a single sitting is denied as false and vexatious.
66. The contention in paragraph 88 is denied as false and vexatious. A recommendation by a technical body bereft of any scrutiny of the project vitiates the entire purpose of having expert appraisal and merely serves as a tool for violators to cite the backing of experts in order to legitimise their illegalities is denied as false and vexatious. It is submitted that the SEAC, SEIAA, and KSCZMA conducted the appraisal process with due diligence, ensuring compliance with legal and environmental norms. SEAC's recommendation was based on prior scrutiny, technical evaluations, and multi-stage assessments, not a rushed decision. The case law relied by the Appellant in Hanuman Laxman Aroskar v. Union of India (2019 15 SCC 401) in paragraph 89 has no relevance to the present case.
67. The averments in paragraph 90 are denied as false and vexatious. The contention that the expert bodies in the present case did not apply their mind to the project and accepted the 2nd Respondent report at face value is denied as false and vexatious. No reasons have been stated is once again denied as false and vexatious.

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68. The averments in paragraph 91 are denied as false and vexatious. The report includes a dedicated section, Appendix G, which provides a detailed compliance table mapping each ToR requirement to the corresponding section in the EIA document. The averments in paragraph 92 is denied as false and vexatious. It is submitted that in Chapter 5 of the EIA an analysis of alternatives have been considered and thereafter why the present site has been chosen is mentioned. The contention that the EIA report constructions the 2nd Respondent own disclosure in Form I application is denied as false and vexatious, The contention that very limited, preliminary activity at the site cannot be a justification for failing to consider alternative stie as required by law is once again relied. The conteiton that there was no meaningful assessment of impact and the EIA report ought to have been rejected is without any merit and deserves to be rejected.
69. The averments in paragraph 93 is denied s false and vexatious. The contention that EIA report does not provide the status of shoreline change and merely contains images from the an image from the National Assessment of Shoreline Change by the NCCR, without any description, and thereafter goes on to model the impact of hard structures such as breakwaters and seawalls on the coastline is denied as false and vexatious, The contention that there was non-compliance of ToR is denied as false and vexatious. The report contains a detailed assessment of shoreline dynamics, using both historical data and mathematical modeling to evaluate potential coastal impacts and advised mitigations.
70. The averments in paragraph 94 s denied as false and vexatious. The EIA report complies with ToR No. 13 by assessing fishing activities, identifying major fish landing centers, and analyzing potential impacts. It includes scientific studies on fish availability, breeding grounds, and marine ecosystem health. Mitigation measures, such as navigation guidelines and stakeholder consultations, ensure minimal disruption.

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71. The averments in paragraph 95 is denied a false and vexatious. The contention that the EIA report does not provide an oil spill contingency plan is denied as false and vexatious. Section 7.3.1 of the EIA report outlines a structured Oil Spill Contingency Plan, including hazard identification, risk assessment, response actions, and regulatory coordination. The EIA provides for Containment, recovery, and disposal using absorbents, sand, and sawdust. There will be coordination with Karnataka Ports Department & Pollution Control Boards. Further there shall be Mock drills and integration with the Disaster Management Plan (DMP) to ensure emergency preparedness.

72. The averments in paragraph 96 is denied a false and vexatious. The contention that EIA report does not contain an assessment of the incremental impact of the subject project is denied as false and vexatious. Incremental Impact Assessment is Included in the EIA Report. Section 4.7 of the EIA report does include an assessment of the incremental concentration of air pollutants, as required. Additionally, the incremental impact of the project is assessed across multiple environmental parameters, including:

- Marine water quality and sedimentation (Section 3.7.1 & 3.7.2).
- Impact on marine flora and fauna (Section 3.7.4).
- Hydrodynamic and sediment transport studies (Section 4.4.2 & 4.4.3), which evaluate the effects of port activities on coastal hydrology, seabed stability, and water quality.
- Further Marine Environmental Impact Has Been Evaluated. The EIA report includes a comprehensive marine environmental study, covering baseline water quality assessment at multiple locations in the marine environment, analysis of potential impacts due to dredging, vessel movement, and cargo handling, Sediment transport modeling to predict changes due to port operations, Impact on benthic communities and fishery resources.

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The baseline Ambient Air Quality (AAQ) monitoring stations used in the study are located at distances ranging from 0.9 km to 7.0 km from the project site thereby ensuring that the full extent of potential impact is analyzed.

73. The averments in paragraph 97 is denied as false and vexatious. The contention that the EIA does not provide a management plan for any of the range of accidents/disasters that can occur at ports such as collisions is denied as false and vexatious. Section 7.4 of the EIA report does address fire hazards, but it is incorrect to claim that it is limited to coal combustion. The EIA report includes a broader risk assessment covering various potential hazards, such as Collisions, oil spills, and vessel accidents, Natural disasters like cyclones, tsunamis, and storm surge, On-site and off-site emergency planning. Therefore a detail plan is provided for various disasters that may occur. The contention that the EIA report does not provide any aid in meaningful appraisal of the project is denied a false and vexatious.
74. The averments in paragraph 98 is denied as false and vexatious. The EIA report includes an assessment of vegetation clearance as part of its land use and ecological impact study (Section 3.8.3 & 3.8.4). Specified details of tree species and green cover affected are document. In fact the project alignment has been modified where feasible to minimize vegetation loss and reduce tree felling, demonstrating compliance with the TOR. Further the EIA report outlines compensatory afforestation plan and tree relocation measures. The contention that his Respondent has wanton chosen to disregard the TOR while preparing EIA report and has not taken the TOR seriously and has treated the EIA and EC process with utter flippancy is denied as false and vexatious.
75. The averments in paragraph 99 is denied as false and vexatious. The EIA report includes an assessment of alternative locations for the jetty, including both river-side and sea-side options (Section 5.2). The river-side location was selected based on hydrodynamic modeling, sediment transport studies, and

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environmental feasibility. Constructing the jetty towards the sea side posed higher risks due to stronger wave action, erosion risks, higher capital and maintenance cost for breakwater structures and potential disruption to marine ecosystem. River Side Jetty location was prepared as it minimizes degrading requirement, lowers impact on marine biodiversity, safer navigation and berthing conditions for vessels. The contention that the 2nd Respondent has chosen not to even explore construction of the jetty towards the sea side instead of the river side is denied as false and vexatious.

