

Fig. 3. Turtle nesting beaches in Uttara Kannada District (redrawn from Dakshin-EMPRI Report, 2016)

(d) Sritharan et al. (2017)⁶ – Report submitted to NCSCM

As a part of the delineation and demarcation of Ecologically Sensitive Areas (ESA) and Critically Vulnerable Coastal Areas (CVCA), the Indian Institute of Sciences (IISc), Bangalore was identified as the partner agency to identify turtle nesting sites along the coast of India. IISc Bangalore submitted the nesting sites for the entire coast of India and for the Karnataka coast, 28 nesting beaches of Olive Ridley turtles were reported. The report also clearly points out that there is no secondary data available for any of these nesting sites.

All available turtle nesting records were used to classify nesting as 'High' or 'Medium' to qualify the area as an ESA. For beach stretches with no past reports on nesting numbers, the nesting abundance of the 2 nearest nesting beaches were used to interpolate the approximate nesting abundance for the region. According to the study, certain states such as Kerala had just a few reports of high-intensity sea turtle nesting. No mass nesting sites were observed along the Karnataka coast, despite the availability of several point records of turtle nesting.

(e) Data from Forest Department, Honnavar Range, Karnataka⁷

Turtle nesting data was collected from Forest Department, Honnavar Range and the compiled data was analyzed. Based on the list, Kasarkod beach has been mentioned 6 times for turtle nesting from 2015 to 2021. Pavinakurve, Haldipur and Taribagilu have far more nesting records compared to Kasarkod since 2015. The details of the geo-tagged locations taken from the Forest Department records is given in Figure 4 and 5. The nesting frequency of each location is provided in Figure 6 and the details are placed at Annex 2). In Kasarakod, 582 turtle eggs were collected between 2016 and 2021.

All the GPS points recorded in the list provided by the Forest Department were falling in the ocean and one site in the land area. None of the GPS points that have been documented were on the beach. This probably might be due to the use of mobile smart phones with GPS facility or because of improper calibration of the GPS device.

The map with actual geo-tagged locations is provided in Figure 4. The entire Forest Department data which was documented in Kannada has been translated into English and as is attached with this document as Annex 2.

From the records of the Forest Department, it was observed that the southern tip of the proposed HPPL project site had one nesting in the year 2020 (marked as No. 5 in the maps 4, 5 and 6). The actual geolocation in the document falls 3 km in the land area from the shore. A straight line drawn from this location westward to the coast falls in the southern tip of the proposed port area.

⁶ Sritharan S., Muralidharan M. and Shanker K (2017) Mapping of Important Sea Turtle Nesting Sites in India, Project Completion Report. Submitted to: National Centre for Sustainable Coastal Management (NCSCM). Centre for Ecological Sciences, Indian Institute of Science, Bangalore, 5 p.

⁷ List of turtle nesting from the Honnavar Subdivision, Provided by the Range Forest Office, Honnavar Range, Honnavar - 581334

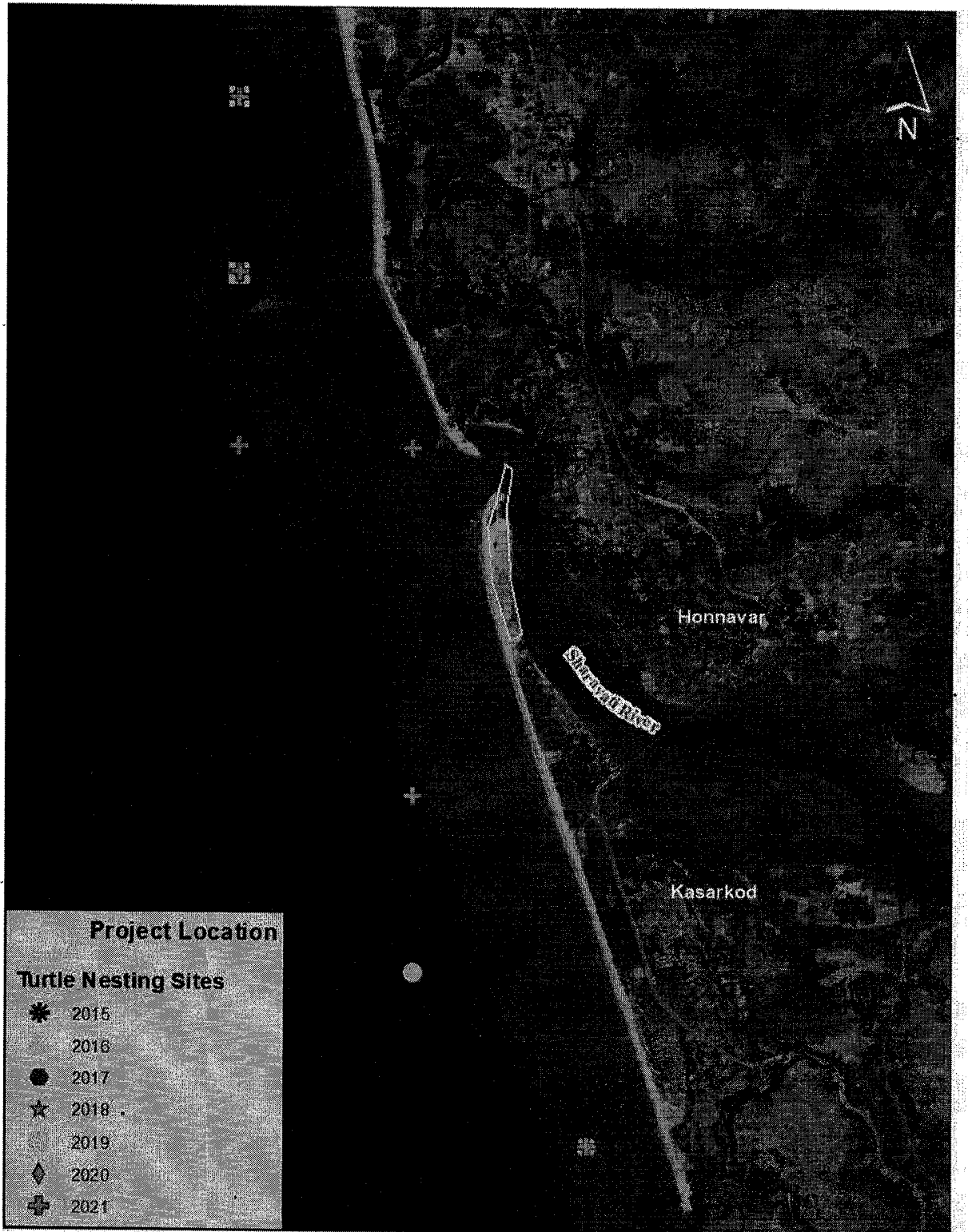


Fig. 4. Geolocation of Turtle nesting sites – Data source: Forest Division, Honnavar
Note: None of the locations are on the beach

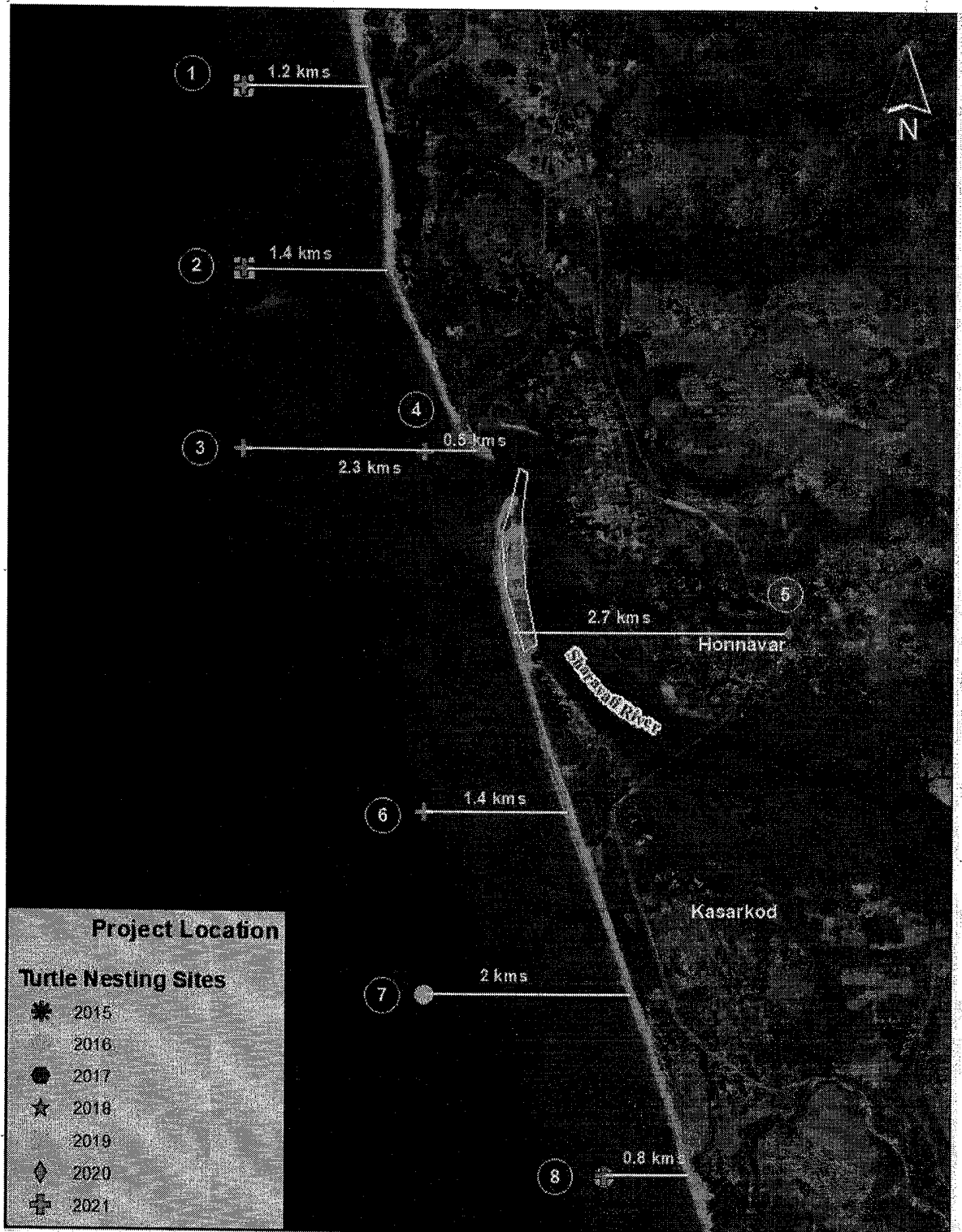


Fig. 5. Geolocation of Turtle nesting sites drawn parallel to the shore – Data source: Forest Division, Honnavar

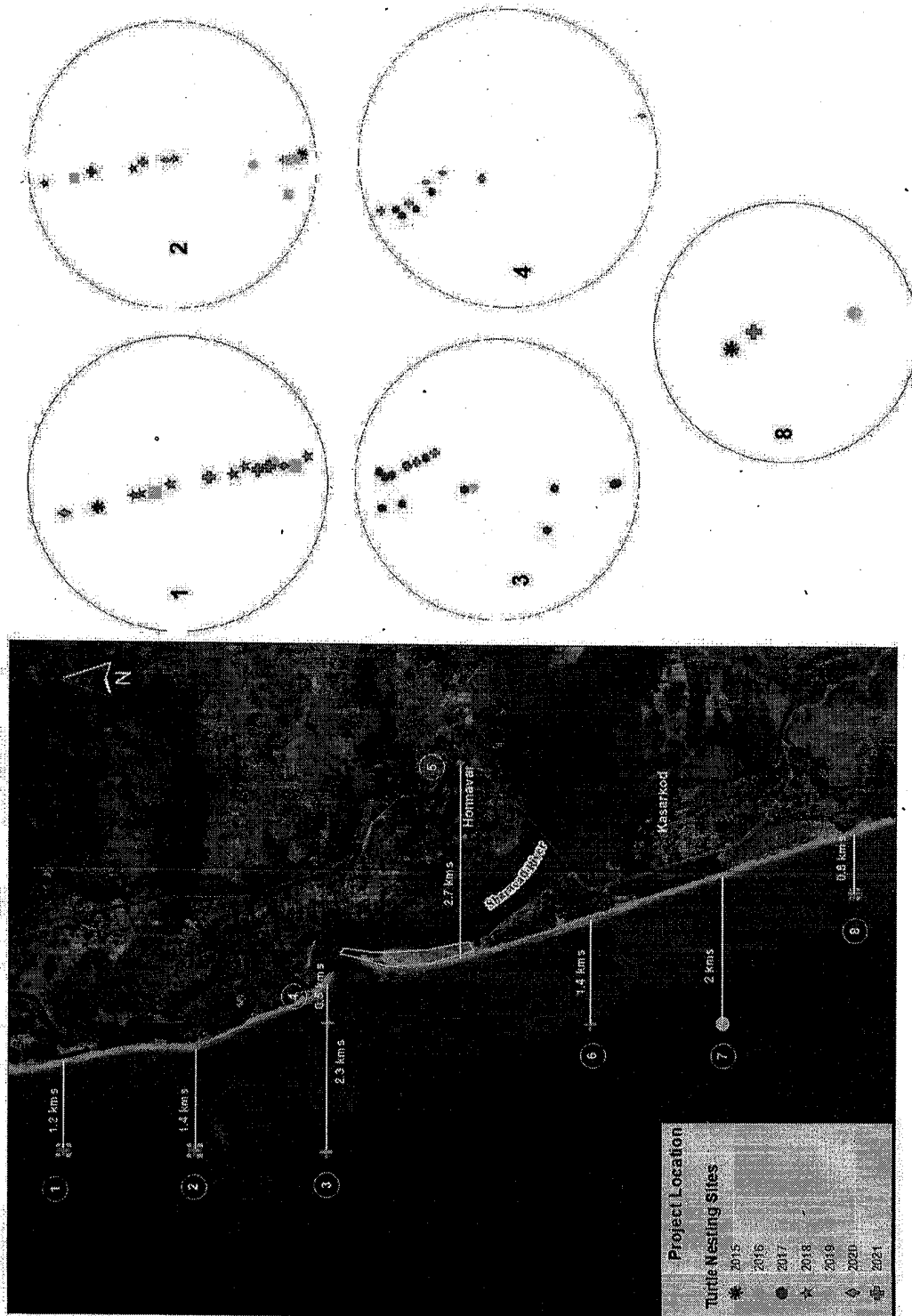


Fig. 6. Nesting locations and number of nests (indicated in circles)– Data source: Forest Division, Honnavar

Turtle nesting ground (ESA) – CRZ 2019 Notification

The Coastal Regulation Zone Notification (CRZ 2019) in para 2.1.1 constitutes 11 Ecologically Sensitive Areas (ESA) and the geomorphological features which play a role in maintaining the integrity of the coast .

- (i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ-I A)
- (ii) Corals and coral reef
- (iii) Sand dunes
- (iv) Biologically active mudflats
- (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 Of 1986), including Biosphere Reserves
- (vi) Salt marshes
- (vii) **Turtle nesting grounds**
- (viii) Horse shoe crabs' habitats
- (ix) Sea grass beds
- (x) Nesting grounds of birds
- (xi) Areas or structures of archaeological importance and heritage sites.

The ESA for the entire coast of India was demarcated and delineated by NCSCM and has been approved by the respective State/ UT Governments and have been integrated in Coastal Zone Management Plans (CZMP).

The CZMP of Karnataka (based on CRZ Notification 2011) was approved on 18.07.2018 based on the recommendation made by the National Coastal Zone Management Authority (NCZMA) in its 34th meeting (Annex 1 - F.No.12-1/2018-1A-III)

CZMP Map⁸

As per CZMP Map No.: KA 25, the proposed port area is categorized into under three CRZ areas – CRZ – I (IB) intertidal area, CRZ – II and CRZ – III (No Development Zone). There is no reported ESA (CRZ 1A) in the proposed site of the Honnavar Port as per approved CZMP maps of Honnavar. A closer view of the CZMP map covering the port area and the entire CZMP map (KA 25) is provided as Figures 7 & 8. Mangroves are present in the estuarine area of Sharavathi river.

⁸ As per CZMP map prepared by NCSCM, Chennai and Forest, Ecology & Environment, Government of Karnataka

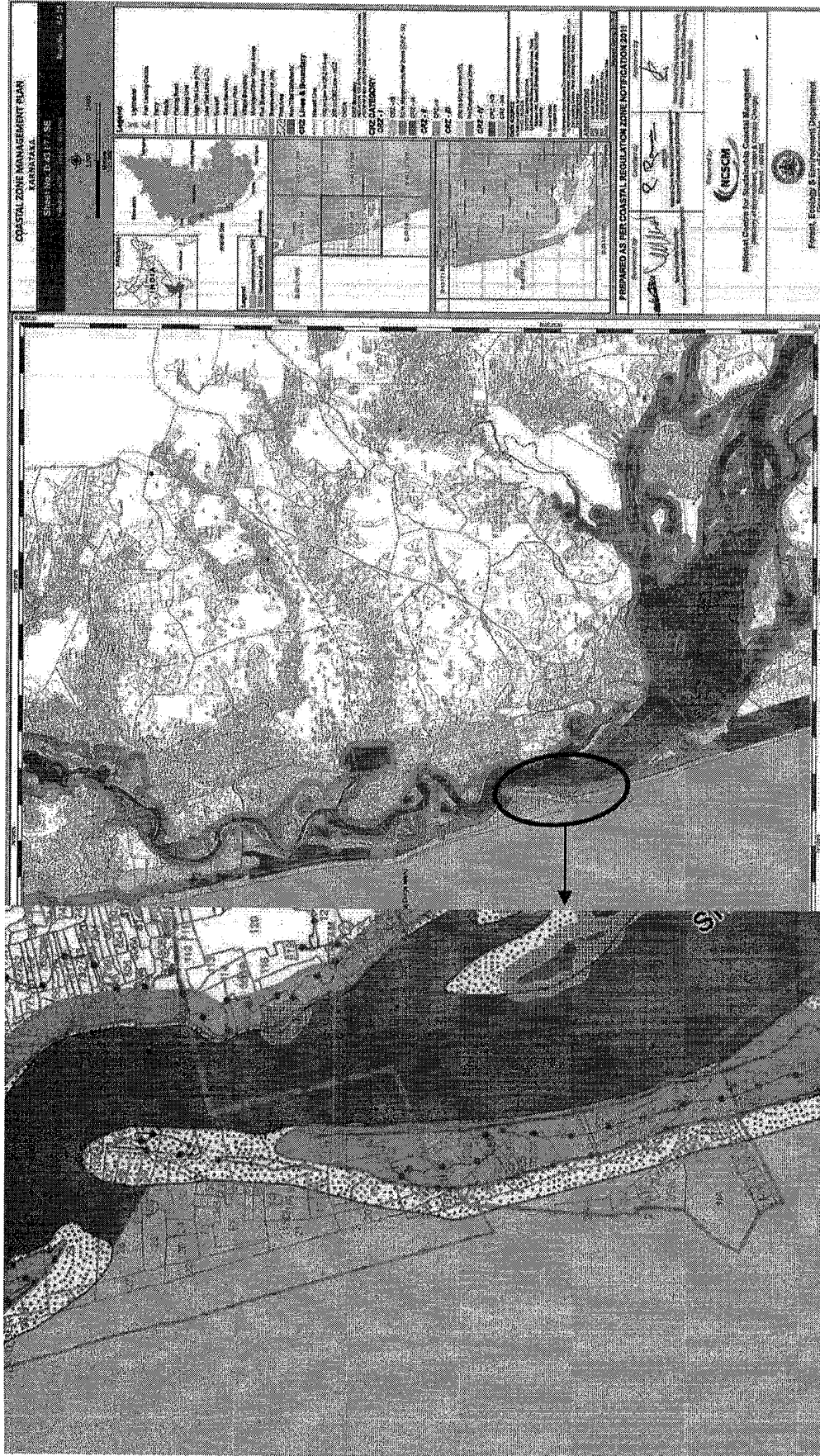


Fig. 8. CZMP of KA 25 approved by KCZMA indicating the surveyed Port area in insert

NCSCM Site Survey

The Hon'ble High Court of Karnataka in the Daily Order to the Infrastructure Development, Ports and Inland Water Transport Department, Government of Karnataka, had proposed to appoint NCSCM working under the Ministry of Environment, Forest and Climate Change, Government of India to survey the 45 hectares of land covered by the HPPL project with a view to ascertain whether any part of the said area is a turtle nesting ground or the entire area in the turtle nesting ground.