76. The averments in paragraph 100 is denied a false and vexatious. Marine ecological study and faunal management plan were prepared in consultation with expert institutions, ensuring scientific credibility. The plan includes conservation strategies, habitat protection measures, and impact mitigation guidelines for marine biodiversity. The contention that EIA report only contains description of certain aspects of the marine environment around the project site is denied as false and vexatious.

77. The averments in paragraph 101 are denied as false and vexatious. The contention that the assessment carried by this Respondent restricts its scope to the assessment of tidal action on the estuary and there is absolutely no study of carrying capacity insofar as the impact of dredging, potential alteration of salinity profile and marine life of the estuary are concerned is denied as false and vexatious. It is submitted that the EIA report comprehensively evaluates the carrying capacity of the Sharavathi estuary in line with ToR requirements. Apart from analysis of tidal action, the EIA also evaluates the Impact of port operations, including dredging on sediment transport Section 4.4.2 & 4.4.3, Potential changes in salinity profiles due to water exchange and port activities (Section 3.7.1) and Impact on marine biodiversity and fishery resources (Section 3.7.4 & 9.2.3). The EIA report also contains a pollution load assessment that includes projected increase in suspended particulate matter (SPM) and other pollutants due to dredging, Potential contamination from port activities and

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measures for pollution control and Long-term monitoring strategies to assess environmental changes. Further Mitigation measures for dredging impacts are also included, ensuring compliance with ToR No. 12.

78. The averments in paragraph 102 are denied as false and vexatious. The following points establish that the EIA report incorporates a structured turtle conservation strategy in consultation with the Forest/Wildlife Department, in compliance with the ToR. Apart from financial allocation, there shall be an identification of critical turtle nesting sites along the project area if any and mitigation strategies will be adopted to reduce disturbance from operation. There shall also be monitoring protocols for nesting activities and hatching movement.
79. The averments in paragraph 103 are denied as false and vexatious. The EIA report incorporates a coastal soil erosion study as part of its hydrodynamic and sediment transport modelling (Sections 4.4.2 & 4.4.3). The report also provides for mitigation strategies such as Periodic beach nourishment to counteract erosion on the northern side, Shoreline stabilization through controlled sediment deposition and Construction of artificial sand bypassing structures, if required. With respect to erosion on the northern side and accretion on the southern side from construction of breakwaters, it is submitted that the EIA report considers the same and provides mitigation measures.
80. The averments in paragraph 104 are denied as false and vexatious. The EIA report evaluates the impact of dredging and port construction on bottom habitats (Sections 3.7.4 & 4.5.3). The EIA report outlines specific mitigation measures (Section 9.2.5) to minimize habitat loss, including Regulated dredging schedules to reduce sediment dispersion and protect fish spawning seasons, Habitat restoration programs, such as artificial reef deployment in affected areas, Sediment control measures to prevent excessive siltation and

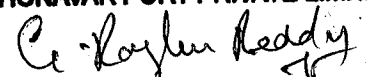
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protect aquatic biodiversity and Compensatory fisheries management programs, including community-based marine conservation efforts.

81. The averments in paragraph 105 are denied as false and vexatious. The EIA report contains a dedicated conservation strategy (Sections 9.2.3 & 9.2.4), covering, Mangrove restoration and replantation programs in consultation with the Forest Department, Measures to prevent sand dune destabilization, including controlled construction and buffer zones. Turtle conservation strategies, including habitat monitoring and artificial hatcheries for the sporadic nesting.
82. The averments in paragraph 106 are denied as false and vexatious. The EIA report contains a comprehensive marine biodiversity assessment (Sections 3.7.4 & 9.2.3), which includes Marine ecology baseline data, including fishery resources and benthic communities, Impact assessment of dredging, shipping, and port activities on marine biodiversity and Mitigation measures to reduce marine habitat disturbances. Further there are the EIA report outlines a structured management plan, covering Protection and conservation of ecologically sensitive marine areas, Implementation of monitoring programs to track changes in marine life, Pollution control strategies to minimize impacts on water quality and marine fauna.
83. The averments in paragraph 107 are denied as false and vexatious. The contention that no prejudice will be caused to the 2nd Respondent if the EC is stayed is denied as false and vexatious. It is submitted that the 2nd Respondent has already invested around 300 Crores and more than 12 years on the project. The only reason that project could not be completed till date is on account of external factors such as multiple litigations and constant interference by the local people and no fault of this Respondent. Any further delay will cause grave prejudice and hardship to this Respondent. No prejudice will because to the

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Appellant if no order of stay is granted. The contention that the port is location on an eroding shoreline where ports are prohibited is denied as false and vexatious. The contention that there was a failure to prepare a comprehensive EIA is denied as false and vexatious. The contention that irreversible harm will be caused to the environment, ecology, the fragile coastline and the livelihoods of hundreds of fishers, including the Appellants herein, if construction is allowed to begin on the basis of the impugned clearance is denied as false and vexatious. The contention that impacts caused are not reversible and cannot be compensated in terms of money is denied as false and vexatious. The balance of convenience lies in favour of the grant of interim reliefs as prayed is denied as false and vexatious. On the contrary the balance of convenience in favour of this Respondent.

BALANCE OF CONVENIENCE IN FAVOUR OF RESPONDENTS

84. It is submitted that the subject project involves development of Honnarvar port by this Respondent and development of 4 Lane Road Connectivity to the Port Project boundary from existing NH66 by NHAI under Bharath Mala Priyojana Phase I program of Government of India which is monitored regularly under PM Gati Shakthi Portal. This is a Government of Karnataka project in the Government Land only. NHAI has already issued Letter of Acceptance to the contractor on 8.12.2021 and has declared the appointed date for the road connectivity project as 5.12.2024. As per the terms and conditions of the agreement, the stipulated completion date is 6.6.2026. The Karnataka Maritime board has handed over 85% of encumbrance free land to NHAI on 24.06.2024. In order to handover the balance 15% of the land field survey was undertaken on 25.2.2025 in order to demarcate the right to way for construction of the road by NHAI in the port land. The detailed survey of structures falling within the right of way of 35M with and 2.1 Km length of the road parallel to the sea shore is undertaken on 26.02.2025. Therefore the Central Government has also done substantial work for providing port connectivity. Therefore granting any interim order will affect both the Government of Karnataka and

For HONAVAR PORT PRIVATE LIMITED

C. Raghav Reddy
 Authorised Signatory

Central Government and the public interest at large. This Respondent has already spent more than 300 Crores on the project. There has been a delay of more than 12 years in construction of the project on account of the abovementioned reasons none of which are attributable to this Respondent. Any interim order will only further prejudice this Respondent and the same cannot be compensated with cost. Further the current season is the period suited for port construction. Any interim order will affect the construction once again as it will be extremely difficult to carryout construction work in the monsoon season. Therefore balance of convenience is in favour of this Respondent. Further granting an order of stay will cause grave prejudice and hardship to this Respondent as well as the Government of Karnataka and Central Government and the public interest at large. This Respondent reserves its right to file additional reply and documents.

85. The grounds mentioned in paragraph 108 is without merit and the same has already been elaborately dealt with hereinabove and the same is not repeated for the sake of brevity.

In light of above, it is humbly prayed that this Hon'ble Tribunal maybe pleased to dismiss the above Appeal with exemplary cost and thus render justice.

FOR HONAVAR PORT PRIVATE LIMITED

C. Raghav Reddy

Authorised Signatory

Signature of the 2nd Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPEAL NO.7 OF 2025

Janardhan P Mesta and Anr.

...Appellant

Vs

State Environment Impact Assessment Authority
(SEIAA), Karnataka and Anr

...Respondent

AFFIDAVIT

I, Mr. Raghavendra Reddy So/o G Krishna Reddy aged about 45 years Executive Director of Honnavar Port Private Limited, having office at No. 103, Lalzehzar Apartments, 45/1-2, Palace Road, Bengaluru- 5600001, having now come down to Chennai do hereby solemnly affirm and declare as under:-

1. That I am the Executive Director of the 2nd Respondent in the above titled Appeal and I am conversant with the facts and circumstances of the case and I am competent to swear this Affidavit.
2. That contents of the Reply filed by the 2nd Respondent is true and correct to the best of my knowledge and drafted on my instructions and no material has been concealed therefrom.

For HONAVAR PORT PRIVATE LIMITED

C. Raghav Reddy
Authorised Signatory

DEPONENT

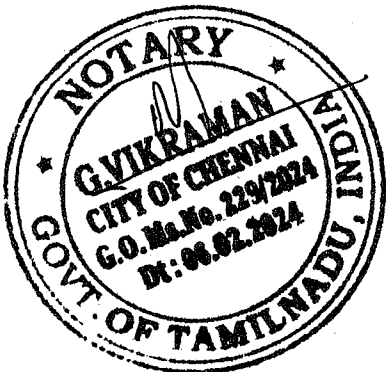
Verification

Verified on this the 26th day of February, 2025 that the contents of the above affidavit are true and correct and no material has been concealed therefrom.

For HONAVAR PORT PRIVATE LIMITED

C. Raghav Reddy
Authorised Signatory

DEPONENT



[Signature]
26/02/2025
G. VIKRAMAN, M.A., LL.B.,
ADVOCATE & NOTARY PUBLIC
No.2, Bajanaikovil 1st Lane, Choolaimedu,
Chennai - 600 094, Tamilnadu, INDIA.
Cell : 9841446669 / 6380007822

GOVERNMENT OF KARNATAKA

P.W.D. 107 PSP 2013

Karnataka Government Secretariat,
Vikas Soudha,
Bangalore, Dated: 09.12.2013.

NOTIFICATION

in exercise of powers conferred by Section 5 of the Indian Ports Act, 1908 and in pursuance of the modification of Notification No.PWD 142 PSP 2011 Dated: 13.08.2013 Government of Karnataka are please to declare from 9th December 2013 the limit of Honnavar Port of North Kanara shall be specified in Column of (4) of the table below.

| Sl. No. | Name of District | Name of the Port | Limits under the Indian Port Act 1908 |
|---------|------------------|------------------|---|
| 1 | North Kanara | Honnavara | <u>Indian Hydrographic Chart No.216</u> |
| | | | North:- A line drawn from the position latitude 14°18' North and longitude 74° 24'90 East due West of upto 30 Mtrs. contour in to the Sea. |
| | | | East:- Seashore of Honnavar 50 Mtrs. above high-water mark between North and South boundary mark including the Sharavathi river and all branches thereof as far as navigable and the shores and banks within 50 Mtrs. of high-water mark spring tides including all islands. All patta lands and other private sites excluded. |
| | | | South:- A line drawn from the position Latitude 14°13' North and longitude 74°27' East due West 30 Mtrs. contour in to the sea. |
| | | | West:- A line joining Northern and Southern limits along 30 Mtrs contour in to the sea. |

By Order and in the name of the
Governor of Karnataka,

(S.S. Viraktamath)
(S.S. Viraktamath)

Under Secretary to Government
Public Works, Ports and Inland

To:-

The Compiler, Karnataka Gazette with a request to publish the next issue of the Gazette and to supply 100 copies of this notification to this Department.

1. Accountant General, Karnataka, Bangalore.
2. Director, Ministry of Shipping, (Minor Ports Section), Government of India, No.1, Parliament Street, Transport Bhawan, New Delhi-110 001.
3. The Director of Ports and Inland Water Transport Department, Karwar.
4. The Deputy Commissioner, Uttara Kannada District, Karwar.
5. The Port Officer, Honnavara, Uttara Kannada District.

Copy to:

1. PS to Hon'ble Minister for Ports and Inland Water Transport.
2. PS to Principal Secretary to Government, Public Works, Ports and Inland Water Transport Department.
3. PS to Secretary to Government, Public Works, Ports and Inland Water Transport Department.
4. PA to Additional Secretary to Government, Public Works, Ports and Inland Water Transport Department.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub : Giving permission to M/s. North Canara Sea Ports GVPREL, Consortium, Hyderabad to develop infrastructure in Honnavar Port and taking up anchorage operations.