NCSCM team surveyed the proposed port area and the surroundings around Kasarkod on 2nd and 3rd August 2021 as per the directive of the Hon'ble High Court of Karnataka. It is to be noted that the month of August is not the nesting season for sea turtles. Usually the nesting occurs during late October to April every year. Identification of nests, turtles or dead carcass were not recorded during NCSCM's site visit. Based on the published works on turtle nesting sites in Honnavar, the locations were visited and correlated with CZMP maps which indicate if any ESA (including turtle nesting sites) have been demarcated. The GPS locations of the sites visited by NCSCM is provided in Table 2.

Table 2. GPS Points of the sites visited inside the proposed port area

No.	Latitude	Longitude
1	14.282254°	74.427078°
2	14.283611°	74.426667°
3	14.289034°	74.425702°
4	14.295769°	74.425800°
5	14.296203°	74.424595°
6	14.292135°	74.423815°
7	14.286925°	74.424371°
8	14.281852°	74.425779°

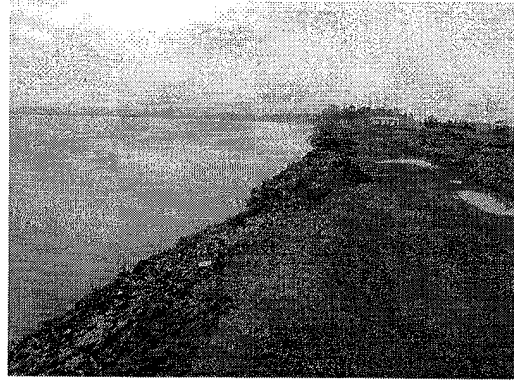
The following are the observations

- No nests, turtles or dead carcass of turtles were observed in the entire 45 ha area of the proposed site during the survey
- Erosion was observed along the road from current port entry road until the estuarine mouth (Fig. 10 a and b)
- Limited port construction activity has begun along the eastern boundary of the proposed port (Fig. 10 c)
- For coastal defense along the eroding road, tetrapods have been deployed on the banks.
- Mangroves are present along the north right bank of the River Sharavati.
- The northwestern boundary of the port has a flat beach, which is usually not conducive for nesting (Fig. 10d)

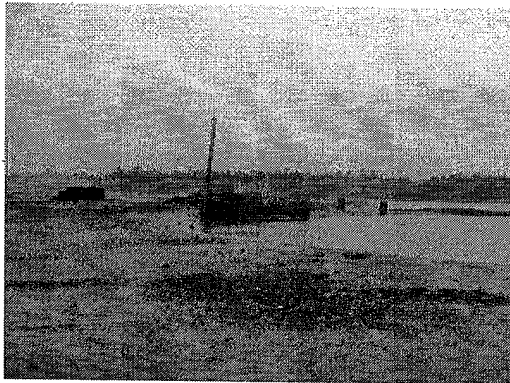
- An abandoned turtle hatchery was observed (Fig. 11) established by the Forest Department in the Apsarkonda Beach, suggesting possible turtle nesting in the past. This abandoned hatchery is located 1 to 2km from the southern tip of the port area (i.e. beyond the 45ha area).



a. Eroding road leading to the entry gate of the proposed port



b. Erosion along the eastern boundary of the proposed site



c. Construction activity along the eastern boundary of the port



d. Flat north-western boundary of the port

Fig. 10. Major coastal features at the port site

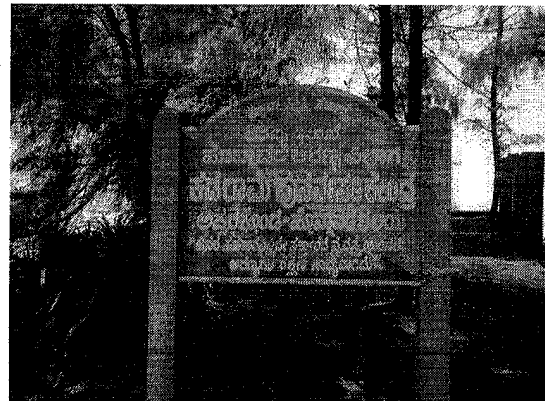
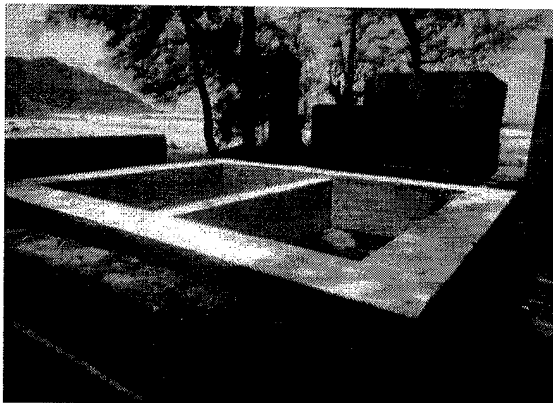


Fig. 11. Abandoned turtle hatchery of the Forest Department at Apsarkonda Beach

Summary

- On the basis of one-time field survey, no nesting of sea turtles was observed in the 45 ha area for the following reasons:
 - The present survey was undertaken during non-nesting season of turtles. Hence, no nesting could be recorded during the survey, undertaken in August 2021.
 - No nests or dead turtles or carcasses were observed during the survey of the 45 ha area
- Based on the records received from the Forest Department, Honnavar Range, one site landward of the beach at the southernmost tip of the proposed port area was indicated (Figs. 5 and 6)
- The approved Coastal Zone Management Plan (CZMP) was also referred to for the presence of turtle nesting sites in the 45 ha area (CZMP Map No. 25), indicating **ABSENCE** of any Ecologically Sensitive Area in the 45 ha area under survey (i.e. CRZ IA, which also includes ESA such as turtle nesting grounds).



F. No. 12-1/2018-IA-III
Government of India

Ministry of Environment, Forest & Climate Change

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Indira Paryavaran Bhavan, Jor Bagh,
Lodi Road, New Delhi-110003.

Dated: 07.08.2018

To,

10479
2018/2/18

The Member Secretary,
Karnataka Coastal Zone Management Authority,
Department of Forest, Ecology & Environment
Secretariat, 7th Floor, 4th Gate,
M.S. Building, Dr. B.R. Ambedkar Veedhi,
Bengaluru - 5560 001

Sub: Coastal Zone Management Plan of Karnataka - reg.

Sir,

This has reference to your letter nos. FEE 289 CRZ-2017 P-1, dated 28.04.2018 and 18.07.2018, furnishing therein the Coastal Zone Management Plan (CZMP) of Karnataka, drawn as per the provisions of the Coastal Regulation Zone Notification, 2011.

SNW
2018

2. In this regard, it is to state that based on the recommendation made by the National Coastal Zone Management Authority in its 34th Meeting held on 18.07.2018, the Ministry of Environment, Forest and Climate Change conveys its approval of the CZMP for the State of Karnataka.

This issues with the approval of the Competent Authority.

Yours faithfully,

Arvind Nautiyal
(Arvind Nautiyal)
Director

Copy to:

1. The Secretary (Environment and Ecology), Forest, Environment and Ecology Department, Government of Karnataka, Secretariat, Room No. 709, 7th Floor, Gate No. 4, M. S. Building, Bangalore-560001
2. The APCCF (C), MoEF&CC Regional Office (SZ), Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, Koramangala, Bengaluru - 560034.
3. The Director, National Centre For Sustainable Coastal Management, Anna University Campus, Chennai - 600025, Tamil Nadu
4. Guard File.

Arvind Nautiyal
(Arvind Nautiyal)
Director

Details of Turtles nesting, numbers, hatchlings released data from Honnavar Forest Range Office

Sl. No	Name and Address of the person who found the Turtle Eggs	Place	Latitude/Longitude	Date	No. of Eggs Found	Number of Hatchlings		Total Hatchlings	Hatchlings released date
						Date	No		
1	Thimmappa Mesta, Pavinakurve, Haladipura	Pavinakurve, Haladipura	14 18.565 N, 74 25.022 E	17.04.2015	82	04.06.2015	53	53	05.06.2015
2	Mabla Rama Kharvi	Pavinakurve, Haladipura	14 18.516 N, 74 25.047 E	06.10.2015	145	25.11.2015	90	90	
3	Chaudu Sankoosa Harikantra	Soranagadde	14 20.730 N, 74 24.518 E	16.12.2015	85	08.02.2016	8	8	
4	Ganapathi N Kharvi	Khavikeri, Apsarakonda	14 14.824 N, 74 26.211 E	21.12.2015	76	-	-	-	
5	Vittala K Mesta	Karki		23.12.2015	32	15.02.2016	3	3	15.02.2016
6	Venkatesh Harikantra	Horabaga, Haladipura	14 19.049 N, 74 24.805 E	27.12.2015	95	17.02.2016	34	46	17.02.2016
7	Nagaraj Keshav Kharvi	taribagila, Haladipura	14 19.002 N, 74 24.830 E	29.12.2015	67	18.02.2016	12		18.02.2016
1	Ganapathi N Kharvi	Khavikeri, Apsarakonda	14 14.749 N, 74 26.234 E	11.01.2016	129	29.02.2016	67	67	
2	Sebastian Saaver Lopic	Kasarakoda		21.01.2016	96				
3	Sebastian Saaver Lopic	Kasarakoda		21.01.2016	132	10.03.2016	16	16	
4	Ishwara Kharvi	Apsarakonda		28.01.2016	83				

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						Date	No		
5	Krishna Birappa Ambiga	Kadle, Kumata		28.01.2016	120				
6	Madevi Ishwara Mesta	Haladipura	14 20.155 N, 74 24.671 E	03.02.2016	115	23.03.2016	25	25	
7	Ishwara Kharvi	Apsarakonda	14 15.756 N, 74 25.911 E	05.02.2016	76				
8	Ishwara Kharvi	Apsarakonda		11.02.2016	100				
9	Thimmappa Mesta	Haladipura	14 19.190 N, 74 24.785 E	27.02.2016	105	17.04.2016	30		
10	Thimmappa Mesta	Haladipura	14 20.257 N, 74 24.785 E	02.03.2016	113	21.04.2016	48		
11	Kanna Budavantha Harikantha	Haladipura	14 18.598 N, 74 24.796 E	19.12.2016	151				
1	Ganapathi Kanna Harikantha	Taribagila	14 18.557 N, 74 25.014 E	24.01.2017	91	12.03.2017	27		
						13.03.2017	11		
						14.03.2017	12	50	
2	Kanna Budavantha Harikantha	Haladipura	14 18.632 N, 74 24.788 E	05.02.2017	130	22.03.2017	47		23.03.2017
						22.03.2017	2	51	

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						Date	No		
						25.03.2017	2		
3	Krishna Pandu Kharvi	Pavinakurve	14 18.538 N, 74 25.023 E	05.02.2017	103	22.03.2017	2		24.03.2017
						23.03.2017	69		
						25.03.2017	4	75	
4	Narayana Harikanta	Taribagilu	14 18.021 N, 74 24.816 E	07.02.2017	128	23.03.2017	4		24.03.2017
5	Ganapathi Kanna Harikantha	Taribagilu	14 18.027 N, 74 24.816 E	07.02.2017	107				
6	Thimayya Gidda Harikanta	Taribagilu	14 18.035 N, 74 24.813 E	07.02.2017	59				
7	Kanna Budavantha Harikanta	Haladipura	14 18.881 N, 74 24.725 E	08.02.2017	135	28.03.2017	26		
						29.03.2017	7		
						30.03.2017	2	35	
8	Nagappa Yenappa Harikanta	Taribagilu	14 18.789 N, 74 24.913 E	15.02.2017	128			47	
9	Anantha Kharvi	Taribagilu	14 18.866 N, 74 24.880 E	16.02.2017	106	03.04.2017	64	78	
						04.04.2017	14		

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						Date	No		
10	Kanna Budavantha Harikantha	Haladipura	14 18.963 N, 74 24.708 E	19.02. 2017	130				
11	Ramesha Annappa Harikantha	Taribagilu	14 18.925 N, 74 24.842 E	07.03. 2017	117				
12	Kanna Budavantha Harikantha	Haladipura	14 18.951 N, 74 24.833 E	08.03. 2017	150	20.04. 2017	5		
						21.04. 2017	46		
						22.04. 2017	12		
						24.04. 2017	13	76	
13	Mahadeva Siddha Harikantha	Haladipura	14 18.301 N, 74 24.626 E	11.03. 2017	120	23.04. 2017	47		
						24.04. 2017	38	85	
14	Rama Bira Harikantha	Taribagilu	14 18.274 N, 74 24.796 E	03.04. 2017	127	17.05. 2017	54		
						18.05. 2017	12		
15	Narasimha Harikantha	Taribagilu	14 18.975 N, 74 24.855 E	15.12. 2017	126	07.02. 2018		101	
1	Nagappa Yenkaptha Harikanta	Haladipura	14 20.248 N, 74 24.659 E	16.01. 2018	129	12.03. 2018		96	

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						Date	No.		
2	Madhukara Harikantha	Horabaga, Haladipura	14 20.492 N, 74 24.598 E	16.01.2018	54	11.03.2018		12	
3	Venkatramana Nagappa Harikantha	Haladipura	14 20.613 N, 74 24.558 E	22.01.2018	101	15.03.2018		74	
4	Rama Narayana Harikantha	Haladipura	14 20.591 N, 74 24.565 E	24.01.2018	86	18.03.2018		58	
5	Nagappa Durga Harikantha	Haladipura	14 19.978 N, 74 24.705 E	29.01.2018	122	23.03.2018		98	
6	Kanna Budavantha Harikantha	Haladipura	14 20.285 N, 74 24.634 E	29.01.2018	143	23.03.2018		108	
7	Thimmayya Narayana Harikantha	Haladipura	14 19.074 N, 74 24.804 E	02.02.2018	127	27.03.2018		98	
8	Ravi Mestu Kharvi	Pavinakurve	14 20.042 N, 74 24.695 E	08.02.2018	96	31.03.2018		61	
9	Pursu Rama Harikantha	Haladipura	14 19.486 N, 74 24.803 E	08.02.2018	110	31.03.2018		81	
10	Kanna Budavantha Harikantha	Haladipura	14 19.644 N, 74 24.765 E	12.02.2018	130	04.04.2018		118	
11	Thimmappa Mestu Kharvi	Haladipura		14.02.2018	113	08.04.2018		91	
12	Manjunatha Nagappa Harikantha	Haladipura		14.02.2018	101	08.04.2018		79	
13	Manjunatha Nagappa Harikantha	Haladipura		18.02.2018	93	10.04.2018		57	
14	Thimmappa Mestu Kharvi	Pavinakurve		20.02.2018	63	12.04.2018		35	

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						Date	No		
15	Hanumantha Kariyana Harikantha	Pavinakurve		23.02.2018	119	14.04.2018		68	
16	Kanna Budavantha Harikantha	Haladipura		24.02.2018	71	15.04.2018		45	
17	Kanna Budavantha Harikantha	Thimmappa Mestu Kharvi		27.02.2018	119	16.04.2018		55	
18	Thimmappa Mesta Kharvi	Pavinakurve		24.03.2018	111	10.05.2018	41		
19	Thimmappa Mestu Kharvi	Thimmappa Mestu Kharvi		13.04.2018	68				
20	Thimmappa Mesta Kharvi	Pavinakurve	14 19.000 N, 74 24.817 E	07.12.2018	115	28.06.2019		46	
1	Mohana, Sandesha, Jagadisha, Shankara, Vinayaka Tandel	Chonka, Kasarkod		02.01.2019	138	25.02.2019		63	
2	Manjunatha Nagappa Harikantha	Swarna Gadde	14 20.543 N, 74 24.572 E	21.01.2019	101				
3	Vittala Narayana Harikantha	Taribagilu	14 19.055 N, 74 24.803 E	30.01.2019	135	24.03.2019		81	
4	Thimmappa Mesta Kharvi	Pavinakurve	14 19.028 N, 74 24.810 E	07.02.2019	121	31.03.2019		31	
5	Santhosha Mesta	Chonka, Kasarkod		01.03.2019	90	20.04.2019	30	30	
6	Manjunatha Thimmappa Harikantha	Taribagilu	14 20.079 N, 74 24.665 E	03.03.2019	130	21.04.2019		91	

Details of Turtles nesting, numbers, hatchlings released data from Honnavar Forest Range Office

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						Date	No		
7	Ravi Keshava Kharvi	Taribagilu	14 19.867 N, 74 24.726 E	14.03. 2019	135			12	
8	Ravi Keshava Kharvi	Taribagilu	14 19.056 N, 74 24.675 E	14.03. 2019	138	01.05. 2019	76	76	
9	Manjunatha Narayana Harikantha	Haladipura		27.03. 2019	101		56	56	
1	Pursayya Kharvi	Pavinakurve	14 17.832 N, 74 27.071 E	16.01. 2020	128	09.03. 2020		63	
2	Niranjana Manjunatha Harikantha	Haladipura	14 20.839 N, 74 24.497 E	24.01. 2020	135	17.03. 2020		87	
3	Nagappa Harikantha Haladipura	Pavinakurve	14 18.501 N, 74 25.073 E	30.01. 2020	118	22.03. 2020		66	
4	Manjunatha Narayana Harikantha	Haladipura	14 20.116 N, 74 24.663 E	07.02. 2020	120	29.03. 2020		83	
5	Nagappa Harikantha	Haladipura	14 19.518 N, 74 24.796 E	18.02. 2020	124	09.03. 2020		92	
6	Pursayya Kharvi	Pavinakurve	14 18.523 N, 74 25.060 E	22.02. 2020	99			70	
7	Thimmappa Venkatesha Mesta	Pavinakurve, Haladipura	14 18.226 N, 74 25.154 E	21.12. 2020	101	13.02. 2021		30	14.02.2021
1	Krishna Pandu Kharvi	Pavinakurve, Haladipura	14 18.547 N, 74 25.031 E	03.01. 2021	118	26.02. 2021	102		27.02.2021
						27.02. 2021	1	103	28.02.2021

Annex 2

Details of Turtles nesting, numbers, hatchlings released data from Honnavar Forest Range Office