Read:-

1. Government Order No. PWD 190 PSP 2009, dated 18.3.2010.
2. Letter No. NCSPL-GVPREL-CONSORTIUM/PW/DP&IWT/PORTS/2010-11/09 dated 18.5.2010 and 27.8.2010 of M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad.
3. Letter No. PIWT 62/Land(2)/2010, dated 16.7.2010 of the Director, Ports and Inland Water Transport Department, Karwar.

Preamble:

Permission is given to M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad to take up anchorage operations in Honnavar Port for a period of 10 years through the existing wharf and sanction is accorded to grant 5 acres port land within the limits of Honnavar Port for the purpose of the said anchorage operations for a period of 10 years vide Government Order dated 18.3.2010 read at Sl. No. (1) above.

M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad in their letter read at (2) above has submitted the following proposal to the Government to make it convenient to do proper anchorage operations from Honnavar Port and to develop infrastructure to carry out import and export activities.

- i. Construction of jetty measuring 200-220 mt. length and 5-6 mts. depth in Honnavar port.
- ii. In the back up area of the said jetty developing (reclamation) of 445500 sq. mts.

-2-

- iii. Developing (reclamation) of 36000 sq. mt. beneath Honnavar Bridge for vehicle terminal.
- iv. Filling up the pond spaces in the corner of Sharavathi bridge to construct road measuring 130x12 mtrs (total 1560 sq. mtrs) to give entry to Honnavar Port from National Highway-17.
- v. Construction of jetty measuring 200-220 mtrs length and 5-6 mtrs depth in the Kasarkod side of Honnavar Port.
- vi. Permission to improve 364500 sq. metr. land in the backup area of the Kasarkod side jetty i.e. in the south side where Sharavathi and Arabian Sea unite at the spit which is naturally filled up space for anchorage operations.
- vii. Construction of channel by dredging measuring 2.5 km. long and 5-6 mtrs. depth.
- viii. Construction of 500 mtrs. long break water.

The said company has requested for permission to develop the above said infrastructure and to take up anchorage operations for a period of 30 years. The said company has informed that it has proposed to take up this work at an expenditure of Rs. 200 crore out of its own capital and with the help of financial institutions.

The said company has informed that it has proposed to import LNG (Liquid Natural Gas), Petroleum Crude and coal and to export iron ore and other common cargos (such as Rice exports, Corn exports, Granite and wooden Logs export etc.) and in order to manage LNG and petroleum crude it is proposed to convert Honnavar port into the Karnataka Gas and oil handling centre; and for this purpose it has made mutual agreement with VGS Group Company of America to import LNG.

The company has further stated that anchorage operations in Honnavar port will fetch more revenue to the Government in 30 -

-3-

years, that the Government will not have any revenue during first 3 years in which construction of infrastructure will be going on. As per the existing loading and unloading rules (Government order No. PWD 115 PSP 2006 as amended on 25.5.2007) the approximate total income earned by the Government will be Rs. 251.90 crores. The company has informed that besides, from 6th year onwards the company would pay to the Government totally Rs. 2.50 crores at Rs. 10 lakhs per year.

The Director, Ports and Inland Water Transport Department, Karwar in his letter dated 16.7.2010 read at (3) above has submitted a proposal to the Government recommending to give permission to M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad to construct jetty as described below and carry anchorage operations and to develop port land and other infrastructure after examining the proposal submitted by the said company regarding construction of jetty and development of infrastructure in Honnavar port.

- i. Construction of jetty measuring 200-220 mt. length and 5-6 mts. depth in Honnavar port.
- ii. In the back up area of the said jetty developing (reclamation) of 445500 sq. mts.
- iii. Developing (reclamation) of 36000 sq. mt. beneath Honnavar Bridge for vehicle terminal.
- iv. Filling up the pond spaces in the corner of Sharavathi bridge to construct road measuring 130x12 mtrs (total 1560 sq. mtrs) to give entry to Honnavar Port from National Highway-17.
- v. Construction of jetty measuring 200-220 mtrs long and 5-6 mtrs depth in the Kasarkod side of Honnavar Port.
- vi. Permission to improve 364500 sq. metr. land in the backup area of the Kasarkod side jetty i.e. in the south side where Sharavathi and Arabian Sea unite at the spit which is naturally filled up space for anchorage operations.

-4-

- vii. Construction of channel by dredging measuring 2.5 km. long and 5-6 mtrs. depth.
- viii. Construction of 500 mtrs. long break water.

The Director has recommended to fix the rent on the port land sought by the company as per the Karnataka Ports (Loading and Unloading charges) (Amendment) Rules and further he has reported that by giving the port land to the said company on lease for a longer duration, Government can earn more revenue and it may provide employment to local people and if the vacant land is not allotted it is likely to get encroached unauthorisedly.

The company in its representation dated 27.8.2010 submitted to the Government has requested that the proposed project comprises long duration and its implementation requires bank loan and hence Honnavar port land may be given on lease for a period of 30 years to construct jetty and take up anchorage operations.

In the light of the reasons that with the project of M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad to construct jetty to carry on anchorage operations in Honnavar port, local people will get employment and the State Government earns income in the form of rent from the use of port land and loading and unloading charges, the above proposal was considered and following order is issued.

**GOVERNMENT ORDER NO. PWD 119 PSP 2010
BANGALORE, DATED 22.9.2010.**

In the light of the reasons explained in the proposal the below mentioned land is kept reserved to facilitate M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad to take approval from other departments to the project of developing totally 8,47,560 sq. mt (Eight lakhs forty seven thousand five hundred and sixty only) port land to develop infrastructure in the port land shown in plan A and B by constructing jetty in Honnavar Port and at Kasarkod side of Honnavar port to carry on anchorage operations.

-5-

Sanction is accorded to the said company to develop the infrastructure as explained below and to carry on anchorage operations in respect of the project proposed and also to carry on anchorage operations in Honnavar port and Kasarkod side of Honnavar Port for a period of 30 (Thirty) years.

- i. Permission for construction of jetty measuring 200-220 mt. length and 5-6 mtrs. depth in Honnavar Port.
- ii. Permission to develop (reclamation) 40000 (Forty Thousand) sq. mtrs. land in first phase in the back up area of the above said jetty.
- iii. Permission for developing (reclamation) of 36000 sq. mt. beneath Honnavar Bridge in Honnavar Port for vehicle terminal.
- iv. Permission for filling up the pond space in the corner of Sharavathi bridge and also to construct road measuring 130x12 mtrs (total 1560 sq. mtrs) to give entry to Honnavar Port from National Highway-17.
- v. Permission for construction of jetty measuring 200-220 mtrs. length and 5-6 mtrs. depth in the Kasargod side of Honnavar port.
- vi. Permission to improve 40000 (Forty Thousand) sq. mt. land in the backup area of the said Kasarkod jetty i.e. in the south side where Sharavathi river and Arabian sea unite at the spit which is naturally filled up space for anchorage operations in first phase.
- vii. Permission for construction of channel by dredging 2.5 km long and 5-6 mtrs. depth.
- viii. Permission for construction of 500 mtrs. long break water.

-6-


In respect of the port land of first phase mentioned in Sl. No. (ii), (iii), (iv) and (vi) the rent as per the schedule in the Karnataka Ports (Landing unloading charges) Rules, 1964 as amended as per the Government Notification No. PWD 115 PSP 2001, dated 25.5.2006 is charged and other conditions specified in the annexure of this order are stipulated.

By order and in the name of the Governor
of Karnataka

Sd/-

(S.Thippeswamy).

Under Secretary to Government,
Public Works, Ports and Inland Water
Transport Department (Ports).


S. Thippeswamy
Under Secretary to Government
Public Works, Ports and Inland
Water Transport Department (Ports)
Vikasa Bhadha

1. Accountant General, Karnataka, Bangalore.
2. Director, Ports and Inland Water Transport Department, Karwar.
3. M/s. North Canara Sea Ports-GVPREL-Consortium, Hyderabad.
4. Port Officer, Honnavar Port, Uttara Kannada District.

Copies to:

1. PS to Hon'ble Minister for Ecology, Environment, Ports and Inland Water Transport.
2. PS to Principal Secretary to Government, Public Works, Ports and Inland Water Transport Department.
3. PA to Additional Secretary to Government, Public Works, Ports and Inland Water Transport Department.
4. Extra copies / Section Guard File.



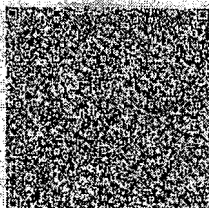
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INDIA NON JUDICIAL Government of Karnataka

e-Stamp

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| Certificate No. | : IN-KA291903762246901 |
| Certificate Issued Date | : 06-Oct-2010 02:34 PM |
| Account Reference | : NONACC (FI)/ kaksfcl08/ KARWAR2/ KA-KW |
| Unique Doc. Reference | : SUBIN-KAKAKSEGL0847726355858973/ |
| Purchased by | : DIRECTOR OF PORT AND I W T DEPT KARWAR |
| Description of Document | : Article 12 Bond |
| Description | : FOR REGISTRATION OF LEASE AGREEMENT |
| Consideration Price (Rs.) | : 100 (One Hundred only) |
| First Party | : DIRECTOR OF PORT AND I W T DEPT KARWAR <i>(Signature)</i> |
| Second Party | : NORTH CANARA SEAPORT GVPREL CONSORTIUM HYDERABAD <i>(Signature)</i> |
| Stamp Duty Paid By | : NORTH CANARA SEAPORT GVPREL CONSORTIUM HYDERABAD |
| Stamp Duty Amount(Rs.) | : 100 (One Hundred only) |

(Signature)
Authorised Signatory
Dwaraka Sahaedra Credit Sahasrafi Mysuru Ankole
Branch : Karwar (K.K.)



Please write or type below this line

FORM - "B"

(See Rule 25 - (2))

LEASE AGREEMENT FOR USE OF PORT LAND FOR PORT RELATED ACTIVITIES AND ANCHORAGE OPERATIONS AT HONAVAR PORT

This indenture made on the 11th day of October Two Thousand Ten
between the Governor of Karnataka represented by the Director of Ports and Inland Water

For NORTH CANARA SEAPORTS PVT. LTD.

No Correction
(Signature)

Statutory Alert

1. The authenticity of the Stamp Certificate can be verified at Authorised Collection Centers (ACCs), e-Stamp Centers and Sub-registrar Offices only.
2. The Contact Details of ACCs, SFOL Offices and SROs are available on the Web site: www.shelbstamp.com

For GVPREL Engineers Ltd

(Signature)
Director

..2..

Transport in Karnataka [hereinafter referred to as "The Port Authority" or the lessor which expression, shall where the context so admits be deemed to include his successors and assigns] of the one part and M/s. North Canara Sea Ports GVPREL- Consortium represented by its Executive Director Mr. Vivekanand Hegde, aged 60 years, S/o. Late Seetarama Hegde, No. 221/B, Khaza Garden, Club Road, Secundrabad, Andhra Pradesh and Director Mr. Shiva Shankar Reddy, aged about 31 years S/o. G.S.P. Veera Reddy, 8-2-276, 1st Floor, Road No.2 Banjara Hills, Hyderabad, Andhra Pradesh, company registered under companies Act 1956 having its registered Office at 8-2-276, 1st Floor, Road No.2, Banjara Hills, Hyderabad- 500 033, Andhra Pradesh, [hereinafter referred to as the "Lessee"] which expression shall where the context so admits so be deemed to includes its successor and assigns, the representative heirs and legal representatives.

Whereas the licensee has applied to the State Government of Karnataka for a license to use port lands specified in the Schedule hereunder written and shown in the plan attached for the purpose of port related activities and to carry out the anchorage operations at Honnavar Port and where as the Government of Karnataka have accorded the necessary sanction in the matter under their order No. 119 ವಿಧವಾಹಿ 2010 ದಿನಾಂಕ: 22.9.2010.

Whereas in the said Government Order 8,47,560 Sq. Mts. as approved in map "A" & "B" of port land is kept reserved to facilitate M/s. North Canara Sea Ports- GVPREL- Consortium, Hyderabad for further development subject to obtaining approval from the all competent concerned authorities / departments.

For NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

No Correction

PORT OFFICER
HONAVAR DIVISION

...3

For GVPRE Engineers Ltd.

Director

Whereas in the said Government Order the sanction is accorded to the said company to develop the infrastructure as mentioned below to carry out anchorage operations in respect of the project proposed and also to carry on anchorage operations in Honnavar Port and Kasarkod side of Honnavar Port for a period of 30 (Thirty) years.

- i. Permission for construction of jetty measuring 200-220 mt. length and 5-6 mtrs. depth in Honnavar Port.
- ii. Permission to reclaim 40,000 Sq. Mtrs. land in first phase in the backup area of the above said jetty.
- iii. Permission for reclaim of 36,000 Sq. Mt. of port land below the Honnavar Bridge in Honnavar Port for vehicle terminal.
- iv. Permission for reclaim the low laying area in the corner of Sharavathi bridge and also to construct road measuring 130 x 12 mtrs. (total 1,560 Sq. mtrs) to give entry to Honnavar Port from National Highway - 17.
- v. Permission for construction of jetty measuring 200-220 mtrs. length and 5-6 mtrs. depth in the Kasarkod side of Honnavar Port.
- vi. Permission to improve 40,000 Sq. Mt. land in the backup area of the said Kasarkod jetty i.e. in the south side where Sharavathi river and Arabian sea joins at the spit which is naturally filled up space for anchorage operations in first phase.

For NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

PORT OFFICER
KASARKOD DIVISION

No connection

8/10

For GYPR Engineers Ltd.

Director

4.

vii. Permission for construction of channel by dredging 2.5 km long and 5-6 mtrs. depth.

viii. Permission for construction of 500 mtrs. long break water.

And whereas the State Government have found that there is no objection to the grant of such license.

NOW THIS AGREEMENT WITNESSES

The grant of the license for use of the Port land is subject to the following conditions:-

- 1) The Lessee shall pay land leased monthly land rent at Rs. 15 per 10 Sq.Mtrs or part thereof for the land used for industrial and commercial purposes and at Rs. 4/- per 10 Sq.Mtrs part thereof for the use of foreshore land other than that declared as public landing place as per the schedule -F of the Karnataka Ports (landing and Shipping Fees) (Amendment) Rules, 2006 and 10 % increase annually and penalty for the belated payments as per the schedule of rates approved by the Government and as revised by the Government from time to time.
- 2) The Lessee shall pay all Ground fees and other port related charges, such as berth hire, Port dues, Pilotage, Tug hire etc.; as per the Schedule of rates as fixed/ revised by the government from time to time, in time during the lease period of the demised premises.

For NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

NO CORRECTION
 5
 COAST GUARD DIVISION
 8/10

For GYPR Engineers Ltd.,

Director

5.

- 3) The licence granted under this agreement shall be for a period of 30 (Thirty) years from the date of said Government Order(22.9.2010).
- 4) The Lessee shall get plans, designs and drawings and estimates prepared through qualified and reputed consultant and obtain prior approval to the designs, location plan, detailed drawings and specification from the Port authority prior to the commencement of the construction / reclamation. The Lessee shall commence construction of all structures and buildings according to the approved designs, drawings and specifications at the site indicated in the approved plans within 6 normal months and complete the same in all respect within 12 normal months thereafter from the date of receipt of statutory clearances.
- 5) The Lessee shall pay the supervision charges to the Port Authority at 1% [One percent] of the estimated value of the construction prior to commencement of construction on the demised premises.
- 6) The Lessee shall not sublet the use of the demised premises or any buildings / Structures thereon anybody.
- 7) The Port Authority may revoke the license at any time, if the licensee failed to deliver any wreck or cargo salvaged, to the Government, or participates either in smuggling or pilferage activities or found to possess or conceal such cargo.

For NORTH BAYARA SEAPORTS PVT LTD

Managing Director

No Correction

[Signature]

PORT OFFICER

PORT OFFICER

..6

For GVPR Engineers Ltd

[Signature]

Director

- 8) The Lessee shall pay wharfage charges, Port dues, Berthing fees, Pilotage Fees etc., to the Government from time to time as prescribed by the Government in Government Notification No. PWD 115 PSP 2001 dated: 25.5.2006. The lessee also hereby agrees that in the events of enhancement of the above rates by the State Government by notification in the Karnataka Gazette the enhanced rates shall become payable by the lessee with effect from the date of enhancement of such rates, fees etc.
- 9) The Lessee shall obtain all the required permissions, No Objection Certificates, Clearance Certificates etc. from the concerned Competent Authorities of the Department of Environment, Karnataka State Pollution Control Board and from any other Departments /Competent Authorities prior to commencement of construction activities or carrying out any activities on the demised premises.
- 10) The Lessee shall make his own arrangements for water and electricity and other infrastructure including formation of approach road and leveling the land leased to the required level at its own cost.
- 11) If there are any rents, Fees, Taxes, Royalty, Cess and other charges etc., due to the State / Central Government and the lessee fails to pay the same on demand, it shall be lawful for the Government /Port Authority to detain upon any goods or articles of the lessee remaining in the said demised premises.

FOR NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

FOR THE ENGINEER IN CHARGE

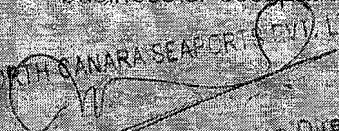
PORT OFFICER
KAWAR DIVISION


No Correction

[Signature]

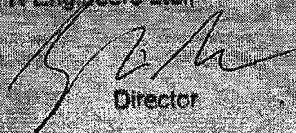
8/10

- 12) The Lessee shall carry out all survey and sub-soil investigations for the construction of all structures through well-qualified and reputed firms at its own cost at the demised premises and furnish the copies of such investigation and other results to the Port Authority.
- 13) Any relevant terms and conditions imposed on the Lessee by the Government or the Port Authority in future as and when circumstances arise shall be treated as part and parcel of this agreement and the lessee shall be bound to obey the same.
- 14) The Lessee shall not encroach upon any land, river or sea portion around the said demised premises or dump and refuse / hazardous articles into the sea /river.
- 15) The Lessee shall not assign sublet, transfer or part with possession of the said demised premises or any part thereof without the consent in writing of the Port Authority.
- 16) For any belated payments pertaining to Port charges the lessee shall be liable to pay penalty at the rate specified in the approved schedule of rates and as revised by the Government from time to time.
- 17) The Lessee shall not keep or permit to be kept in the said demised premises or any part thereof any offensive, noisy or dangerous trade, business or occupation.