Sl. No	Name and Address of the person who found the Turtle Eggs	Place	Latitude/Longitude	Date	No. of Eggs Found	Number of Hatchlings		Total Hatchlings	Hatchlings released date
						Date	No		
2	Krishna Pandu Kharvi	Pavinakurve, Haladipura	14 18.585 N, 74 25.020 E	10.01.2021	87	05.03.2021	72	72	06.03.2021
3	Pandu Mari Harikantha	Pavinakurve, Haladipura	14 18.753 N, 74 24.933 E	13.01.2021	144	07.03.2021	118	118	08.03.2021
4	Ravi Keshava Kharvi	Taribagilu, Haladipura	14 19.802 N, 74 24.749 E	19.01.2021	124	14.03.2021	3	3	15.03.2021
5	Roshan Michel Fernandes	Kelaginoor	14 14.810 N, 74 26.222 E	25.01.2021	134				
6	Manjunatha Harikantha	Haladipura		31.01.2021	90	26.03.2021	55	55	27.03.2021
7	Ishwara S Harikantha	Pavinakurve	14 18.825 N, 74 24.895 E	12.02.2021	In situ Conservation				
8	Ravi Keshava Kharvi	Taribagilu	14 19.605 N, 74 24.789 E	12.02.2021	40	05.04.2021	5	5	06.04.2021
9	Kumara Shanthappa Kharvi	Chonka, Kasarakod	14 16.937 N, 74 25.541 E	15.02.2021	126				
10	Ramakrishna Babu Harikantha	Pavinakurve	14 18.755 N, 74 24.660 E	15.02.2021	90	06.04.2021	10	10	07.04.2021
11	Venkatramana Manjunatha Harikantha	Haladipura		15.02.2021	95	06.04.2021	20	20	07.04.2021
12	Manjunatha Narayana Harikantha	Haladipura	14 20.169 N, 74 24.660 E	22.02.2021	42	12.04.2021	29	29	13.04.2021
13	Hanumantha Kariyanna Haikantha	Haladipura	14 20.165 N, 74 24.660 E	23.02.2021	64	12.04.2021	45	45	13.04.2021

Annex 2

Details of Turtles nesting, numbers, hatchlings released data from Honnavar Forest Range Office

Sl. No	Name and Address of the person who found the Turtle Eggs	Place	Latitude/Longitude	Date	No. of Eggs Found	Number of Hatchlings		Total Hatchlings	Hatchlings released date
						Date	No		
14	Ganapathi Manjunatha Harikantha	Haladipura	14 20.203 N, 74 24.648 E	23.02. 2021	58	12.04. 2021	36	36	13.04.2021
15	Manjunatha Narayana Harikantha	Haladipura	14 20.364 N, 74 24.622 E	28.02. 2021	116				
16	Krishna Pandu Kharvi	Pavinakurve	14 18.447 N, 74 25.066 E	09.03. 2021	97				
17	Annappa Kanna Harikantha	Pavinakurve	14 18.862 N, 74 24.879 E	13.03. 2021	62				

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2021

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.4039 OF 2021 (GM-POL) PIL

BETWEEN:

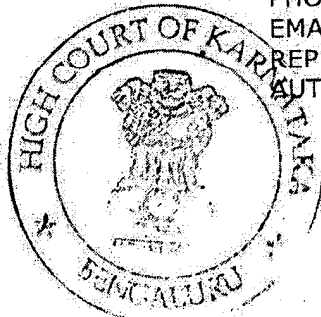
HONNAVAR TALUK HASIMEENU
VYPARASTARA SANGHA (REGISTERED)
TONKA-KASARKOD, HONNAVAR
UTTARA KANNADA - 581 342.
REPRESENTED BY ITS PRESIDENT
SRI GANAPATHI ISWAR TANDEL
S/O LATE ISWAR DURGAYYA TANDEL
AGED ABOUT 38 YEARS.

... PETITIONER

(BY SRI MURTHY D. NAIK, ADVOCATE)

AND:

1. M/S. HONNAVAR PORT PVT LTD
REGISTERED OFFICE AT NO.103,
LALEHZAR APARTMENTS,
45/1-2, PALACE ROAD,
BENGALURU - 560 001
PHONE 080-22353670/080-41494960
EMAIL: info@honnavarport.com
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE

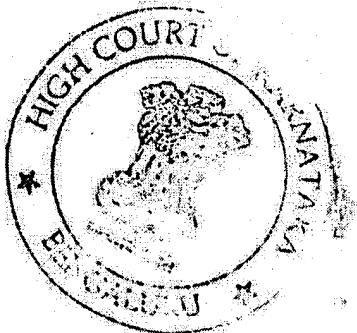


This Certified copy contains.....9.....Pages

And Copying charges of ₹.....271.....

Received

2. THE PORT OFFICER
HONNAVAR PORT,
HONNAVAR - 581 334,
UTTARA KANNADA DISTRICT.
3. THE DIRECTOR OF PORTS, AND INLAND
WATER TRANSPORT,
KARWAR PORT,
BAITHKOL VILLAGE - 581302,
KARWAR TALUK,
UTTARA KANADA DISTRICT.
4. THE DEPUTY COMMISSIONER
UTTARA KANNADA DISTRICT,
MINI VIDHANA SOUDHA,
KARWAR - 581 301.
5. THE PRINCIPAL SECRETARY
PWD, PORTS AND INLAND WATER
TRANSPORT DEPARTMENT,
GOVERNMENT OF KARNATAKA,
ROOM NO.333, 3RD FLOOR,
VIKASA SOUDHA,
BENGALURU - 560 001.
6. THE STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-KARNATAKA,
DEPARTMENT OF
ECOLOGY AND ENVIRONMENT,
IV-GATE,
ROOM NO.709, 7TH FLOOR,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.
7. THE KARNATAKA STATE POLLUTION
CONTROL BOARD
REPRESENTED BY ITS
SENIOR ENVIRONMENTAL OFFICER,
REGIONAL OFFICE,
'PARISARA BHAVAN',
LIG-II, B-217, NEAR HARI OM TRUST,
HABBUWADA
KARWAR-581 303.



8. THE GRAMA PANCHAYAT
KASARKOD
HONNAVAR-581 342
UTTARA KANADA DISTRICT.
9. THE SECRETARY,
MINISTRY OF ENVIRONMEMNT AND FOREST
AND CLIMATE CHANGE
GOVERNMENT OF INDIA,
INDIRA PARYAVARAN BHAVAN,
JOR BAGH ROAD,
NEW DELHI-110-003.

... RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR ADVOCATE A/W
SMT. MEGHANA, ADVOCATE FOR R1,
SRI RAJASHEKAR S, AGA FOR R2 TO R5,
SRI D. NAGARAJ, ADVOCATE FOR R6,
SRI GURURAJ JOSHI, ADVOCATE FOR R7,
SRI ASHOK N. NAYAK, ADVOCATE FOR R8 &
NOTICE TO R9 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENT NOS.1 TO 5 NOT TO
CONTINUE WITH THE CONSTRUCTION OF THE PORT ON THE
BEACHES OF KASARKOD, MALUKURVA, PAVINKURVE, KARKI
AND HONNAVAR, IN HONNAVAR TALUKA, OF UTTAR KANNADA
DISTRICT & ETC.

THIS PETITION COMING ON FOR ORDERS THROUGH
VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE
FOLLOWING:



ORDER

Heard Sri Murthy D Naik, learned counsel for the petitioner, Sri Udaya Holla, learned Senior Counsel assisted by Smt. Meghana, learned counsel for respondent No.1, Sri Rajashekar S., learned Additional Government Advocate appearing for respondent Nos.2 to 5, Sri D.Nagaraj, learned counsel for respondent No.6, Sri Gururaj Joshi, learned counsel for respondent No.7 and Sri Ashok N. Nayak, learned counsel for respondent No.8.

2. This Public Interest Litigation has been filed raising the issue of location and construction of the port on the beaches of Kasarkod, Malukurva, Pavinkure, Karki and Honnavar in Honnavar Taluka of Uttara Kannada District. The petitioner has challenged the Environmental Clearance dated 21.09.2012 issued by respondent No.6, the order dated 01.07.2019 issued by respondent No.6 extending the environmental clearance dated 21.09.2012 for a further period of three years. The petitioner has also prayed to quash the lease agreement dated 07.04.2010 entered into between respondent No.3 and M/s. North Canara Sea Ports-GVPREL-Consortium for usage of port land for port related



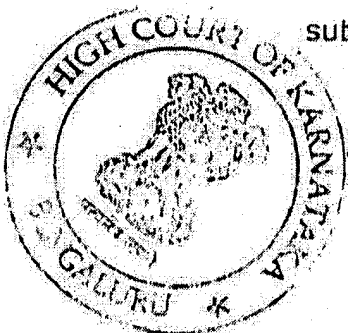
activities at Honnavar Port, to quash the lease agreement dated 11.10.2010 entered into between respondent No.3 and M/s. North Canara Sea Ports- GVPREL-Consortium for port related activities and ANCHORAGE operations at Honnavar Port and to quash the permission which was accorded by respondent No.5 to transfer the subject matter of lease agreement dated 07.04.2010 and lease agreement dated 11.10.2010 in favour of respondent No.1 without any change. The petitioner has also prayed several consequential reliefs in this regard.

3. Learned counsel for the petitioner submits that there is certain forest land in the said beaches and therefore, approval from the Ministry of Forests should have been obtained prior to commencement of the work. It is submitted that construction is carried out in CRZ-I area. The said beach is a turtle nesting ground. The National Centre for Sustainable Coastal Management (NCSCM) have carried out the survey of 45 hectares area at Kasarkod Tonka in Honnavar taluk and has submitted its report in compliance of this Court's order dated 26.03.2021. It is also submitted that there has been change of coastline village border and also location of the aforesaid



construction. It is further submitted that there are violations of various constitutional provisions and respondent No.1 has furnished false environmental details regarding the project.

4. Learned Senior Counsel appearing for respondent No.1, on the other hand, submits that the writ petition has been filed on behalf of certain individual persons whose vested interest are involved in the area. They do not want the port to be constructed and as such, the instant writ petition is a proxy petition on behalf of certain fishermen and other persons involved in fishing and other similar activities. It is submitted that all necessary approvals have been obtained from the concerned authorities and it is only after necessary survey and other formalities that decision has been taken to construct the port at the location which is under challenge. It is also submitted that in compliance of the Court's order dated 13.07.2021, the NCSCM has carried out the survey and in its report, it has been stated that no nests, turtles or dead carcass of turtles have been observed in the entire 45 hectares of the proposed site during the survey. It is also submitted that so far as the requirement of approval from



the Ministry of Forests is concerned, as per respondent No.1, there is no such requirement as the forest land is outside the land leased for the project. Moreover, no construction can be carried out without the formalities are concluded.

5. Learned counsel for respondent No.6 submits that the State level environment assessment was carried out by the Department of Ecology and Environment and it is only after the necessary assessment that permission has been granted. It is also submitted that the orders under challenge are applicable and hence, the writ petition, in the first stage, would not be maintainable.

6. We have considered the submissions made by learned counsel for the parties and gone through the records.

7. The question of location of a port depends on various factors including the requirement and necessity of a port. It is for the experts to determine the location of the port and its requirements.

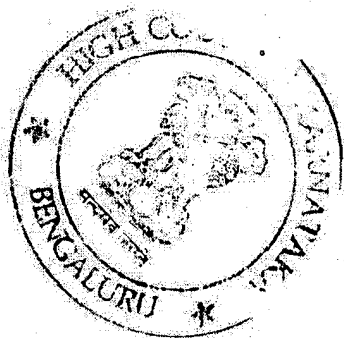
8. So far as the contention of learned counsel for the petitioner that the site which has been leased for



development of the port is a nesting area of turtles is concerned, we have perused the survey report of the NCSCM. As per the survey report which is on record, no nest, turtle or dead characters are found during the survey of the entire 45 hectares area of the proposed site. However, it is for the concerning authority to ensure that no damage is caused to the nesting of turtles and other endangered species found in the area.

9. So far as the requirement of approval from the Ministry of Forests is concerned, we are of the considered view that the respondents shall obtain all necessary approvals, sanctions and permissions from all the concerned authorities while undertaking construction of the port in question.

10. Learned Additional Government Advocate appearing for respondent Nos.4 and 5 submits that a survey was carried out by the Deputy Commissioner, U.K.District on 13.08.2021 and no land in excess of the leased land has been found in use for construction of the port.

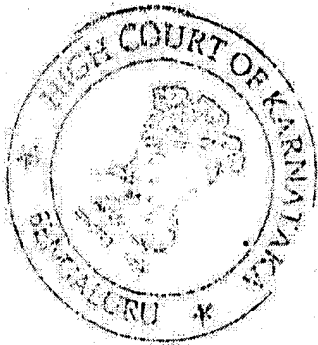


11. Considering the entire aspect of the matter, we dispose of this writ petition with liberty to the petitioner to raise its grievance before respondent No.5-The Principal Secretary, PWD, Ports and Inland Water Transport Department, Government of Karnataka, who may consider the grievance of the petitioner and pass appropriate orders in accordance with law.

12. The pending interlocutory applications do not survive for consideration and are accordingly disposed of.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE



'TRUE COPY'

[Signature]
Section Officer,
High Court of Karnataka
Bangalore - 560 001

- a) The date on which the application was made 25/11/21
- b) The date on which charges and additional charges if any are called for
- c) The date on which charges and additional charges if any are deposited/Paid
- d) The date on which the copy is ready 26/11/21
- e) The date of notifying that the copy is ready for delivery 26/11/21
- f) The date on which the applicant is required to appear on or before 30/11/21
- g) The date on which the copy is delivered to the Applicant 30/11/21
- h) Examined by 6/12/21



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11 25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

No. 11011/1/2021/PC/ Kasarkod - Honnavar Port

Dated-08/12/2021

To

M/s. Viva Infraventure Pvt. Ltd.
K-6, Sector K, Aashiyana Colony, LDA, Lucknow-226012,
Email Id: - vivainfraventure@gmail.com

Subject: Four laning of Honnavar Port Connectivity road from km 0.00 (Kasarkod side of Honnavar Port) to Km 2.58 (towards NH-66) connecting Honnavar Port with NH-66 at Km 196.00 and to improve NH-66 from Km 195.00 to Km. 197.00 to integrate port connectivity road on EPC mode under Bharatmala Phase-I in the State of Karnataka- **Letter of Acceptance (LOA)-Reg.**

Reference: Your bid for the subject work dated 14.07.2021

Sir,

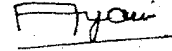
This is to notify you that your Bid dated 14.07.2021 for execution of the "Four laning of Honnavar Port Connectivity road from km 0.00 (Kasarkod side of Honnavar Port) to Km 2.58 (towards NH-66) connecting Honnavar Port with NH-66 at Km 196.00 and to improve NH-66 from Km 195.00 to Km. 197.00 to integrate port connectivity road on EPC mode under Bharatmala Phase - I in the State of Karnataka", at your quoted bid price amounting to Rs. 87,50,00,000 /- (Rupees Eighty Seven Crore Fifty Lakhs only) has been determined to be the lowest evaluated bid and is substantially responsive and has been accepted.

2. You are requested to return a duplicate of the LOA as an acknowledgement and sign the Contract Agreement within the period prescribed in Clause 1.3 of the RFP.
3. You are also requested to furnish Performance Security for an amount of Rs. 2,62,50,000 (Rupees Two Crore Sixty Two Lakhs Fifty Thousand Only) and additional performance guarantee for an amount of Rs. 41,18,000/- (Rupees Forty one lakh and eighteen thousands only) in the form of irrevocable and unconditional guarantee from a bank in the form set forth in Appendix VII as per Clause 2.21 of the RFP within 30 (thirty) days of receipt of this Letter of Acceptance (LOA).
4. In case of failure of submission of Performance Security, Additional Performance Security and Security against Damages (if any) within the stipulated time, the award shall be deemed to be cancelled and bidder will be suspended for participation in the tendering process for the work of MORTH/NHAI/NHIDCL and

Agar

work under other centrally Sponsored Schemes for a period of One Year from the bid due date of this work.

Yours faithfully,



(Asheesh Kumar Jain)
General Manager (PC)

Copy To: -

- (i) RO Bengaluru
- (ii) PD, PIU, New Mangalore

Principal Chief Conservator of Forests
(Wildlife) & Chief Wildlife Warden,
Karnataka.



Office : 080-23341993
Fax : 080-23346389
E-mail: pccfwl@gmail.com
Aranya Bhavan, 2nd Floor,
18th Cross, Malleswaram,
Bangalore-560 003
Date: 22-06-2020

No. PCCF/WL/D/CR-78/2020-21

To,
The Assistant Executive Engineer,
Port Sub Division,
Honnavar.

Sir,

Sub: Diversion of 0.76 ha. Of forest land in Kasarkod Village F.Sy No. 233 & 237, Manki Hobli, Honnavar Taluk, Uttara Kannada Dist for Approach Road from NH-66 to Kasarakod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Dept. Honnavar.

- Ref: 1** Letter No. KFD/HOFF/A52K(GFL)/47/2019FC dated: 17.06.2021 of the Principal Chief Conservator of Forests (Forest Conservation), Bengaluru.
- 2** Letter No. B2/GFL/FCA/Approach Road/CR-29/2020-21 dated: 05.06.2021 of the Chief Conservator of Forests, Canara Circle, Sirsi.
- 3** Letter No. B2/GFL/FC/CR-20/2020-21 dated: 21.05.2021 of The Deputy Conservator of Forests, Honnavar Division, Honnavar.

* * *


Adverting to the letter cited under referance on the subject, the Wildlife Mitigation Measures in respect of the above project prepared by the Assistant Executive Engineer, Port Dept. Honnavar, in consultation with Deputy Conservator of Forests, Honnavar Division has been recommended and submitted through the Chief Conservator of Forests, Canara Circle, Sirsi. The said Wildlife Mitigation Measures is reviewed and approved as under,

Mitigation Measures

SI No	Particulars	Amount (in lakhs)
1	one underpass at chainage 2272 mtr for ensure safe and smooth movment/passage of animals	The execution and cost of the work to be borne by the user agency.
2	Box culvert at chainage 2491	
3	Either side rtaining wall from chainage 2272 m to 2491.	
Additional Mitigation Measures (On Annual basis)		
4	Protection of turtle nesting area i.e. to build barricades around the nesting area during breeding season.	2.00
5	Watch and Ward (02. person) during breeding season.	2.00
Total		4.00

Wildlife Mitigation Plan for Rs. 4,00,000 (Four Lakhs only) has been approved & conditions imposed above also be executed by user agency. Designs of proposed structures should be approved by the Deputy Conservator of Forests, Honnavar Division has been recommended and submitted through the Chief Conservator of Forests, Canara Circle, Sirsi. A copy of Wildlife Mitigation Plan is enclosed for necessary action.

Your's faithfully,


Principal Chief Conservator of Forests,
(Wildlife), & Chief Wildlife Warden,
Bangalore.



GOVERNMENT OF KARNATAKA

R.P.A.D

Karnataka Government Secretariat
Multi-storied Buildings,
Bengaluru, Date: 05-01-2021

No. FEE 90 F.I.L. 2020 (e)

From: The Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
Bengaluru-560001.

To: The Deputy Director General of Forest (Central),
Integrated Regional Office
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main, Koramangala, Bengaluru.