For NORTH CANARA SEAPORT LTD.

 Managing Director

No Correction

 PORT OFFICER
 KOLKATA DIVISION
 8/10

For GVPR Engineers Ltd.,


 Director

- 18) The Lessee shall not keep or permit to be kept in the said demised premises any materials of a dangerous nature, the keeping of which may contravene any Law, Act, Rules or Regulations without the prior sanction of Competent Authority.
- 19) The Lessee shall allow the Port Authority or the Officers/Officials deputed by the Port Authority at all reasonable times during the term of license to enter upon the demised premises / buildings, structures in the demised premises for the purposes of viewing and examining the state of condition thereof and for keeping watch for strict compliance of any of the terms and conditions of this agreement.
- 20) The Lessee shall insure all movable/ immovable properties, plants, machinery, goods, structures standing on the demised premises including third party risk insurance at its own cost with the approved Insurance company and the lessee shall arrange for timely renewal of the said insurance policy well in advance.
- 21) The Lessee shall keep the said demised premises in clean and sanitary condition, maintain all demarcation survey stones planted and raise the plantation as far as possible at its own cost.
- 22) The Lessee shall hold the Government free from all risk and responsibilities in respect of structures raised machinery, installed, goods stored etc. in the demised premises from damage or loss due to any cause.

[Signature]
 For NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

No Correction
[Signature]
 IN A VAB DISTRICT

8/10

For GVPR Engineers Ltd.

[Signature]
 Director

- 23) The lessee shall take all necessary precaution to ensure that the environmental pollution does not take place and in case the environmental pollution takes place the lessee shall be held responsible for the same and he has to bear all the consequential losses caused.
- 24) The Lessee shall comply with any rules or regulations, which may be framed by the Government in connection with the checking of goods entering or leaving the said demised premises.
- 25) The Lessee shall agree to hand over the immovable property alongwith all the structures, building, pipelines etc. raised on the said demised premises to the lesser in "as is where is condition" without claiming any compensation or concession after the expiry of the lease period of 30 (Thirty) years or extended period thereof (After the expiry of the lease period the Lessee shall submit a proposal along with necessary information for the continuation of lease. If the Government does not consider the proposal and extend the lease period the lessee shall handover the port land and other movable and immovable property therein to the Government as is where is basis without claiming any compensation.)
- 26) The Lessee shall ensure that during construction and operation of other activities in the demised premises he shall not cause any kind of hindrances or inconveniences to the Port Departmental works or to any other works.

For NORTH CANARA SEAPORTS, PVT. LTD.

Managing Director

No correction

For OFFICER

NAVAR DIVISION

For GVPR Engineers Ltd.,

Director

- 27) In lieu of the buildings /structures standing on the demised premises, the lessee shall construct similar buildings/ structures at its own cost in the area shown by the Port Authority and as per the directions and instructions issued by the Port Authority to the entire satisfaction of the Port Authority and hand over the said Buildings /Structures to the Port Authority with free of cost.
- 28) The Lessee shall pay all the existing and future rates, taxes, fees, duties, cess and Royalty etc., leviable by the Central / State Government or any local authority in respect of said demised premises or activities carried on such demised premises.
- 29) Any change in the constitution of the lessee's firm or business shall in no way affect the terms and conditions of this agreement.
- 30) All amount due under this agreement shall be recovered by Government without prejudice of other remedies as arrears of land revenue.
- 31) The Lessee shall also abide by the special conditions stipulated by the Government of Karnataka and the Port Authority as and when circumstances arises.

For NORTH CANARA SEAPORTS PVT. LTD.

Managing Director

No Correction
[Signature]
 PORT OFFICER
 KANAVAR DIVISION
[Signature]
 8/10

For GVPR Engineers Ltd.

[Signature]
 Director

- 32) If necessity arises for acquisition of demised premises or any part thereof in the interest of public service before completion of the lease period, the same shall be acquired by the Government as per the law after due payment of compensation to the lessee as admissible under the law.
- 33) The lessee shall comply with all the terms and conditions issued in Government Order No. ಲೋಕಾ 119 ಪಿಎಸ್‌ಪಿ 2010 ದಿನಾಂಕ: 22.9.2010.
- 34) The lessee shall comply with all the provisions of the Karnataka Landing & Shipping Fees Act 1961 and the Rules framed thereunder.
- 35) The Lessee shall obtain prior permission of the Coastal Regulation Zone Authorities for the construction of any infrastructure on the said demised premises.
- 36) The Lessee shall liable to hand over the said demised premises to the Port Authority if the same is required by the Government with one months notice "as is where is condition" without claiming any compensation or concession.
- 37) If the lessee make delay for the payment of ground fees for more than 15 days, fine will be levied on the outstanding amount @ 10% per month.
- 38) The Port Authority is not responsible for any loss or damage due to the

Natural Calamities
For NORTH CANARA SEAPORTS PVT. LTD.

No correction

[Signature]

PORT OFFICER

Managing Director KANARVA R DEVELOPMENTS

...12

For GVPR Engineers Ltd.

[Signature]
Director

- 39) The Lessee is responsible for development of additional land/ acquisition of the private land at his own cost according to the prevailing rules, required for Anchorage Operations. The Lessee is liable to pay the ground fees to the Port Authority for the said developed land as per the rules.
- 40) The Lessee shall obtain licence/ permission from Forest Department, Mines & Geology and other concerned Department to store / export / import Iron Ore, Granite, Coal and Wood etc.,
- 41) The Lessee shall ensure that during construction and operation of any activities in the demised premises he shall not cause any hindrances or inconveniences or nuisance to the public.
- 42) If there is any alteration in the original approved layout plan and design submitted by the company, the lessee shall take prior approval of the port authority prior to commencement of any construction / reclamation activities.
- 43) The Lessee shall use the road available in Kasarkod side as shown in map "C".
- 44) For violation of any of the above terms and conditions, the Port Authority is at liberty to cancel this agreement and to forfeit the demised premises along with all the structures / buildings / other property standing thereon without any claims or compensation and all the fees / rent etc., paid by the licensee to the Port Authority shall be forfeited to the Government.