Sir,

Sub: Diversion of 0.76 hectare of forest land in Kasarkod village
F.Sy.No.233 and 237, Manki Hobli, Honnavara Taluk, Uttara
Kannada District (Honnavara Forest Division) for Approach
Road from NH-66 to Kasarkod side of Honnavara Port in
favour of the Assistant Executive Engineer, Port and Inland
Water Transport Department, Port sub-Division, Honnavara.
Ref: The Principal Chief Conservator of Forest (Head of Forest
Force), Bengaluru letter No
KFD/HOFF/AS2K(GFL)/47/2019-FC, Date: 02-12-2020

With reference to the above subject, the proposal submitted by the Principal
Chief Conservator of Forests (HoFF), Bengaluru vide letter referred at above and
recommendation of the State Government (Part-V) are herewith enclosed.

I am directed to request you to convey 'in-principle' (Stage-1) approval under
Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.76 hectare of forest
land in Kasarkod village F.Sy.No.233 and 237, Manki Hobli, Honnavara Taluk, Uttara
Kannada District (Honnavara Forest Division) for Approach Road from NH-66 to
Kasarkod side of Honnavara Port in favour of the Assistant Executive Engineer, Port
and Inland Water Transport Department, Port sub-Division, Honnavara

Yours faithfully

(S. SRINIVASA) 05/01/2021

Under Secretary to Government

Forest, Ecology and Environment Department (Forest-C)

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Aranya Bhavan,
Mallechwaram, Bengaluru-560003
2. Spare Copies/SGF.

Part-3

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

<p>Recommendation of the State Government</p>	<p>Recommended for diversion of 0.76 hectare of forest land in Kasarkod village F Sy No. 233 and 237, Manke Hobli, Honnavara Taluk, Uttara Kannada District (Honnavara Forest Division) for Approach Road from NH 66 to Kasarkod side of Honnavara Port in favour of the Assistant Executive Engineer, Port and Inland Water Transport Department, Port sub Division, Honnavara for period of Twenty (20) Years.</p>
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(Adverse comments made by any officers or authority in part-II or Part-III or Part-IV above should be specifically commented upon)

Signature

Name

Office Seal

(Handwritten Signature)
 (S. SRINIVASA) 05/01/2021
 Under Secretary to Government
 Forest, Ecology and Environment Department (Forest-C1)

File No: FEE 90 FLL 2020 (e)

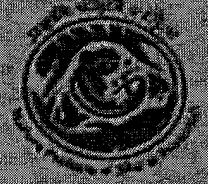
Place: Bengaluru

Date: 05-01-2021

(Handwritten Signature)
 05/01/21
 DEPARTMENT OF FOREST, ECOLOGY AND ENVIRONMENT
 UTTARA KANNADA DISTRICT
 HONNAVARA PORT AND INLAND WATER TRANSPORT
 ASSISTANT EXECUTIVE ENGINEER
 PORT SUB DIVISION
 HONNAVARA



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
संयुक्त क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
Kendriya Sadan, IVth Floor, E&F Wings, 17th Main Road,
Ind Block, Koramangala, Bangalore - 560 034
Tel.No.080-25635905, E.Mail: roz.bng-mef@nic.in



F.No.4-KRB/1275/2021-BAN/ 117
Dated the 21st January 2021

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S Building, Dr Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Diversion of 0.76 ha of forest land in F Sy No 233 and 237 of Kasarkod village Honnavar Taluk & Division, Uttara Kannada District for Approach Road from NH 66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara-reg


Sir,

I am directed to refer to State Government's letter No. FEE 90 FLL 2020 (e) dated 05/01/2021 on the above subject and to request to furnish the following:-

- (i) The comments of Chief Wildlife Warden on mitigation measures, if any, to be incorporated may be furnished, as the proposed area for diversion is close to the proposed Marine Sanctuary
- (ii) Status of obtaining of Coastal Regulation Zone (CRZ) clearance


The proposed area falls in the beach identified for 'Blue Flag Certification' which only allows certain specified activities. Therefore, construction of road through such notified area may also be examined and reported.

Yours faithfully,


(M.K. Shambhu)
Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003
3. The Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara, Uttara Kannada -581 334


(M.K. Shambhu)
Deputy Inspector General of Forests (Central)

9/2 21/1/2021

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಬಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರ ಕಚೇರಿ ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ-581334	OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER PORT SUB DIVISION, HONNAVAR UTTAR KANNADA-581334
ಇ-ಮೇಲ್ (e-mail) aee PSDH@gmail.com	

ಕ್ರ.ಸಂ.ಸಕಾನಿಇಂ/ಬಂಉವಿಹೋ/ 2020-21/ 10

ದಿನಾಂಕ: 17/4/2021

ಇವರಿಗೆ:

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ,
ಹೊನ್ನಾವರ ವಿಭಾಗ,
ಹೊನ್ನಾವರ.

ಮಾನ್ಯರೇ,

ವಿಷಯ:	Diversion of 0.76 hectare of forest land in F.Sy.No.233 and 237, of Kasarkod village Honnavr Tq,Uttara Kannada District for Approach road from NH-66 to Kasarkod side of Honnavar Port Proposal No:FP/KA/ROAD/41625/2019
ಉಲ್ಲೇಖ:	1 ತಮ್ಮ ಕಚೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ ಬಿ2/ಜಿ.ಎಪ್.ಎಲ್/ಎಪ್‌ಸಿ/ಸಿಆರ್-20/2020-21 ದಿನಾಂಕ : 06-03-2021
	2 ಮಾನ್ಯ ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಮುಖ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, (ಅರಣ್ಯ ಸಂರಕ್ಷಣೆ) ಬೆಂಗಳೂರು ರವರ ಪತ್ರ ಸಂಖ್ಯೆ : KFD/HOFF/A52K(GFL)/47/2019-FC Dated 09-02-2021 (Communication of GOK EDS query)

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಹೊನ್ನಾವರ ತಾಲ್ಲೂಕಿನ ಕಾಸರಕೋಡ ಗ್ರಾಮದಲ್ಲಿ ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ನಿರ್ಮಾಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ-66 ಇಂದ ರಸ್ತೆ ನಿರ್ಮಿಸಲು ಕಾಸರಕೋಡ ಗ್ರಾಮ ಸರ್ವೆ ನಂಬರ್ 233 ಮತ್ತು 237 ರಲ್ಲಿ 0.76 ಹೆಕ್ಟೇರ್ ಅರಣ್ಯ ಜಮೀನು ಬಿಡುಗಡೆ ಮಾಡುವ ಕುರಿತು ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಉಲ್ಲೇಖಿತ ಪತ್ರ (2) ರಲ್ಲಿ ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಕೇಳಿದ ಅಂಶಗಳಿಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಲು ಉಲ್ಲೇಖಿತ ತಮ್ಮ ಕಚೇರಿ ಪತ್ರ (1) ರಲ್ಲಿ ಸೂಚಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಅಂಶಗಳಿಗೆ ವಿವರವಾದ ಮಾಹಿತಿಯನ್ನು ಐದು ಸೆಟ್ಟುಗಳಲ್ಲಿ ತಯಾರಿಸಿ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ಇದನ್ನು ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.


ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು,
ಬಂದರು ಉಪ ವಿಭಾಗ ಹೊನ್ನಾವರ ಮತ್ತು
ನೋಡಲ್ ಅಫೀಸರ,ಹೊನ್ನಾವರ

Compliance to the observations raised by the Principal Chief Conservator of Forest (FC) and Nodal Officer (FCA), Bangalore vide letter NO:KFD/HOFF/A52K(GFL)/47/2019-FC, Dated: 09-02-2021.


Reference Item No.	Remarks	Compliance
1.	The comments of Chief Wild life Warden on mitigation measures, if any, to be incorporated may be furnished, as the proposed area for diversion is close to the proposed Marine Sanctuary.	<p>As on date no gazette notification & GO's of Government of Karnataka to this effect is available for proposed marine sanctuary. However, considering the concerns raised by the competent authority, following is our submission.</p> <p>The DPR for Honnavar Port Road Connectivity (Access Road from Kasarkod side of Honnavar Port Km 0.000 to Km. 2+650) on NH-66 has been prepared by Intercontinental Consultants & Technocrats (ICT) Pvt. Ltd., New Delhi during July, 2019. This DPR has been approved by NHAI and as per the approved DPR the road passes through the forest land in survey No. 233 & 237 coming under Jurisdiction of DFO, Honnavar for 217 m with a coverage area of 0.76 hectare and the proposed road intersects the existing cement concrete road at chainage 2260 m. In order to facilitate the movement of people, vehicles and animals, if any, one number of under pass is proposed at chainage 2272 m (across the existing CC road) and one box culvert at chainage 2491 m with a retaining wall on either side. The following mitigating measures are proposed to be taken up in order to protect the natural ecosystem without disturbing the flora and fauna of surrounding area</p> <p>Access for the movement of animals: As the forest area proposed for diversion is 0.76 hectares of planted forest, the existence of animals are very scarce. However in order to ensure safe and smooth movement / passage of animals, 1 Nos. of underpasses is proposed in the DPR.</p>


 Assistant Executive Engineer
 Port Sub-division, Honnavar
 & Nodal Officer

	<p>a. Passage of water: The proposed forest area for diversion is having a natural slope towards the sea and the terrain being sandy, hence water logging is not anticipated. However, in order to ensure the smooth flow of rain water, storm water drains is proposed in the DPR.</p> <p>The approved layout of the proposed access road is enclosed herewith as</p> <p style="text-align: center;">Annexure-1.</p> <p>Environmental clearance along with CRZ clearance is granted by the State Level Environment Impact Assessment Authority, Karnataka vide letter No.SEIAA:22:IND:2011 Dated 21st September 2012 and extension is accorded vide letter No.SEIAA:22:IND:2011 dated 01.07.2019 for a further period of three years based on the recommendation of State Level Expert Appraisal Committee (SEAC) and Karnataka State Coastal Zone Management Authority (KSCZMA). The final EIA report accepted by SEIAA is enclosed herewith as Annexure-2. Please refer the clause no 5, 6, 7 and 8 of letter of EC issued on 21st Sept 2012 clearly mentioning the granting CRZ and environmental clearance for the project including access road.</p> <p>In the approved EIA report prepared by M/s L&T Ramboll, Chennai the clearance for the access road proposed as per the approved DPR of NHAI is clearly marked and shown on Pg. No.2-21 under Road Connectivity Option-II. The map showing the alignment of the access road as incorporated in the approved EIA report cleared by SEIAA is enclosed as</p> <p style="text-align: center;">Annexure-3</p> <p style="text-align: right;"> Assistant Executive Engineer Port Sub-division, Homavar & Nodal Officer</p>
<p>2. Status of obtaining of Coastal Regulation Zone (CRZ) clearance.</p>	

3.	<p>Examination of construction of road allows in "Blue Flag Certification"</p>	<p>The Deputy Director and Member Secretary, District Tourism Development Committee, Uttar Kannada District, Karwar has furnished the coordinates along the Eco beach at Kasarkod in Honnavar Taluk & NOC vide letter No. TD/DDO/K/2020-21/09 dated : 03.04.2021. This stretch of beach has been accorded blue flag certification. The map showing the coordinates of eco beach which has been accredited with blue flag certification and the layout of access road as per the approved DPR of NHAI is enclosed as Annexure-4.</p> <p>It is very clear from the map that the proposed access road is 10 m. away from the Northern end of blue flagged beach. Thus, it is clarified and evident that the proposed access road does not infringe/ interfere with blue flagged beach area.</p>
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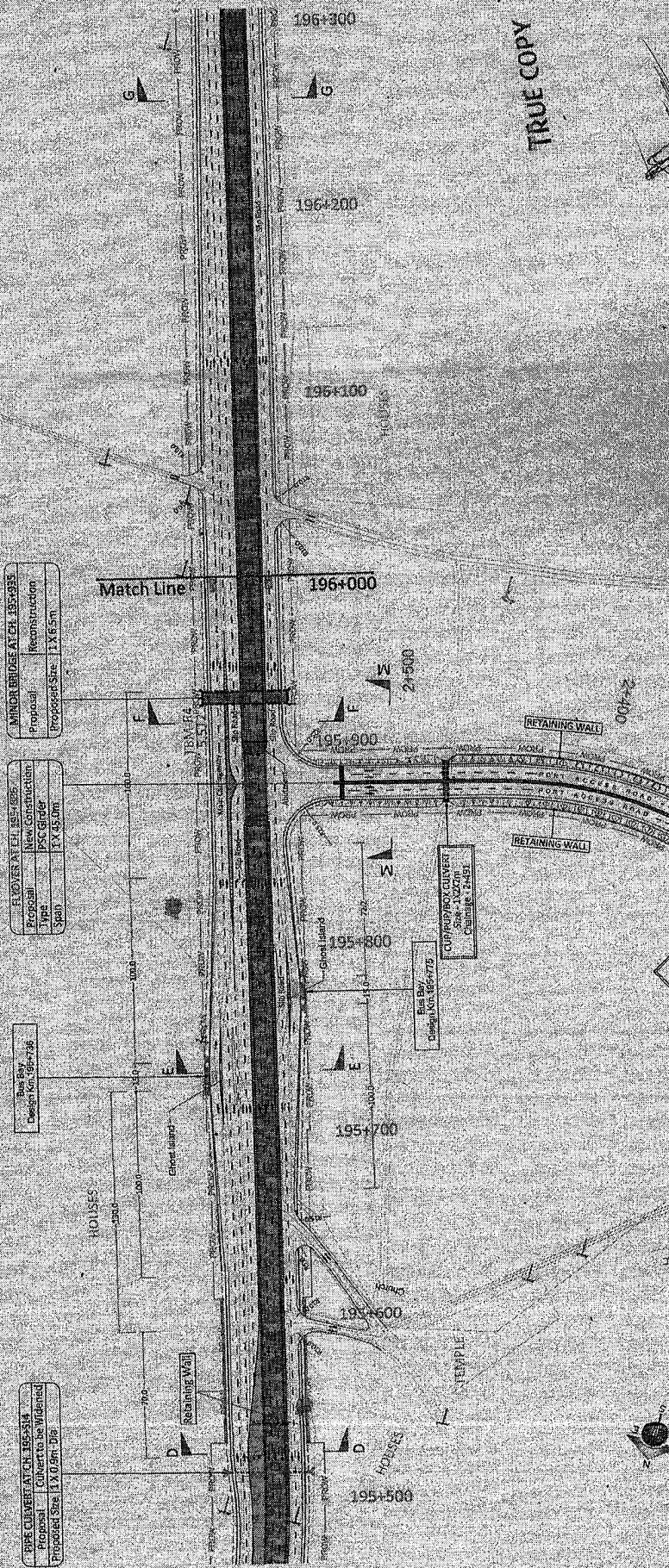
Assistant Executive Engineer
Port Sub Division, Honnavar
& Nodal Officer


Assistant Executive Engineer
Port Sub-division, Honnavar
& Nodal Officer

2/3

← MANGALORE

← TO KARWAR



TRUE COPY

Assistant Executive Engineer
Port Sub-division, Honnavar
& Nadal Officer

Note: 1. All Dimensions are in mm, unless otherwise specified.

ID	Date	Initial Drawing	Description	Checked by
1	September, 2015		Revised	
2			Revised	
3			Revised	
4			Revised	
5			Revised	

Author: **SRINIVAS H.S. HONNAVAR**
 Checked by: **S. S. SURESH**
 Date: **15/09/2015**

Project Title	Drawing Name
Consultancy Service for Preparation of DPR of Honnavar Port Road Connectivity Access Road from Kalarassi Street Honnavar Port Km. 0+000 to Km. 2+350 on IH-66	PLAY ALONG IH-66 (CH - 055+500 To Ch. 196+300)

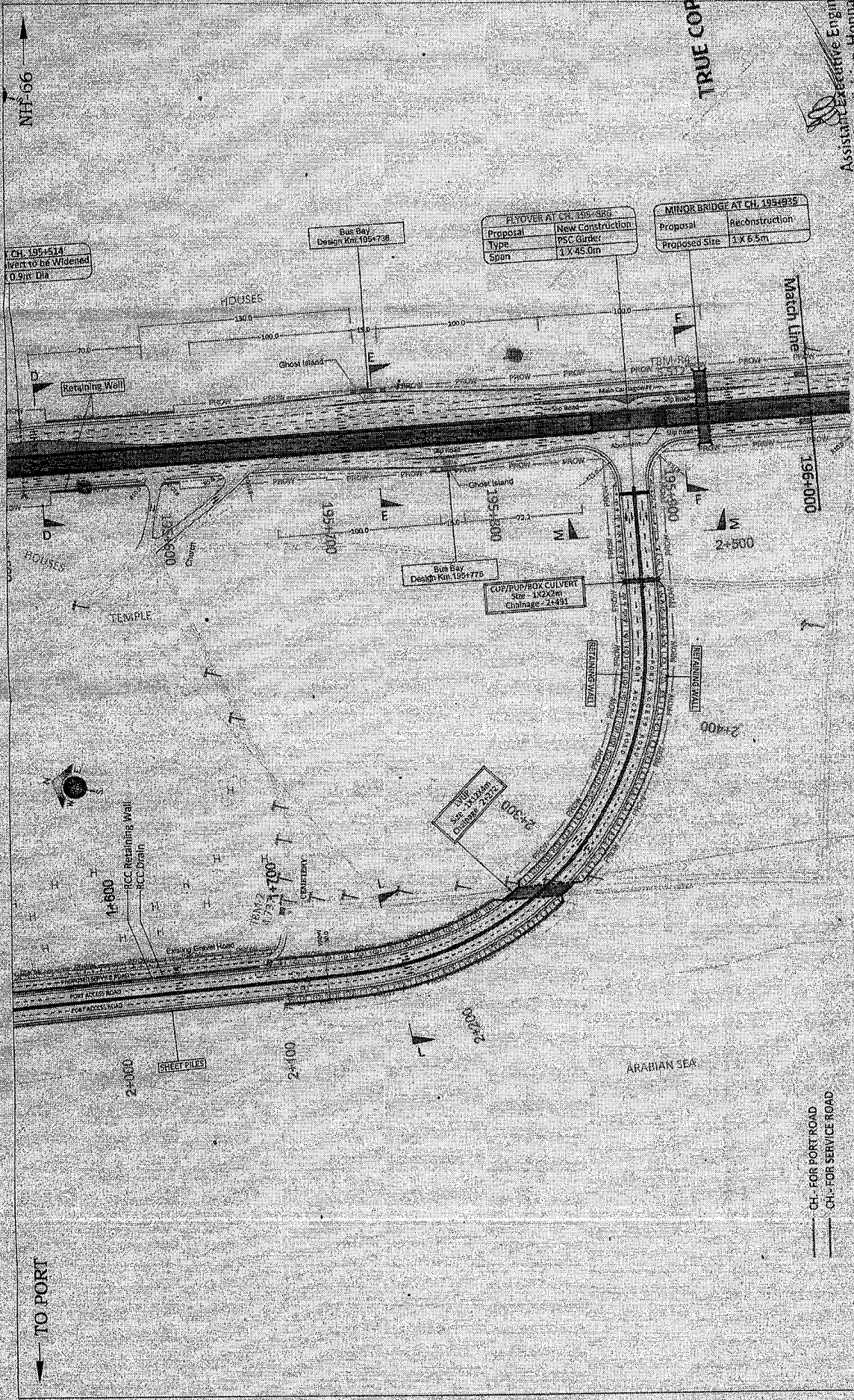
Authority	Client
NATIONAL HIGHWAYS AUTHORITY OF INDIA	HONNAVAR PORT PVT. LTD.

Project Title	Drawing Name
Consultancy Service for Preparation of DPR of Honnavar Port Road Connectivity Access Road from Kalarassi Street Honnavar Port Km. 0+000 to Km. 2+350 on IH-66	PLAY ALONG IH-66 (CH - 055+500 To Ch. 196+300)

3/2

TRUE COPY

Assistant Executive Engineer
Port Sub-Division, Honnavar
& Nodal Officer



Note: 1. All Dimensions are in mm unless other wise specified.

Rev.	Description	Date	By	Checked By
1	Initial Drawing	November 2019		
2	Revisions	September 2019		

Scale: 3 : 1 (5000 to 1:5000)

Rev.	Description	Date	By	Checked By
1	Initial Drawing	November 2019		
2	Revisions	September 2019		

Scale: 3 : 1 (5000 to 1:5000)

Project Title -
Consultancy Service for Preparation of DPR of Honnavar Port
Road Connectivity Access Road from Kasarkod Side of
Honnavar Port Km. 194000 to Km. 245800 on NH-66

Drawing Name -
PLAN AND PROFILE FOR PORT ROAD
(Ch. 24000 To Ch. 245800)

Contract No. -
NH-66/2019/1000

Authority - NATIONAL HIGHWAYS AUTHORITY OF INDIA

Client - HONNAVAR PORT PVT. LTD.

Prepared by -

Checked by -

Approved by -

CH - FOR PORT ROAD
CH - FOR SERVICE ROAD

Government of Karnataka

Public Works Port and Inland Water Transport Department

Office of the Assistant Executive Engineer, Port Sub Division,

Honnavar, Uttara Kannada-581334

Email : aeepsdh@gmail.com

No. Sa.Ka.Ni.Eng/Ban.Vu.Vi.Ho/2020-2021/10

Dt 17-4-2021

To

The Deputy Conservator of Forest,
Honnavar Division,
Honnavar

Sir,

Subject : Diversion of 0.76 hectare of forest land in F.Sy.No.233 and 237 of Kasarkod village, Honnavar Tq.Uttara Kannada District for Approach road from NH-66 to Kasarkod side of Honnavar Port proposal No.FP/KA/ROAD/41625/2019.

Reference : 1. Your office letter No B2/GFL/FC/CR-20/2020-21

Dt 06-03-2021.

2. Letter No.KFD/HOFF/A52K(GFL)/47/2019-FC

Dt 09-02-2021 (Communication of GOK EDS Query) of the
Principal Chief Conservator of Forests(Conservation of Forests)
Bangalore.

With reference to the abovesaid subject, for the construction of Honnavar Port in Kasarkod village of Honnavar Taluk of Uttara Kannada

2

District for construction of road from the National Highway-66, a proposal has been submitted to release a Forest land of 0.76 Hectare in Kasarkod village Sy.No.233 and 237. In the said proposal in your office letter at reference(1) have instructed to furnish information about points sought by the Central Government in letter at reference(2). For the said points a detailed information has been prepared in five sets and submitted for further action.


This is submitted to you for kind information.

Yours Sincerely

Sd/-

**Assistant Executive Engineer
Port Sub Division, Honnavar
And Nodal Officer, Honnavar**

"Certified that this is the True English Translation of Letter in Kannada"


K.V. RENUKA MURTHY
Advocate
Shop No.14, Ground Floor, Building No.302,
A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kempagowda Road, Bangalore-560009

<p>ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ ಕಛೇರಿ, ಬಂಪರ ಉಪವಿಭಾಗ, ಹೊನ್ನಾವರ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ -581 334</p>	<p>OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER PORT SUB DIVISION, HONNAVAR. UTTARA KANNDA - 581 334</p>
<p>ಇ-ಮೇಲ್ (e-mail) aee PSDH@gmail.com</p>	

NO: AEE/PSDH/HPPL/2020-21/114

Date: 26-08-2021

To: ✓
The Assistant Inspector General of Forests(Central),
Integrated Regional Office,
Kendriya Sadan, 4th Floor, (E&F Wings),
17th Main, Koramangala,
Bangaluru.

Dear Sir,

Sub: Diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy.No,233 & 237, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnavar Forest Division Port in favour of the Assistant Executive Engineer, Port Department, Honnavar.
Proposal No: FP/KA/ROAD/41625/2019

Ref: Your Visit to the site on 26-08-2021.

With reference to the above, the approach to Honnavar Port Site coming under Forest Land in Kasarkod Village F- Survey No:233 & 237, Manki Hobli, Honnavar Taluk has been inspected by your kind self on 26-08-2021. During the visit some documents and clarifications required by your kind self is submitted for your information and needful action in the matter.

1) CRZ Clearance for the HPPL Project.

The Environment clearance for the Project issued by State Level Environment Impact Assesment Authority, Karnataka Dated 21-09-2012 & Extension Order No: SEIAA/22/IND/2011 Dated 01.07.2019 has been obtained from SEIAA by HPPL is enclosed for your kind reference.

2) Issue of Turtle Nesting grounds

The report Dated 17-08-2021 obtained from National Centre for Sustainable Coastal Management (NCSCM), Ministry of Environment, Forest & Climate Change, Government of India, Chennai has been enclosed for your kind reference.

3) Alternative Proposal for Honnavar Port Road Connectivity from N.H.66

The Intercontinental Consultants and Technocrats Pvt.Ltd., New Delhi have prepared feasibility report for the Honnavar Port Road connectivity considering four alternatives for connectivity and then prepared DPR for the best option. The details of four alternatives studied and the selected alternatives for which DPR has been prepared are enclosed here with.

4) Wild life mitigation measures

The Principal Chief Conservator of Forest (Wild Life) & Chief Wild Life Warden, Karnataka, Bangalore dated 22-06-2020 has recommended and approved with additional Mitigation Measures on annual basis. (Letter enclosed)

5) Status on Public Interest Litigation

Daily orders of the case WP 4039/2021 is enclosed.

This is for favour of information and needful action in the matter.

Yours Faithfully,



Assistant Executive Engineer
Port Sub Division, Honnavar &
Nodal Officer, Honnavar.



795
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय



INTEGRATED REGIONAL OFFICE
Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
IInd Block, Koramangala, Bangalore - 560 034.
Tel.No.080-25635908, E.Mail: rosz.bng-mef@nic.in

F.No.4-KRB1275/2021-BAN/ 6E
Dated the 15th September, 2021

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S.Building, Dr.Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Diversion of 0.76 ha. of forest land in F.Sy .No 233 and 237 of Kasarkod village, Honnavar Taluk & Division, Uttara Kannada District for Approach Road from NH 66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara -reg.

Sir,

I am directed to refer to State Government's letter No. FEE 90 FLL 2020 (e) dated 05/07/2021 on the above subject. In this regard, it has come to the notice of this office that a Writ Petition No. 4039 of 2021 has been filed in the Hon'ble High Court of Karnataka by Honnavar Taluk Hasimeenu Vyaparasthara Sangha against the construction of Honnavar Port and the said Writ Petition is pending for disposal.

In view of the above, it is requested that the present status of the Writ Petition No. 4039 of 2021 may be communicated to this office.

Yours sincerely,

(R.Padmawathe)

Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
3. The Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara, Uttara Kannada -581 334.

(R.Padmawathe)

Deputy Inspector General of Forests (Central)

O/c



(ಮೂಲ) ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳಿಗೆ, ಹೆಚ್ಚುವರಿ ಕಾರ್ಯ, ಸರ್ಕಾರದ ಅಧಿಕಾರಿಗಳಿಗೆ

ಹೆಚ್ಚುವರಿ ಕಾರ್ಯದ ಅಧಿಕಾರಿಗಳಿಗೆ
ಹೆಚ್ಚುವರಿ ಕಾರ್ಯದ ಅಧಿಕಾರಿಗಳಿಗೆ
ಹೆಚ್ಚುವರಿ ಕಾರ್ಯದ ಅಧಿಕಾರಿಗಳಿಗೆ

OFFICE OF THE
ASSISTANT EXECUTIVE ENGINEER
PORT SUB DIVISION HONNAVAR UTTARA
KANNADA DISTRICT

e-mail: aeeapsdh@gmail.com

NO.AEE/PSDU/H/PP1/2020-21/166

Date: 06-11-2021

To: ✓
The Deputy Conservator of Forests,
Honnavar Division, Honnavar

Dear Sir,


Sub: Diversion of 0.76 hectare of forest land in Kasarkod Village P.Sy.No.233 & 237 Manki Hobali, Honnavar Taluk Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH -66 to Kasarkod side of Honnavar Port in favour of the Assitant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division, Honnavar-Reg

Ref: Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 04/05.10.2021

With reference to the above, a Writ Petition was filed before the Hon'ble High Court Of Karnataka, Bangalore by the Honnavar Taluk Hasi Meenu Vyaparastara Sangha against the construction of Honnavar Port & the said Writ Petition is pending for disposal. Hence, the present status of the Writ Petition Number 4039 of 2020-21 is enclosed herewith for your kind reference & needful action in the matter.

This is for fovour of information and needful action in the matter.

Yours Faithfully,


Assistant Executive Engineer
Port Sub Division, Honnavar &
Nodal Officer, Honnavar.

Encl: 3 ink-signed sets

NOTE ON PRESENT STATUS OF WP NO: 4039/2021.

Sub: Writ Petition No: 4039/2021 (PIL) - Honnavar Taluka Hasi Meenu Vyaparasthara Sangha - Vs - M/s. Honnavar Port Private Limited and others on the file of the High Court of Karnataka, Bengaluru

Ref: 1) Letter No. F. No. 4-KRB-1275/2021-BAN/615, dated 15-09-2021 from the Deputy Inspector General of Forests (Central), MoEF & Climate Change, Integrated Regional Office, Bengaluru-560 034

2) Government Order No. IDD 87 PSP-2021, dt. 16-03-2021

1. A Writ Petition was filed before the Hon'ble High Court of Karnataka, Bengaluru by the Honnavar Taluka Hasi Meenu Vyaparasthara Sangha challenging the construction of the port on the beaches of Kasarkod by M/s Honnavar Port Private Limited (HPPL)
2. The above matter had come-up for hearing before Hon'ble High Court of Karnataka on the 26th March, 2021. Upon hearing, the Hon'ble Court directed to issue Notice to the Respondents, returnable on 21st April 2021. On 21st April, 2021, Hon'ble Court directed to list the petition on 4th June, 2021. Further on the 4th June, 2021, Hon'ble Court granted time to all the respondents to file Statement of Objections till 9th July, 2021 and directed to list the petition on 13th July, 2021.
3. The matter was heard again on 19-08-2021 and 01-09-2021. Further hearing is fixed on 08-10-2021.
4. The daily order passed by the Hon'ble court is attached here with (Annexure-A)

(Signature)
(I. S. Phayade)
Port Engineer,

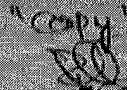
Directorate of Ports and Inland Water Transport
Karwar & Litigation Conducting Officer.

Copy

(Signature)
Assistant Executive Engineer
Port Sub-Division, Honnavar

Daily Orders for Case WP 4039/2021

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	01/03/2021	Learned counsel appearing for the petitioner seeks time to apply for amendment, as the delay is not explained in the petition. List this petition on 26th March 2021.
2	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	26/03/2021	Heard the learned counsel appearing for the petitioner. Issue notice to the respondents, returnable on 21st April 2021. The learned Additional Government Advocate takes notice for the respondent Nos 2, 3, 4 and 5. Sri Gauraj Joshi, the learned counsel takes notice for the seventh respondent. We make it clear that all further work which may be carried out in respect of the subject matter will be subject to further orders which may be passed in this petition. Our attention is invited to paragraph 37 of the petition and the document at Annexure AD. We make it clear that unless Stage-1 approval under Section 2 of the Forest (Conservation) Act, 1980 is granted in respect of the area of 0.76 hectare in forest survey Nos 233 and 237 which is the subject matter of Annexure AD, no work shall be carried out on the said lands. ORDER ON LA No 3 of 2021 As the petition is at the preliminary hearing stage, the amendment is allowed. The amended copy shall be furnished within a period of two weeks from today. For physically carrying out the amendment, we grant time of eight weeks. The amended copy shall be provided by the petitioner to all the concerned respondents.
3	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	21/04/2021	The respondents who have been served shall file their respective Statement of Objections within a maximum period of one month from today. For awaiting service of the notice of the unserved respondents, let the petition be listed on 4th June 2021.
4	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	04/06/2021	In view of Postal Track Report, notice of the petition shall be deemed to have been served on 6th and 9th respondents. We finally grant time to all the respondents to file statement of objections till 9th of July 2021. List the petition on July 13, 2021.
5	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	13/07/2021	1. The challenge in this petition in the nature of a Public Interest Litigation is essentially to the project of Development of Honnavar Port. 2. We have heard the learned counsel appearing for the petitioner at length. 3. The first challenge is to the Environmental Clearance granted on 21st September 2012 by the sixth respondent and the extension of the Environmental Clearance granted on 1st July 2019. The present petition has been filed on 22nd February 2021. The Environmental Clearance granted in the year 2012 shows that a public consultation was conducted on 27th January 2012. The petitioner has not disclosed why he did not participate in the said public consultation and raised an objection. Therefore, it is too late in the day now to challenge the project on the ground that the Environmental Clearance granted in the year 2012 is illegal. At this stage, the learned counsel appearing for the petitioner states that the petitioner participated in the public consultation. If that is so, we fail to understand why the petitioner kept quiet for nine years for challenging the Environmental Clearance. 4. The second ground of challenge is that construction of Port is a prohibited activity near the CRZ-1 area. However, Sub-clause (vii) of Clause (4) of Coastal Regulation Zone (CRZ) Notification dated 18th January 2019 provides that what is prohibited is the activity of Port and harbor projects in high eroding stretches of the Coasts. The learned counsel appearing for the petitioner submits that though he has not stated that the place where project is to be implemented is within high eroding stretches of the Coast, he relies upon Coastal Zone Management Plan (CZMP) of 2011. However, the perusal of the CZMP does not show that the place of the project is in high eroding stretches of the Coast. 5. The other contention raised is that there are private revenue lands on which the project is going to come up. He states that some houses were demolished under the police protection for the


 Assistant Executive Engineer
 Port Sub-Division, Honnavar

Sl. No	Judge(s) Name	Date of Order	Daily Order
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development of the said project. As far as these two grounds are concerned, the same cannot be entertained in a Public Interest Litigation as the owners of the affected properties can always seek a remedy. 6. Further submission of the learned counsel appearing for the petitioner is that long after the Environmental Clearance was granted, it was revealed that the entire area of 45 hectares on which the project is to come up is a Turtle Nesting Ground. He is relying upon various photographic and other documents on record in support of his contention. He is relying upon a report annexed to the rejoinder submitted by the Environment Management and Policy Research Institute (Annexure A13). The report merely mentions the names of the beaches in Honnavar division on which there are several Turtle Nesting Grounds. The report does not indicate that the entire area of 45 hectares provided to the project is a Turtle Nesting Ground. However, considering the serious contentions raised regarding the entire area of 45 hectares being a Turtle Nesting Ground, we propose to appoint National Centre for Sustainable Coastal Management (NCSCM), working under the Ministry of Environment and Forest of the Government of India, having office at Chennai to carry out a survey of the area of 45 hectares covered by the project with a view to ascertain whether any part of the said area is a Turtle Nesting Ground or the entire area is a Turtle Nesting Ground. In fact, in the Statement of objections filed by the State Government, a copy of the final report on Turtle Nesting Ground by NCSCM has been produced. However, the said report is not useful to decide whether any part of the project area is a Turtle Nesting Ground. Therefore, it will be appropriate if the State Government appoints NCSCM to make a study on the issue whether the project area is a Turtle Nesting Ground. For the time being, charges of the said study shall be borne and paid by the State government. However, we will pass appropriate orders regarding the same when we hear the petition further. 7. Another challenge is on the ground that the location of the project as set out in the Environmental Clearance has undergone a change. To avoid any controversy, we direct the Deputy Commissioner of the District to make a site visit, examine the documents and record a conclusion whether the location of the project has undergone any change. Needless to add that the Deputy Commissioner will take the help of the officers of the Survey Department of the State Government and that site visit shall be made after notice to the parties. 8. The State Government shall immediately issue an order directing the NCSCM to make the study as aforesaid and submit a report to the State Government. 9. As regards the area of 0.76 hectares which is a forest land, an interim relief has been granted on 26th March 2021. The said interim relief will continue. We also make it clear that any further work carried out of the project will be subject to further orders which may be passed in the writ petition. List the petition on 19th August 2021.

- | | | | |
|---|---|------------|--|
| 6 | ABHAY SHIRENIWAS OKA (CJ) AND N S SANJAY GOWDA | 19/08/2021 | The State Government has placed on record along with a memo, the copies of the reports submitted by the National Centre for Sustainable Coastal Management as well as the Deputy Commissioner. The copies thereof be supplied to the counsel for the parties. List the petition on 1st September 2021. Interim relief which is operative till today will continue to operate till further orders. |
| 7 | ACTING CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM | 01/09/2021 | A copy of the report filed by the National Centre for Sustainable Coastal Management has been handed over to the learned Counsel for petitioner by the learned Government Advocate today in the Court. The report of the Deputy Commissioner has also been filed and a copy of the same has been served to the learned Counsel for the petitioner today in the Court. Learned Counsel for the petitioner prays for fifteen days time to file objections to the aforesaid reports. List on 08.10.2021. Interim order to continue. |
| 8 | ACTING CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM | 08/10/2021 | Learned Counsel for the petitioner prays for four weeks time to file objection to the report submitted by the National Centre for Sustainable Coastal Management. He is granted four weeks time to do the needful. List on 19.11.2021. Interim order to continue. |

Copy

 Assistant Executive Engineer
 Port Sub-Division, Honnavar

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003
Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru- 03
Telephone : 080 2334 6472
Email : apccoffc@gmail.com

E-Office File No. KFD/HOFF/A52K(GFL)/47/2019-FC-KFD

E-78072
Dated 14.03.2019

To,
The Assistant Executive Engineer
Port Department, Honnavar- 581 334
Sir,

Sub: Diversion of 0.76 hectare of forest land in P. Sy. No.238 and 239 of Kasarkod village, Honnavar Taluk & Division, Uttara Kannada District for Approach Road, Parking Area, Drainage, etc., from NH 66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Department, Honnavar- reg.
Proposal No. FP/KA/ROAD/39174/2019

Ref: Your online application dated 07.03.2019.

Your online application referred above has been examined. It is observed that certain crucial information required for processing of the proposal under FC Act 1980 has not been provided completely and/or correctly. The application is **INCOMPLETE** in following respect.