No Correction

[Signature]

13

For NORTH CANARA SEAPORTS PVT. LTD.
 Managing Director

PORT OFFICER
 NAVAR DIVISION
[Signature]

For GVPR Engineers Ltd.
[Signature]

SCHEDULE

| Sl.No | Taluk or Village | Area | Boundaries |
|-------|--|--|--|
| a) | Honavar, Honavar Taluk, Uttara Kannada District. | 40,000 Sq.M. [Proposed reclamation of land in 1 st phase in the back up area of the proposed Jetty measuring 200-220mt. length and 5-6mtrs. depth in Honavar Port as per map "A1"] | North:- Port land South:- } East:- } Sharavathi West:- } River |
| b) | Honavar, Honavar Taluk, Uttara Kannada District. | 36,000 Sq.M. [Proposed reclamation below the Honavar Bridge in Honavar Port for vehicle terminal as shown in map "A2"] | North:- Port land South:- Sharavathi Bridge East:- Private/ Port land West:- Sharavathi River |
| c) | Honavar, Honavar Taluk, Uttara Kannada District. | 1,560 Sq.M. [Filling up of the low lying area in the corner of Sharavathi bridge and also to construct road measuring 130 x 12 mtrs. (total 1,560 Sq.Mtrs) to give entry to Honavar Port from National Highway - 17 as shown in map "A3"] | North:- Port Land South:- N.H. -17 East:- Sharavathi Bridge West:- Sharavathi River |
| d) | Honavar, Honavar Taluk, Uttara Kannada District. | 40,000 Sq.M. [Back up area of the Kasarkod Jetty i.e. in the south side where Sharavathi river and Arabian sea joins at the spit which is naturally filled up space for anchorage operations in first phase as shown in map "B1"] | North:- Sharavathi River South:- Port land East:- Sharavathi River West:- Reclaimed land. |

OF NORTH CANARA SEAPORTS, VT. LTD.

Managing Director

No correction

HONAVAR DISTRICT

14

For GVPR Engineers Ltd.,

Director

In witness thereof the Director of Port and Inland Water Transport in Karnataka, Karwar on behalf of the Governor of Karnataka and Mr. Vivekananda Hegde, S/o Late Seetarama Hegde, No. 221/B, Khaza Garden, Club Road, Secundrabad, Andhra Pradesh and Mr. Shiva Shankar Reddy, S/o G.S.P. Veera Reddy, 8-2-276, 1st Floor, Road No.2, Banjara Hills, Hyderabad, Andhra Pradesh, have hereunto set their hands and seals the day and the year first above written in the presence of the witnesses.

Signed on behalf of
For NORTH CANARA SEAPORTS PVT. LTD.

No correction
[Signature]

Singed on behalf of the
Governor of Karnataka

Managing Director
PORT OFFICER
ONAVAR DIVISION

[Signature]
DIRECTOR OF PORTS & IWT
KARWAR

For GVPR Engineers Ltd.

[Signature]
[LESSEE]
Director

DIRECTOR OF PORTS & INLAND
WATER TRANSPORT
KARWAR

In the presence of witnesses
[Signature, Name & Address]

1. *[Signature]*
SRI H. D. NAIK
M.A. L.L.B. (SPL.)
Administrative Assistant
Directorate of Ports & I.W.T.
Karwar

2. *[Signature]*
PROSANTO ROY
GENERAL MANAGER
GVPR ENGINEERS LTD
BANGALORE

GOVERNMENT OF KARNATAKA

No. PWD 203, PSP 2010

Karnataka Government Secretariat

Vikasa Soudha,

Bangalore, Dated 07.04.2011

From

The Principal Secretary to Government,
Public Works, Ports and Inland Water Transport Department,
Vikasa Soudha, Bangalore

To

M/s. North Canara Seaports Private Limited
and GVPR Engineers Limited - Consortium,
8-2-276, 1st Floor, Road No.2
Banjarahills, Hyderabad-500032 AP INDIA.

Dear Sir,

Subj: Request for transfer of rights and obligations etc. in
Lease Agreement dated 07.04.2010 and Lease
Agreement dated 11.10.2010 in favour of SPV
Honnavara Ports Private Limited.

Ref: 1. Government Order No. PWD 190 PSP 2009 dated
18.3.2010.

2. Lease agreement for use of Port land for port related
activities at Honnavara Port dated 7.4.2010.

3. Government Order No. PWD 119 PSP 2010 dated
22.9.2010.

4. Lease Agreement for use of Port land for Port related
activities and Anchorage operations dated
11.10.2010.

5. Your request letter dated 4.11.2010 and 16.3.2011.

6. Letter No. PIWT-624/ND-2/2010, Dated 20.12.2010
from the Director of Ports and Inland Water
Transport, Karwar.

With reference to the above, I am directed to state that permission is
accorded to transfer the subject matter of the Lease Agreement dated
7.4.2010 and Lease Agreement dated 11.10.2010 with all its rights and liabilities

without any alteration whatsoever, in favour of Special Purpose Vehicle (SPV) i.e. M/s. Honnavar Ports Private Limited.

Henceforth, the M/s. Honnavar Ports Private Limited shall become the legal entity for implementing the recitals / tenets of Lease Agreement dated 7.4.2010 and Lease Agreement dated 11.10.2010 as requested by M/s. North Canara Sea Ports Private Limited and M/s. GVPR Engineers Limited Consortium, Hyderabad. Whatever liabilities are there due to the above agreements will be as it is transferred to M/s. Honnavar Port Private Limited (SPV) without any change and it will be binding on M/s. Honnavar Port Private Limited (SPV) immediately after its transfer.

Yours faithfully,


(S. Thippeswamy)

Under Secretary to Government
Public Works, Ports and Inland Water
Transport Department (Port

Copy to Director of Ports and Inland Water Transport Department
for information and necessary action.