Reference Item in FORM-A	Remarks
A-1(viii) Area of forest land proposed for diversion (in ha) A-1(ix) Non-forest land required for this project (in ha)	Forest and non-forest land requirement has been shown as 0.76 hectare and 0.25 hectare, respectively. Please note that forest and non-forest land requirement may have to be revised in case the entire project (as observed under later items) involves higher extent of forest and non-forest areas than shown at present.
A-1(v) Category of the Proposal A-1(vi) Shape of forest land proposed to be diverted	'Road' option is selected in Item A-1(v) and 'Linear' option is selected in Item A-1(vi). However, this information is not in sync with the information (Approach Road, Parking Area) provided in Item A-1(ii). 1. Please clarify on the exact components involved in the entire Project. 2. Please note that the 'Hybrid' option will have to be selected in case the Project also includes other non-linear components like 'Parking Area'. 3. Further, in case of Hybrid projects, FRA Certificate in FORM-II will have to be obtained and uploaded in Item K.
A-3(xvii) Copy of documents in support of the competence/authority of the person making this application to make application on	Uploaded document is not the authorization letter. Please upload the actual letter of authorization, i.e., letter dated 13-02-2019 of Director, Ports & Inland Water Transport Department, Karwar referred to therein.

behalf of the User Agency	
B-2.4 Component wise breakup	<p>Instead of providing individual component-wise break up, a vague term 'Road along with Parking & drainage [L177 x W 43M]' is shown as the component.</p> <ol style="list-style-type: none"> 1. Please mention all components (like Road, Parking Area, Drainage, etc., separately and provide forest and non-forest requirement for each so such components. 2. For linear/ regular shaped components (square/ rectangle), please mention the individual length and width too.
C(ii)(b) kml file of proposed land	<p>Two KML polygons (0.75 ha and 0.25 ha) with 43 meter width and without proper File names are uploaded.</p> <ol style="list-style-type: none"> 1. Please provide proper identifiable File name to each KML file, so as to differentiate Forest and Non-forest Polygons from one another. 2. Please upload different KML polygons for different components shown in Item B-2.4.
C(iii) Copy of Survey of India Toposheet indicating boundary of forest land proposed to be diverted	<p>A blurred Topo Map without mentioning the Survey of India Topo Sheet Number and without distinctly marking the forest land proposed for diversion is uploaded. Please ensure that :</p> <ol style="list-style-type: none"> 1. The forest land proposed for diversion is distinctly marked on the Topo Map, and 2. The map has a proper Map Index, <u>SOI Toposheet Number</u>, and is ink-signed by User Agency.
C(iv) Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS or Total Station	<ul style="list-style-type: none"> • Map without properly marking the GPS points (Station Numbers) on it is uploaded, even though 6 Stations Points (GPS readings) are mentioned. • Colour scheme shown in Map Index is a little different from the one used in colouring different polygons. <ol style="list-style-type: none"> 1. Please ensure that the colour scheme used in different polygons on the presently uploaded map (1:400 scale) is same as that given in Map Index. 2. Please also upload another Geo-referenced map on 1:7920 scale, i.e., normal Village Map scale showing the boundary of forest land proposed for diversion superimposed on Cadastral (Village) Map/ Tiff Village Map and then merge both the above Geo-referenced maps into a single PDF file. 3. Please ensure that each of above Geo-referenced Maps: <ol style="list-style-type: none"> a. Shows all survey numbers and their boundaries in and around the project area clearly. b. Shows entire Project (In forest as well as non-forest) in the village in two different colours. c. Has the GPS Points prominently marked on it. d. Has a proper Map Index. e. Is duly ink-signed by User Agency. 4. Please provide correct GPS readings (Datum: WGS 84; in Degree.decimals) of all corners of proposed area, ensuring that they match with KML polygon exactly.
L. Details of land identified for Compensatory Afforestation	<p>In case the extent of proposed forest land exceeds one hectare, equivalent extent of non-forest land suitable for raising Compensatory Afforestation along with CA Suitability Certificate issued by jurisdictional Deputy Conservator of Forests will have to be provided with details uploaded in this Item.</p>
Additional Information Details/ General	<ol style="list-style-type: none"> 1. Proposed road connectivity is from NH-17 to Kasargod Beach where there is no existing port. Please clarify whether the proposed road connectivity is for a proposed Port or any other existing Port infrastructure. <ol style="list-style-type: none"> a. If the proposed connectivity is for an existing Port infrastructure, please provide the details of such infrastructure along with a Map on

	<p>appropriate scale (with Map Index) showing the boundary of such existing infrastructure overlaid on satellite imagery.</p> <p>b. If it is for a proposed Port, please note that the proposal will have to be revised to include complete requirement of forest land for entire project (and not just connectivity) including Transmission Line and Water Pipeline. In such case, please upload the following information in relevant Items (and in Additional Information Details Item if no relevant Items available in PART-I).</p> <ol style="list-style-type: none"> i. Clarification whether the proposed Port will require forest land or not, and provide the details, if it does. ii. Approved Port Layout Plan showing forest and non-forest land in two different colours. iii. Administrative Approval for creation/ development of such Port. iv. Environmental Clearance for such proposed Port. v. Tabular Statement showing the individual survey number wise break up (without clubbing them) of forest and non-forest land for entire Port Project, if not provided in Item B-2.3. vi. KML file (with inbuilt measurement option) for entire Port Project (forest and non-forest component polygons shown in two different colours and with proper File names) in Item C(ii). vii. Topo Map and Geo-referenced Map(s) showing entire project in forest and non-forest land shown in two different colours and with proper Map Index. <p>2. Please examine above issues and provide the following information through email to 'gis31ctc@aranya.gov.in' marking copy to 'rfo51ctc@aranya.gov.in' and 'apccffc@gmail.com'.</p> <ol style="list-style-type: none"> a. AutoCAD drawing OR KML file (with 'Polygon' feature and inbuilt 'measurement' option) of entire Project alignment (all components) in forest as well as non-forest land (in two different colours). [Note: Please ensure that the KML files/ sub-files are appropriately named for proper identification.] b. Tabular Statement showing Segment Wise GPS readings (Datum: WGS 84; in Degree.decimals) of all corners of forest land proposed for diversion as well as at every 20 meter interval on boundary. <p>3. Please ensure that all uploaded documents including maps are original (and not photocopy) and ink-signed by User Agency.</p> <p>4. As the proposal is to be scrutinised by the Government of India, all documents need to be in English language. In case of non-English document(s), please also upload its English translated version duly attested by the Authority concerned/ User Agency.</p>
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You are requested to submit appropriate documents in the relevant fields available online. Hence, the proposal is returned for necessary action. In case, any technical assistance is required, you may contact the following help desk.

Smt. Nethravathi
Range Forest Officer & Project Officer, ICTC, Aranya Bhavan
Office No: 080-23346551 / Mobile : 9663727866
e-mail ID : rfo51ctc@aranya.gov.in

Yours Faithfully,


 Additional Principal Chief Conservator of Forests
 (Forest Conservation) and Nodal Officer (FCA)

Copy through email to Deputy Conservator of Forests, Honnavar Division for information and to ensure that project work is not undertaken on forest land without FC approval.



महामेव जयते

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
Kendriya Sadan, IVth Floor, E&F Wings, 17th Main Road,
IIInd Block, Koramangala, Bangalore - 560 034.
Tel.No.080-25635912, E.Mail: ros.z.bng-mef@nic.in



BY SPEED POST
F.No.4-KRB1275/2021-BAN/ 1298
Dated the 20th January, 2022

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S.Building, Dr.Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Diversion of 0.76 ha. of forest land in F.Sy .No 233 and 237 of Kasarkod village, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnava Forest Division) for Approach Road from NH 66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 90 FLL 2020 (e) dated 05/01/2021 and 06/01/2022 seeking prior approval of the Central Government under Section'2' of the Forest (Conservation) Act, 1980 for the above project.

After careful examination of the proposal of the State Government, in-principle approval /Stage-I clearance of the Central Government is hereby granted for diversion of 0.76 ha. of forest land in F.Sy .No 233 and 237 of Kasarkod village, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnava Forest Division) for Approach Road from NH 66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara, subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the guideline issued by Ministry vide letter No.5-3/2011-FC (Vol-I) dated 06/01/2022. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.
2. Cost of raising plantation (including ten years maintenance) of ten times number of trees to be felled shall be realized from user agency towards compensatory afforestation.
3. Location of the area (map with DGPS coordinates) identified for raising the plantations shall be furnished along with compliance report.
4. The Wildlife Mitigation Plan as approved by the PCCF, Wildlife and Chief Wildlife Warden shall be implemented at the cost of User Agency.

5. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
 6. The KML file of the area diverted and CA plantation (ten times no. of trees to be felled) shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.
 7. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
 8. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof.
 9. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
 10. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.
- B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**
1. Legal status of the diverted forest land shall remain unchanged.
 2. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
 3. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.
 4. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
 5. The total forest area utilized for the project shall not exceed 0.76 ha.
 6. No labour camp shall be established on the forest land.
 7. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 8. The forest land shall not be used for any purpose other than that specified in the project proposal.

9. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.

10. No damage to the flora and fauna of the adjoining area shall be caused.

11. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

12. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.

13. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year and

14. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Further, it may also be noted that this in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall be revoked after 5 years.

Yours faithfully,

(B.N.Anjan Kumar)
Assistant Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore - 560 003.
3. The Assistant Executive Engineer, Port & Inland Water Transport Department, Port Sub Division, Honnavara, Uttara Kannada -581 334.
4. Guard file.

(B.N.Anjan Kumar)
Assistant Inspector General of Forests (Central)



ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳ ಕಚೇರಿ, ಹೊನ್ನಾವರ ವಿಭಾಗ, ಹೊನ್ನಾವರ-581334
 OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS, HONAVAR DIVISION, HONAVAR-581334

ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 08387-220235

e mail: dcf.honavar@gmail.com

No: 32/GFL/FC/CR-20/2020-21

Dated: 16-02-2022.

To,
 The Assistant Executive Engineer,
 Port Department,
 Honavar.

Demand Notice to be issued after Stage-I approval
Demand Notice under FCA 1980

Government of India vide letter number F.No.4-KRB1275/2021-BAN/1298, dated 20-01-2022 have issued 'in-principle' Stage-I approval for diversion of 0.76 ha of forest land in F.Sy.No.233 and 237 of Kasarkod village, Manki Hobli, Honavar Taluk, Uttara Kannada District (Honavar Forest Division) for Connectivity Road (Approach Road) from NH 66 to Kasarkod side of Honavar port in favour of the Assistant Executive Engineer, Port Department, Honavar. The same has been communicated by the Nodal Officer, FC Act 1980 vide letter number E-officer file No.KFD /HOFF/A52K(GFL)47/ 2019-FC, dtd: 08-02-2022 to this office for issuing 'demand notice' and submission of a 'Compliance Report'. Accordingly, you are requested to make the payments shown hereunder and submit the 'Compliance Report' for all the conditions of approval within 30 days for seeking 'final' Stage-II approval.

1. NPV:

1. The Net Present Value for 0.76 ha. of forest land being diverted under this proposal, as per the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC (Vol-I), dated: 06.01.2022.

Quantity/ Extent (ha.)	Rate (Rs./ Unit) (Eco- Class-I) @	Amount required to be paid (Rs.)	Amount paid already (Rs.)	Balance amount required to be paid now (Rs.)
0.76	15,95,790.00	12,12,800.00	0.00	12,12,800.00

2. Cost of raising plantation (including ten years maintenance) of ten times number of trees to be felled shall be realized from user agency towards compensatory afforestation. (As per Principal Chief Conservator of Forests, (HoFF), Bengaluru O.M No. Old File No. A5(3).GFLCR-28/2009-10, E-office File No. KFD/HOFF/A5-3 (GFL)/34/2019-FC, dated:19-04-2021.)

Number of trees to be felled (Felling: Planting ::1:10)	Rate (Rs./ Unit)	Amount required to be paid (Rs.)	Amount paid already (Rs.)	Balance amount required to be paid now (Rs.)
527 (0.76 ha)	OM attached PCCF (HoFF) OM dated 19-04-2021.	90,09,000.00	0.00	90,09,000.00

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department

1. Location of the area (map with DGPS coordinates) identified for raising the plantations shall be furnished along with compliance report.
 2. The Wildlife Mitigation Plan as approved by the PCCF, Wildlife and Chief Wildlife Warden shall be implemented at the cost of User Agency.
 3. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
 4. The KML file of the area diverted and CA plantation (ten times no. of trees to be felled) shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.
 5. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
 6. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof.
 7. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
 8. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.
- B. Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged.
2. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
3. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.
4. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
5. The total forest area utilized for the project shall not exceed 0.76 ha.
6. No labour camp shall be established on the forest land.

7. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
8. The forest land shall not be used for any purpose other than that specified in the project proposal.
9. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
10. No damage to the flora and fauna of the adjoining area shall be caused.
11. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
12. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
13. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year.
14. The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Procedure of payment: This Demand Notice is to be uploaded on FC web portal (www.parivesh.nic.in) for acceptance by the Nodal Officer. After acceptance by the Nodal Officer, a challan should be generated from the web portal for payment to the account mentioned in the challan. The Transaction details should be quoted by the User Agency in the condition-wise 'Compliance Report' submitted for Stage-II approval. Payment made by any mode than that mentioned above will not be considered as compliance.

Place: Honavar

Date: 16-02-2022


Deputy Conservator of Forests,
Honavar Division, Honavar.

- Copy submitted to the Principal Chief Conservator of Forests, (Forest Conservation) & Nodal Officer, (FCA) Arnaya Bhavan, 18th cross, Malleshwaram, Bangalore for kind information.
- Copy submitted to the Chief Conservator of Forests, Kanara Circle, and Sirsi for kind information.
- Copy to the Assistant Conservator of Forests, Sub division Honavar and Range Forest Officer, Honavar for information.



OFFICE OF THE DEPUTY COMMISSIONER OF FORESTRY, HAWAII DIVISION

11-20-2010

hawaii@hawaii.gov

Handwritten notes and signatures in the top left corner.

Main body of handwritten text, likely a report or memo, containing several paragraphs.

Additional handwritten text, possibly a continuation of the report or a separate note.

Table with 5 columns: Name, Title, Position, Location, and Date. The text is mirrored and difficult to read.

Name	Title	Position	Location	Date
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]

Handwritten notes or signatures at the bottom right of the page.

Emblem**Office of the Deputy Conservator of Forests, Honnavar Division,****Honnavar-581334****Phone 08387-295236****Email :dcf.honnavar@gmail.com**

No.B2 GFL/FC/CR-20/2020-21

Dt 03-06-2022

To

The Assistant Executive Engineer,
Port Sub Division,
Honnavar

Sir,

Subject : Diversion of 0.76 hectare of forest land in F.Sy.No.233 and 237 of Kasarkod village, Honnavar Taluk, Uttara Kannada District for Approach Road from NH66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Department, Honnavar.

Proposal No.FP/KA/ROAD/41625/2019

Reference : 1. Central Government Letter No.F.No.04/KRB/1275/BAN/1298,

Dt 22-01-2022. (Stage 1 Approval)

2. Your Office Letter No.Sa.Ka.Ni.Eng /Ban.Vu.Vi. Ho/ HPPL /
2022 -23/33 Dt 20-05-2022.

For 0.76 Hectare of Forest land for construction of road in F.Sy.No.233 and 237 of Kasarkod of Kasarkod village of Honnavar Taluk, Uttara Kannada District the Central Government has given (stage 1) approval in principle. But in a letter at reference(5), you have requested to cut the trees in the said area for commencement of the work. As mentioned in condition of the approval in

principle (Stage-1), if DD from Nationalized Bank for an amount mentioned hereunder is drawn in the designation of the Deputy Conservator of Forest and submitted, further action will be taken.

Condition No.8

04. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.

Name of the Species	No of Trees	Timber (Cum)	Extraction cost per cum Rs	Amount required to be paid (Rs)	Amount paid already (Rs)	Balance amount required to be paid now(Rs)
Casuarina	522	53.725	1395.00	74946.00	0.00	74946.00
Acacia	5	0.550	1396.00	768.00	0.00	768.00
					Total	75714.00

Sd/-

Deputy Conservator of Forests
Honnavar Division, Honnavar

"Certified that this is the True English Translation of Letter in Kannada"

K.V. Renuka Murthy
K.V. RENUKA MURTHY
 Advocate
 Shop No.19, Ground Ramp Floor, Building No.392,
 A.S.V.N.V. Sangha Commercial Complex,
 Opp. to State Bank of Mysore Head Office,
 Kempegowda Road, Bangalore-5C1009



ಕರ್ನಾಟಕ ಸರ್ಕಾರ, ಕರ್ನಾಟಕ, ಹೊನ್ನಾವರ ವಿಭಾಗೀಯ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ

ಬೆಂಗಳೂರು, ಕರ್ನಾಟಕ

ಪಿ.ಒ. ನಂ. 11 02 51134

OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER

PORT SUB DIVISION - HONNAVAR UTTARA

KANNADA - 51134

ಆವಳಿ (e-mail) aeeputtd@gmail.com

NO.AEE/PSDH/HPPL/2022-23/243

Date: 29/06/2022

To:
The Deputy Conservator of Forests,
Honnavar Division,
Honnavar

Dear Sir,

- Sub:** Diversion of 0.76 hectare of forest land in Kasarkod Village, Taluk No.233/2/237 Manki Hobali, Honnavar Taluk Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division, Honnavar Reg.
- Ref:**
1. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/AS2K(GFL)/A7/2019 FC Dated: 04/05.10.2021
 2. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No. B2/GFL/FC/CR-20/2020-21 Dated: 27/10/2021.
 3. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2020-21/166 Date: 06-11-2021.
 4. Additional Inspector General of Forest, Bangalore letter no. TNO 4 KRB1275/2021-BAN/1298 Dated: 20-01-2022.
 5. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/AS2K (GFL)/47/2019 FC Dated: 08.02.2022.
 6. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2021-22/244, Date: 17-02-2022.
 7. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No. B2/GFL/FC/CR-20/2020-21 Dated: 16/02/2022 (22.02.2022).
 8. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2021-22/253 Date: 24-02-2022.
 9. Director of Ports & IWT, Karwar Letter No. PIW1-62/LND-II/2010, Dated: 03.03.2022.
 10. Director of Ports & IWT, Karwar Letter No. KMB/CR-05/LND-II/2019-20, Dated: 29.03.2022.
 11. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No. B2/GFL/FC/CR-20/2020-21 Dated: 03/06/2022.
 12. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2022-23/043, Date: 06-06-2022.

13 Deputy Conservator Of Forest, Honnavar Division, Honnavar letter
No. 02/GFL/FC/CR-20/2020-21 Dated: 17/06/2022

With reference to the above, as per the demand notice by the Deputy Conservator of Forest, Honnavar for to make the payments after stage - 1 approval vide letter under ref (1), the Net Present Value and the cost of raising plantation of Rs. 1,02,71,800/- is paid to CAMPA account through RTGS for necessary action in the matter.

Further, the observations raised under reference (7) is compiled and uploaded on the IC online web portal. Hard copies are enclosed herewith for necessary action in the matter is requested.

Thanks for favour of information and further needful action in the matter.

Yours Faithfully,

Encl. As above

Assistant Executive Engineer
Port Sub Division, Honnavar &
Nodal Officer, Honnavar

- 1. Copy submitted to The Director, Ports & Inland Water Transport Department, Karwar for favour of information in the matter.
- 2. Copy submitted to The Port Engineer, Directorate of Ports and Inland Water Transport, Karwar & Litigation Conducting Officer, Karwar for favour of information in the matter.
- 3. Copy submitted to the Range Forest Officer, Honnavar for information in the matter.

Assistant Executive Engineer
Port Sub Division, Honnavar &
Nodal Officer, Honnavar

6/7/22

*for [unclear] 6/7/22
[unclear] [unclear] [unclear]
[unclear] [unclear] (on [unclear])*

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

(ಮೂಲಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಂಚೆನಿಯರ ಕಚೇರಿ,
ಬಂದರು ಉಪವಿಭಾಗ, ಹೊನ್ನಾವರ
ಉತ್ತರಕನ್ನಡ ಜಿಲ್ಲೆ -581 334

OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
PORT SUB DIVISION, HONNAVAR.
UTTARA KANNA - 581 334

ಇ-ಮೇಲ್ (e-mail) aeepsdh@gmail.com

ಕ್ರ. ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23 / 79

ದಿನಾಂಕ: 20-07-2022

ರಿಗೆ:

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು.

ಹೊನ್ನಾವರ ವಿಭಾಗ.

ಹೊನ್ನಾವರ.

ಮಾನ್ಯರೇ:

ವಿಷಯ:

Diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy.No.233 & 237 MankiHoball, Honnavar Taluk Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH -66 to Kasarkod side of Honnavar Port in favour of the Assitant Executive Engineer, Port and inland Water Transport Department, Port Sub Division, Honnavar Reg.

ಉಲ್ಲೇಖ:

1. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No. KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 04/05.10.2021
2. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated : 27/10/2021.
3. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2020-21/166-Date: 06-11-2021.
4. Additional Inspector General of Forests, Bangalore Letter No: FNO.4-KRB1275/2021-BAN/1298 Dated 20-01-2022.
5. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 08-02-2022.
6. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2021-22/244 Dated 17.02.2022.
7. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated : 16-02-2022. (22.02.2022).
8. ನಿರ್ದೇಶಕರು, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಕಾರವಾರ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-02/2019-20 ದಿನಾಂಕ: 29.03.2022
9. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/02 ದಿನಾಂಕ: 06.04.2022
10. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/07 ದಿನಾಂಕ: 07.04.2022
11. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/25 ದಿನಾಂಕ: 20.07.2022
12. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/29 ದಿನಾಂಕ: 07.05.2022
13. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/33 ದಿನಾಂಕ: 11.05.2022
14. ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಹೊನ್ನಾವರ ರವರ ಪತ್ರ ಸಂ. ಬಿ2/ಜಿಎಚ್ ಎಲ್ /ಎಚ್ ಸಿ/ಸಿಆರ್ -20/2020-21 ದಿನಾಂಕ: 03.06.2022
15. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿಪಿಎಲ್/2022-23/43 ದಿನಾಂಕ: 06.06.2022

16. ನಿರ್ದೇಶಕರು ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲನಾರಿಗೆ ಇಲಾಖೆ ಕಾರವಾರ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-02/2019-20 ದಿನಾಂಕ: 19.07.2022

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಹೊನ್ನಾವರ ತಾಲ್ಲೂಕಿನ ಕಾಸರಕೋಡ ಗ್ರಾಮದ ಕಾಸರಕೋಡ ಅನಂ. 233 ಮತ್ತು 237 ರಲ್ಲಿ ರಸ್ತೆ ನಿರ್ಮಾಣಕ್ಕಾಗಿ 0.76 ಹೆಕ್ಟೇರ್ ಅರಣ್ಯ ಭೂಮಿಯನ್ನು ನೀಡಲು ಕೆಂದ್ರ ಸರ್ಕಾರವು ಸ್ವೇಚ್ಛೆ - 1 ಅನುಮೋದನೆ ಆದೇಶ ನೀಡಿದ್ದು ಸದರಿ ಸ್ಥಳದಲ್ಲಿರುವ ಮರಗಳನ್ನು ಕಟಾಡಬೇಕೆಂದು ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ಅನುವು ಮಾಡಿಕೊಡಲು ವಿನಂತಿಸಿದ್ದು ಇರುತ್ತದೆ. ಆದರೆ ತಮ್ಮ ಕಚೇರಿ ಉಲ್ಲೇಖಿತ ಪತ್ರ (14) ರಲ್ಲಿ ಸ್ವೇಚ್ಛೆ - 1 ಅನುಮೋದನೆ ಷರತ್ತಿನಲ್ಲಿ ನಮೂದಿಸಿದಂತೆ ರೂ. 75,714.00 ಮೊತ್ತದ ರಾಷ್ಟ್ರೀಕೃತ ಬ್ಯಾಂಕಿನ ಡಿ.ಡಿ ಯನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ರವರ ಪದನಾಮದಲ್ಲಿ ತೆಗೆದು ಸಲ್ಲಿಸಲು ತಿಳಿಸಿದ್ದು ಇರುತ್ತದೆ. ಅಂತೆಯೇ ಸದರಿ ಮೊತ್ತವನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ರವರ ಪದನಾಮದಲ್ಲಿ ಡಿ.ಡಿ ಸಂ. 129982 ದಿನಾಂಕ: 18.07.2022 ರಂತೆ ತೆಗೆಯಲಾಗಿದ್ದು ಡಿ.ಡಿ ಯ ಮೂಲ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಕೋರಿ ಸಲ್ಲಿಸಿದೆ. ಇದನ್ನು ಸ್ವೀಕರಿಸಿದ ಕುರಿತು ಸ್ವೀಕೃತಿ ಪತ್ರ ನೀಡಲು ವಿನಂತಿಸಲಾಗಿದೆ.

ಇದನ್ನು ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ವಿನಂತಿಸಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ಅಡಕ ಮೇಲಿನಂತೆ

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು,

ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ.

- ಪ್ರತಿಯನ್ನು
1. ನಿರ್ದೇಶಕರು, ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲನಾರಿಗೆ ಇಲಾಖೆ, ಕಾರವಾರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
 2. ಬಂದರು ಇಂಜಿನಿಯರ್, ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲನಾರಿಗೆ ಇಲಾಖೆ, ಕಚೇರಿ ಕಾರವಾರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 3. ಬಂದರು ಅಧಿಕಾರಿ, ಹೊನ್ನಾವರ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 4. ವಲಯ ಅರಣ್ಯಾಧಿಕಾರಿಗಳು, ಹೊನ್ನಾವರ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 5. ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು, ಹೆಚ್ ಪಿ ಪಿ ಬಿಲ್, ಹೊನ್ನಾವರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದೆ.

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು,

ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

(ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

ಕ್ರ.ಸಂ ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-2/2019-20
ನೋಂದಾಯಿತ ಅಂಚೆ ಸ್ವೀಕೃತಿ ಮೂಲಕಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ
ನಿರ್ದೇಶನಾಲಯ ಬೃ.ತಖೋಲ್, ಕಾರವಾರ
ದಿನಾಂಕ: 19.07.2022.

ರಿಗೆ,

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್,
ಬಂದರು ಉಪ ವಿಭಾಗ,
ಹೊನ್ನಾವರ.

ಮಾನ್ಯರೇ,

ವಿಷಯ:- Four laning with paved Shoulders of Honnavar Port Connectivity road from Km 0.00 (Kasarkod side of Honnavar Port) to Km 2.580 (towards NH-66) connecting Honnavar Port with NH-66 at KM 195-986 and to improve NH-66 from Km 195.00 to Km197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-I-Memorandum of Inventory-Appointed date-reg.

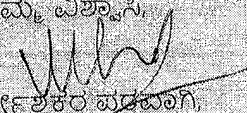
ಉಲ್ಲೇಖ:-

1. ನಿಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಕಾನಿಇಂ / ಬಂಉವಿಹೂ / ಹೆಚ್‌ಪಿಪಿಎಲ್ / 2022-23 / 43. ದಿನಾಂಕ: 06.06.2022.
2. ಈ ಕಛೇರಿಯ ಮೇಲಿನದೆ ಸಮ ಸಂಖ್ಯೆಯ ಪತ್ರ ದಿನಾಂಕ: 27.06.2022.
3. ಮೆ|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರೊ. ಲಿ. ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: HPPL/RD/2022/0030. ದಿನಾಂಕ: 28.06.2022.
4. ಈ ಕಛೇರಿಯ ಲೆಕ್ಕ ಪತ್ರ ವಿಭಾಗದ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಜಮಂ-03/ಲೆಕ್ಕಪತ್ರ-1/2022-23. ದಿನಾಂಕ: 18.07.2022.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮೆ|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರೊ. ಲಿ. ಇವರು ತಮ್ಮ ಉದ್ದೇಶಿತ ಬಂದರು ಯೋಜನೆಯ ಸ್ಥಳಕ್ಕೆ ಸರಕುಗಳನ್ನು ಸಾಗಿಸಲು ಅನುಕೂಲವಾಗುವಂತೆ ಭಾರತಮಾಲಾ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ 66 ರಿಂದ ಬಂದರು ಯೋಜನಾ ಸ್ಥಳದವರೆಗೆ ಕೈಗೊಳ್ಳಲಿರುವ ರಸ್ತೆ ಕಾಮಗಾರಿಯ ನಿಮಿತ್ತ ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ಪಡೆಯಬೇಕಾದ 0.76 ಹೆಕ್ಟೇರ್ ಭೂಮಿಯ 2 ನೇ ಹಾಗೂ ಅಂತಿಮ ಹಂತದ ಅನುಮೋದನೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಅರಣ್ಯ ಇಲಾಖೆಯ ಕೋರಿಕೆಯಂತೆ ಮರು ಅರಣ್ಯೀಕರಣದ ಕುರಿತು ರೂ.76,094/- (D.D ಮೊತ್ತ ಸೇರಿ) ಮೊತ್ತವನ್ನು ಮೆ|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರೊ. ಲಿ. ಇವರು ಈಗಾಗಲೇ ಕರ್ನಾಟಕ ಜಲಸಾರಿಗೆ ಮಂಡಳಿಯ ಖಾತೆಗೆ ಬೇಡಿಕೆ ಹುಂಡಿ ಸಂಖ್ಯೆ: 665844 ದಿನಾಂಕ: 28.06.2022 ರಂತೆ ಜಮಾ ಮಾಡಲಾಗಿರುತ್ತದೆ. (ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ).

ಸದ್ಯ ಮೊತ್ತವನ್ನು ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಬೇಡಿಕೆ ಹುಂಡಿ ಮುಖಾಂತರ ಖಾತೆಸಬೇಕಾಗಿರುವುದರಿಂದ, ಸದ್ಯ ಬೇಡಿಕೆ ಹುಂಡಿಯನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ಇವರ ಪದನಾಮದಲ್ಲಿ, ಬೇಡಿಕೆ ಹುಂಡಿ ಸಂಖ್ಯೆ: 129982 ದಿನಾಂಕ: 18.07.2022 ರಂತೆ ತೆಗೆಯಲಾಗಿದ್ದು, ಬೇಡಿಕೆ ಹುಂಡಿಯ ಮೂಲ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ಕಾರಣ ಸಂಪರ್ಕ ರಸ್ತೆಯ ಕುರಿತು ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ಅರಣ್ಯ ಭೂಮಿ ವರ್ಗಾವಣೆಯ 2ನೇ ಹಂತದ ಅನುಮೋದನೆಯನ್ನು ಪಡೆಯುವ ಬಗ್ಗೆ ಮುಂದಿನ ಶೀಘ್ರ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳುವಂತೆ ನಿಮಗೆ ಸೂಚಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ


ನಿರ್ದೇಶಕರ ಪದವಾಗಿ,
ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ,
ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ
ಇಲಾಖೆ, ಕಾರವಾರ.

ಅಡಕ: ಮೇಲಿನಂತೆ.

ಪ್ರತಿ. ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು, ಮೆ|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರೊ. ಲಿ., ಹೊನ್ನಾವರ ಇವರಿಗೆ
ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.

Tele No. 08382-221494

Web site: www.karnatakaports.org

HPPL Kan 19/ 2022

Fax: 08382-228918

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Government of Karnataka
(Infrastructure Development, Port and
Inland Water Transport Department)

Office of the Assistant Executive
Engineer, Port Sub Division, Honnavar,
Uttara Kannada-581334.
Email aeeepsdh@gmail.com

No.Sa.Ka.Ni/In/Bam.Vu.Vi.Ho/HPPL/2022-23/79 Dt 20-07-2022

To

The Deputy Conservator of Forests,
Honnavar Division,
Honnavar

Subject : Diversion of 0.76 hectare of forest land in Kasarkod village F.Sy.No.233 & 237 Mankihobali, Honnavar Taluk , Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division, Honnavar -reg.

- Reference :**
1. Principal Chief Conservator of Forests(Forest Conservation) and Nodal Officer(FCA), Bangalore E-Office File No.KFD /HOFF / AS2K(GFL) /47 /2019-FC Dated 04/05-10-2021.
 2. Deputy Conservator of Forest, Honnavar Division, Honnavar letter No.B2/GFL/FC/CR-20/2020-21 Dated 27/10/2021.
 3. Assistant Executive Engineer, Port Sub Division& Nodal Officer, Honnavar Letter No.AEE/PSDH/HPPL/2020-21/166 Date 06-11-2021

4. Additional Inspector General of Forests, Bangalore Letter No: FNO-4KRB1275/2021-BAN/1298 Dated 20-01-2022.
5. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA), Bangalore E-Office file No. KFD/HOFF/A52K(GFL)/47/2019-FC Dated 08-02-2022.
6. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No.AEE/PSDH/HPPL/2021-22/244 Dated 17.02.2022.
7. Deputy Conservator of Forest, Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated 16-02-2022 (22.02.2022)
8. Letter No.Ka.Ja.Man/CR-05/Bhoomi-02/2019-20 Dt 29-03-2022 of the Director, Port and Inland Water Transport Department, Karwar.
9. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/02 Dt 06-04-2022.
10. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/07 Dt 07-04-2022.
11. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/25 Dt 20-07-2022.
12. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/29 Dt 07-05-2022.
13. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/33 Dt 11-05-2022.
14. Letter No.B2/GFL/FC/CR-20/2020-21, Dt 03-06-2022 of the Deputy Conservator of Forests, Honnavar.

15. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/43 Dt 06-06-2022.
16. Letter No.Ka.Ja.Man/CR-05/Bhoomi-02/2019-20 Dt 19-07-2022 of the Director, Port and Inland Water Transport Department, Karwar.

With reference to the above subject, the Central Government has accorded stage-1 approval order to give 0.76 Hectare Forest land for construction of road in Kasarkod F.Sy.No.233 and 237 of Kasarkod village, Honnavar Taluk, Uttara Kannada District and have requested to pave way for commencement of work by cutting the trees in the said places. But in your office letter at reference(14), it was informed to draw DD of a Nationalised Bank for Rs75,714-00 amount as mentioned in Stage-1 condition in the Designation of Deputy Conservator of Forests, Honnavar. Accordingly for the said amount DD No.129982 Dt 18-07-2022 has been drawn in the Designation of the Deputy Conservator of Forests, Honnavar and the original DD is enclosed to this letter and submitted requesting for further action. It is requested to issue Acknowledgment for having received the same.

This is submitted for your information and requesting for further suitable action.

Yours Sincerely,

Sd/-

**Assistant Executive Engineer,
Port Sub Division, Honnavar**


Enclosure : as above

Copy :

1. The Director, Infrastructure Development, Port and Inland Water Transport Department, Karwar-for information.
2. The Port Engineer, Office of the Infrastructure Development, Port and Inland Water Transport Department, Karwar-for information:
3. The Port Officer, Honnavar-for information.
4. Range Forest Officer, Honnavar-for information.
5. The Principal Manager, HPPL, Honnavar-for information and suitable action.

Sd/-
Assistant Executive Engineer,
Port Sub Division, Honnavar

"Certified that this is the True English Translation of Letter in Kannada"


K.V. RENUKA MURTHY
Advocate
Shop No.19, Ground Ramp Floor, Building No.3972,
A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kempegowda Road, Bangalore-56009

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

(ಮೂಲಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ ಕಛೇರಿ, ಬಂದರು ಉಪವಿಭಾಗ, ಹೊನ್ನಾವರ ಉತ್ತರಕನ್ನಡ ಜಿಲ್ಲೆ - 581 334	OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER PORT SUB DIVISION, HONNAVAR. UTTARA KANNDA - 581 334
ಇ-ಮೇಲ್ (e-mail) aeepsdh@gmail.com	

ಕ್ರ.ಸಂ.ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23 / 79

ದಿನಾಂಕ: 20-07-2022

ರಿಗೆ:

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು

ಹೊನ್ನಾವರ ವಿಭಾಗ

ಹೊನ್ನಾವರ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: Diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy.No.233 & 237 MankiHobali, HonnavarTalukUttara Kannada District (Honnavar Forest Division) for Approach Road from NH -66 to Kasarkod side of Honnavar Port in favour of the Assitant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division ,Honnavar-Reg.

- ಉಲ್ಲೇಖ:**
1. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 04/05.10.2021
 2. Deputy Conservator Of Forest, Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated : 27/10/2021.
 3. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2020-21/166 Date: 06-11-2021.
 4. Additional Inspector General of Forests, Bangalore Letter No: FNO 4-KRB1275/2021-BAN/1298 Dated 20-01-2022.
 5. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 08-02-2022.
 6. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2021-22/244 Dated 17-02-2022.
 7. Deputy Conservator Of Forest ,Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated : 16-02-2022. (22.02.2022).
 8. ನಿರ್ದೇಶಕರು, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಕಾರವಾರ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-02/2019-20 ದಿನಾಂಕ: 29.03.2022
 9. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/02 ದಿನಾಂಕ: 06.04.2022
 10. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/07 ದಿನಾಂಕ: 07.04.2022
 11. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/25 ದಿನಾಂಕ: 20.07.2022
 12. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/29 ದಿನಾಂಕ: 07.05.2022
 13. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/33 ದಿನಾಂಕ: 11.05.2022
 14. ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಹೊನ್ನಾವರ ರವರ ಪತ್ರ ಸಂ. ಬಿ2/ಜಿಎಫ್ ಎಲ್ /ಎಫ್ ಸಿ/ಸಿಆರ್ -20/2020-21 ದಿನಾಂಕ: 03.06.2022
 15. ಈ ಕಚೇರಿ ಪತ್ರ ಸಂ. ಸಕಾನಿಇಂ/ಬಂಉವಿಹೊ/ಹೆಚ್‌ಪಿವಿಎಲ್/2022-23/43 ದಿನಾಂಕ: 06.06.2022


16. ನಿರ್ದೇಶಕರು, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಕಾರವಾರ ರವರ ವತ್ರ ಸಂಖ್ಯೆ: ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-02/2019-20 ದಿನಾಂಕ: 19.07.2022

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಹೊನ್ನಾವರ ತಾಲ್ಲೂಕಿನ ಕಾಸರಕೋಡ ಗ್ರಾಮದ ಕಾಸರಕೋಡ ಅನಂ. 233 ಮತ್ತು 237 ರಲ್ಲಿ ರಸ್ತೆ ನಿರ್ಮಾಣಕ್ಕಾಗಿ 0.76 ಹೆಕ್ಟೇರ್ ಅರಣ್ಯ ಭೂಮಿಯನ್ನು ನೀಡಲು ಕೆಂದ್ರ ಸರ್ಕಾರವು ಸ್ಪೆಷ್ - 1 ಅನುಮೋದನೆ ಆದೇಶ ನೀಡಿದ್ದು ಸದರಿ ಸ್ಥಳದಲ್ಲಿರುವ ಮರಗಳನ್ನು ಕಟಾವಹೆಗೊಳಿಸಿ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ಅನುವು ಮಾಡಿಕೊಡಲು ವಿನಂತಿಸಿದ್ದು ಇರುತ್ತದೆ. ಆದರೆ ತಮ್ಮ ಕಚೇರಿ ಉಲ್ಲೇಖಿತ ಪತ್ರ (14) ರಲ್ಲಿ ಸ್ಪೆಷ್ - 1 ಅನುಮೋದನೆ ಷರತ್ತಿನಲ್ಲಿ ನಮೂದಿಸಿದಂತೆ ರೂ. 75,714.00 ಮೊತ್ತದ ರಾಷ್ಟ್ರೀಕೃತ ಬ್ಯಾಂಕಿನ ಡಿ.ಡಿ ಯನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ರವರ ಪದನಾಮದಲ್ಲಿ ತೆಗೆದು ಸಲ್ಲಿಸಲು ತಿಳಿಸಿದ್ದು ಇರುತ್ತದೆ. ಅಂತೆಯೇ ಸದರಿ ಮೊತ್ತವನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ರವರ ಪದನಾಮದಲ್ಲಿ ಡಿ.ಡಿ ಸಂ: 129982 ದಿನಾಂಕ: 18.07.2022 ರಂತೆ ತೆಗೆಯಲಾಗಿದ್ದು, ಡಿ.ಡಿ ಯ ಮೂಲ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗೇಕರಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಕೋರಿ ಸಲ್ಲಿಸಿದೆ. ಇದನ್ನು ಸ್ವೀಕರಿಸಿದ ಕುರಿತು ಸ್ವೀಕೃತಿ ಪತ್ರ ನೀಡಲು ವಿನಂತಿಸಲಾಗಿದೆ.

ಇದನ್ನು ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ವಿನಂತಿಸಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ಅಡಕ ಮೇಲಿನಂತೆ

ತಮ್ಮ ವಿಶ್ವಾಸಿ


ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು,

ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ.

- ಪ್ರತಿಯನ್ನು
1. ನಿರ್ದೇಶಕರು, ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಕಾರವಾರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
 2. ಬಂದರು ಇಂಜಿನಿಯರ್, ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಕಚೇರಿ ಕಾರವಾರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 3. ಬಂದರು ಅಧಿಕಾರಿ, ಹೊನ್ನಾವರ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 4. ವಲಯ ಅರಣ್ಯಾಧಿಕಾರಿಗಳು, ಹೊನ್ನಾವರ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
 5. ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು, ಹೆಚ್ ಪಿ ಡಿ ಎಲ್, ಹೊನ್ನಾವರ ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದೆ.


ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು,

ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

(ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

ಕ್ರ.ಸಂ.ಕಜಮಂ/ಸಿಆರ್-05/ಭೂಮಿ-2/2019-20
ನೋಂದಾಯಿತ ಅಂಚೆ ಸ್ವೀಕೃತಿ ಮೂಲಕಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ
ನಿರ್ದೇಶನಾಲಯ ಬೈತಖೋಲ್, ಕಾರವಾರ
ದಿನಾಂಕ: 19.07.2022

ರಿಗೆ,

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್,
ಬಂದರು ಉಪ ವಿಭಾಗ,
ಹೊನ್ನಾವರ.

ಮಾನ್ಯರೇ,

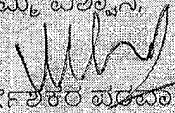
ವಿಷಯ:- Four laning with paved Shoulders of Honnavar Port Connectivity road from Km 0.00 (Kasarkod side of Honnavar Port) to Km 2.580 (towards NH-66) connecting Honnavar Port with NH-66 at KM 195.986 and to improve NH-66 from Km 195.00 to Km 197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-I-Memorandum of Inventory-Appointed date-reg.

- ಉಲ್ಲೇಖ:-**
1. ನಿಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಕಾನಿಇಂ / ಬಂಉವಿಹೊ / ಹೆಚ್‌ಪಿಪಿವಲ್ / 2022-23 / 43. ದಿನಾಂಕ: 06.06.2022.
 2. ಈ ಕಛೇರಿಯ ಮೇಲಿನದ ಸಮ ಸಂಖ್ಯೆಯ ಪತ್ರ ದಿನಾಂಕ: 27.06.2022.
 3. ಮು|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರಾ. ಲಿ., ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: HPPL/RD/2022/0030. ದಿನಾಂಕ: 28.06.2022.
 4. ಈ ಕಛೇರಿಯ ಲೆಕ್ಕ ಪತ್ರ ವಿಭಾಗದ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಜಮಂ-03/ಲೆಕ್ಕಪತ್ರ-1/2022-23. ದಿನಾಂಕ: 18.07.2022.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮು|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರಾ. ಲಿ., ಇವರು ತಮ್ಮ ಉದ್ದೇಶಿತ ಬಂದರು ಯೋಜನೆಯ ಸ್ಥಳಕ್ಕೆ ಸರಕುಗಳನ್ನು ಸಾಗಿಸಲು ಅನುಕೂಲವಾಗುವಂತೆ ಭಾರತಮಾಲಾ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ 66 ರಿಂದ ಬಂದರು ಯೋಜನಾ ಸ್ಥಳದವರೆಗೆ ಕೈಗೊಳ್ಳಲಿರುವ ರಸ್ತೆ ಕಾಮಗಾರಿಯ ನಿಮಿತ್ತ ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ಪಡೆಯಬೇಕಾದ 0.76 ಹೆಕ್ಟಾರ್ ಭೂಮಿಯ 2 ನೇ ಹಾಗೂ ಅಂತಿಮ ಹಂತದ ಅನುಮೋದನೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಅರಣ್ಯ ಇಲಾಖೆಯ ಕೋರಿಕೆಯಂತೆ ಮರು ಅರಣ್ಯೀಕರಣದ ಕುರಿತು ರೂ.76,094/- (D.D ಮೊತ್ತ ಸೇರಿ) ಮೊತ್ತವನ್ನು ಮು|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರಾ. ಲಿ., ಇವರು ಈಗಾಗಲೇ ಕರ್ನಾಟಕ ಜಲಸಾರಿಗೆ ಮಂಡಳಿಯ ಖಾತೆಗೆ ಬೇಡಿಕೆ ಹುಂಡಿ ಸಂಖ್ಯೆ: 665844 ದಿನಾಂಕ: 28.06.2022 ರಂತೆ ಜಮೆ ಮಾಡಲಾಗಿರುತ್ತದೆ. (ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ).

ಸದ್ಯ ಮೊತ್ತವನ್ನು ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಬೇಡಿಕೆ ಹುಂಡಿ ಮುಖಾಂತರ ಪಾವತಿಸಬೇಕಾಗಿರುವುದರಿಂದ, ಸದ್ಯ ಬೇಡಿಕೆ ಹುಂಡಿಯನ್ನು ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಹೊನ್ನಾವರ ಇವರ ಪದನಾಮದಲ್ಲಿ ಬೇಡಿಕೆ ಹುಂಡಿ ಸಂಖ್ಯೆ: 129982 ದಿನಾಂಕ: 18.07.2022 ರಂತೆ ತೆಗೆಯಲಾಗಿದ್ದು, ಬೇಡಿಕೆ ಹುಂಡಿಯ ಮೂಲ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ಕಾರಣ ಸಂಪರ್ಕ ರಸ್ತೆಯ ಕುರಿತು ಅರಣ್ಯ ಇಲಾಖೆಯಿಂದ ಅರಣ್ಯ ಭೂಮಿ ವರ್ಗಾವಣೆಯ 2ನೇ ಹಂತದ ಅನುಮೋದನೆಯನ್ನು ಪಡೆಯುವ ಬಗ್ಗೆ ಮುಂದಿನ ಶೀಘ್ರ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳುವಂತೆ ನಿಮಗೆ ಸೂಚಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,


ನಿರ್ದೇಶಕರ ಪದವಾಗಿ,
ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ,
ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ
ಇಲಾಖೆ, ಕಾರವಾರ

ಅಡಕ ಮೇಲಿನಂತೆ

ಪ್ರತಿ ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು, ಮು|| ಹೊನ್ನಾವರ ಪೋರ್ಟ್ ಪ್ರಾ. ಲಿ., ಹೊನ್ನಾವರ ಇವರಿಗೆ
ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.

Tele No.08382-221494

Web site: www.karnatakaports.org

HPPL/Kar/19/2022

Fax: 08382-228918

E-mail: directoratep@gmail.com

Government of Karnataka
(Infrastructure Development, Port and
Inland Water Transport Department)

No.Ka.Ja.Man/CR-05/Bhoomi-2/2019-20
By Registered Post : Acknowledgement
Due

Directorate of Port and
and Inland Water Transport,
Baithakol, Karwar
Date :19-07-2022

To

The Assistant Executive Engineer,
Port Sub Division,
Honnavar

Sir,

Subject : Four laning with paved shoulders of Honnavar Port connectivity road from Km0.00(Kasarkod side of Honnavar Port) to Km2.580(towards NH-66) connecting Honnavar Port with NH-66 at Km 195.986 and to improve NH-66 from Km195.00 to Km 197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-I Memorandum of Inventory-Appointed date-reg.

Reference : 1. Your Letter No.Sa.Ka.Ni.Eng/Ban.Vu.Vi.Ho/HPPL/2022-23/43

Dt 06-06-2022.

2. This office letter Dt 27-06-2022 of the even number as above.

3.Letter No.HPPL/RD/2022/0030 Dt 28-06-2022 of the
M/s Honnavar Port Pvt.Ltd.

4. This office Account-Section Letter No.Ka.Ja.Man-03/ Lekka
patra-I /2022-23 Dt 18-07-2022.

With reference to the abovesaid subject, to pave way for transportation of materials to the proposed port project of M/s Honnavar Port Pvt. Ltd by them for the work that will be taken up to the port project area from National Highway-66 under the Bharatmala Scheme, for obtaining 2nd and Final approval for 0.76 Hectare land from the Forest Department, as per the request of the Forest Department, regarding Reforestation M/s Honnavar Port Pvt. Ltd has already paid an amount of Rs76,094/- (including DD amount) to the Account of the Karnataka Water Transport Board by DD No.665844 Dt.28-06-2022 (Copy enclosed).

As the said amount has to be paid to the Forest Department by way of Demand Draft, a DD has been drawn in the Designation of the Deputy Conservator of Forests, Honnavar vide No.129982, Dt 18-07-2022 and the original Demand Draft is enclosed to this letter. Hence you have been instructed to take immediate further action regarding obtaining 2nd stage approval of Forest Land transfer from the Forest Department regarding approach road.

Yours Sincerely

Sd/-

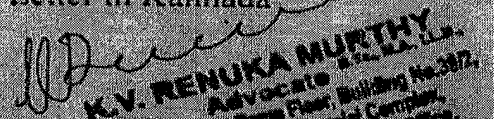
For Director
Infrastructure Development
Port and Inland Water
Transport Department
Karwar

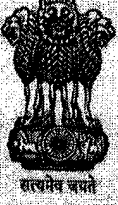
Enclosure as above

Copy:

The Principal Manager, M/s Honnavar Port Pvt. Ltd, Honnavar-For information and further suitable action.

"Certified that this is the True English Translation of Letter in Kannada"


K.V. RENUKA MURTHY
Advocate
Shop No.18, Ground Floor, Building No.387,
A.S.V.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Karnagunda Road, Bangalore-560003



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

क्षेत्रीय कार्यालय (दक्षिण वलय)
Regional Office (Southern Zone)

केन्द्रीय सदन, चौथा तल, ई और एफ विंग, 17 वीं मेन रोड, दूसरा ब्लॉक, कोरामंगला, बेंगलूरु - 560 034
Kendriya Sadan, IVth Floor, E & F Wings, 17th Main Road, II Block, Koramangala, Bengaluru - 560 034.
फैक्स Fax : 080-25537184 ई मेल E-mail : roszbng-mef@nic.in



No: EP/12.1/SEIAA/2012-13/144/KAR /43

Date: 29-5-2024

To
Shri G. Raghavendra Reddy,
Executive Director,
M/s Honnavar Port Pvt Ltd., No. 103, Lalehzar Apartment, 45/1-2,
Palace Road, Bengaluru - 560 001

Sub: Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District by M/s Honnavar Port Pvt Ltd - Issue of Environmental Clearance - Reg

Ref: (1) EC No. SEIAA: 22: IND:2011 dated 21-09-2012, (2) EC No. SEIAA: 22: IND:2011 dated 01-07-2019 (3) EC No. SEIAA: 22: IND:2011 dated 20-09-2023

Sir,

This has reference to your letter dated 24-04-2024 requesting for the certified compliance report from this office for applying for EC extension.

In this regard, the aforementioned project was monitored on 08-05-2024 by this office to review the compliance status of conditions stipulated in the Environmental Clearance. Based on the observations made during the site visit and documents made available, the Certified Compliance Report (monitoring report) is enclosed for your information and taking necessary action.

(Dr. R. Sridhar)

Joint Director/ Scientist 'D'

डॉ. आर. श्रीधर / Dr. R. Sridhar

संयुक्त निदेशक/विज्ञानिक 'डी' / Joint Director / Scientist 'D'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

Government of India

क्षेत्रीय कार्यालय (दक्षिण वलय)

Regional Office (Southern Zone)

केन्द्रीय सदन, कोरामंगला, बेंगलूरु - 560034

Kendriya Sadan, Bengaluru - 560034.

Copy for information to:

1. The Member Secretary, State Level Environment Impact Assessment Authority (SEIAA)- Karnataka, Room No. 709, 7th Floor, 4th Gate, M.S. Building, Bengaluru- 560 001 Email: msseiaakarnataka@gmail.com
2. The Member Secretary, Karnataka State Pollution Control Board, "Parisara Bhavana", No #49, Church Street, Bengaluru - 560 001 Email: ms@kspcb.gov.in
3. Deputy Commissioner, Uttara Kannada District, Karwar, Pin- 581 301

Government of India
Ministry of Environment, Forest and Climate Change
Regional Office (SZ), Bengaluru – 34

MONITORING REPORT

PART - I

Name of the Project:	Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District by M/s Honnavar Port Pvt Ltd – Issue of Environmental Clearance - Reg
Clearance letter No. & date:	1) Environmental Clearance: No. SEIAA: 22: IND:2011 dated 21-09-2012 2) Validity Extension for three years: No. SEIAA: 22: IND:2011 dated 01-07-2019 3) Validity Extension up to 20th September 2024: No. SEIAA: 22: IND:2011 dated 20-09-2023
Location: District & State /UT	Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District
Address for correspondence:	Shri G. Raghavendra Reddy, Executive Director, M/s Honnavar Port Pvt Ltd., No. 103, Lalehzar Apartment, 45/1-2, Palace Road, Bengaluru. Email: reddy.porla@gmail.com
Date of site visit for this project:	08-05-2024
Date of previous visit (s) if any	-
Present Status of the Project:	<p>The project was monitored on 08-05-2024.</p> <p>Environmental Clearance: EC was granted by SEIAA Karnataka vide letter No. SEIAA:22: IND:2011 dated 21-09-2012 for Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka village, Honnavar Taluk, Uttar Kannada District.</p> <p>The PA has obtained EC validity extension up to 20th September 2024 from SEIAA Karnataka vide letter No. SEIAA: 22: IND:2011 dated 20-09-2023.</p> <p>Consent for Operation (CFO): The PA has obtained CFE from KSPCB, Bengaluru vide Order No. KSPCB/SEO (Non-EIA)/Honnavar Port/EIA/2012-13/1381 dated 06-02-2013. CFE obtained for the Ready-Mix Concrete (RMC) plant vide Order</p>



No. CTE-123047 dt 23/03/2023 is valid up to 22-03-2028. CFE extension was obtained vide Order No. PCB 185/Infra 2020/4003 dt. 25-10-2023 is valid up to 20-09-2024 i.e., up to validity of EC.

Activity proposed as per the EC dt 21-09-2012

In accordance with the EC granted, the PA has inter-alia proposed to develop the following activities:

1. Development of all weather barge/vessel loading facility at Coastal sand spit, Kasarkod Tonka Village, Honnavar Taluk, Uttara Kannada Dist.
2. Total land area requirement is 44 Ha
3. Coal stockyard area (7 ha)
4. Iron ore stockyard area (1.80 ha)
5. General cargo storage open area (4 ha)
6. General cargo storage closed area (2 ha)
7. Liquid cargo storage area (0.10 ha)
8. Roads and circulation area (8.15 ha)
9. Operation building area (0.05 ha)
10. Canteen area (0.02 ha)
11. Vehicle parking area (0.09 ha)
12. Substation area (0.02 ha)
13. Gate house/security/weigh bridge area (1.50ha)
14. Truck parking area (5.40 ha)
15. Fuel station area (0.02 ha)
16. Control tower area (0.01 ha)
17. Green belt area (3.10 ha)
18. Other operations area and future expansion are (6.72 ha)
19. Rock armour area approx. (4 ha)

Proposed Cargo handling capacity: In accordance with the EC granted, the PA has proposed the total capacity of cargo handling is 4.9 MTPA of which 2.70 MTPA of Coal; 1.00 MTPA of iron ore; General Cargo 1.20 MTPA i.e., Granite 0.16 MTPA; Fertilizer-0.2 MTPA; Molasses with agro products-0.15 MTPA; Steel Products -0.40 MTPA and Sugar -0.29 MTPA.

Proposed Break Water and Dredging: In order to maintain tranquillity in the harbour basin, the following activities were proposed by the PA:

[Handwritten signature]

1. Two break waters (Sothern Break water: 865 m and Northern Break water 820 m).
2. Berth of 440 m long and 30 m wide with back area of 44 ha. Dredging approach channel 100 m and depth of the channel inner (-) 10m). Turning circle (diameter of the turning circle -250 m, dredged to be depth of (-) 10 m). Estimated dredging quantity 3.9 million cum, estimated quantity proposed to be used for reclamation 1 million cum.

Activities completed by the PA and present status of the project as on 08-05-2024:

As per the information submitted by the PA, construction work started in Feb 2019 only, after obtaining EC in 2012. The project authority completed the following works so far and the port activity has not yet commenced. The construction work was stopped from the year 2022.

- 1) Approach Trestle No. 1 – Completed and Approach Trestle No.2-Completed 5 out of 17 piles(partially).
- 2) RMC plant setup.
- 3) Internal road work completed.
- 4) Installation of one weighbridge with a capacity of 100 tons

During the visit also, it was observed that no construction activity or dredging work was taking place.

The PA has submitted that due to court cases/litigations in the Hon'ble High Court of Karnataka (WP No. 4039 of 2021) and Hon'ble NGT (OA 76 of 2022) and public agitations, the project activities were stopped. The WP No. 4039 of 2021 was disposed of vide order dated 24th Nov 2021 and OA 76 of 2022 along with all IAs have also been disposed of vide order dt 26th Sep 2023.

The PA is now applying to SEIAA Karnataka for extension of EC validity as the EC validity is up to 20-9-2024. In this regard, the PA has requested a certified compliance report from the Regional Office to apply to the SEIAA Karnataka for EC validity extension. Based on this, the project was monitored on 08-05-2024 by this office. The compliance status of the conditions stipulated in the EC is outlined in **Part II**.

PART II

Based on the documents provided by the PA and observations made during the site visit, it was observed that currently no construction activity or dredging work was taking place. The port activity has not yet commenced. Construction work started in Feb 2019 only, after obtaining EC in 2012 and the construction work was stopped from the year 2022. The project authority completed the following works so far.

- 1) Approach Trestle No. 1 – Completed
- 2) Approach Trestle No.2-Completed 5 out of 17 piles(partially).
- 3) RMC plant setup.
- 4) Internal road work completed.
- 5) Installation of one weighbridge with a capacity of 100 tons

Since the PA has undertaken only around 5% of the total project work and project activity was stopped in 2022 with no dredging work started so far, the compliance status of most of the specific and general conditions relevant during the construction and operation phases of the project cannot be assessed at present.

The compliance status of some of the applicable conditions mentioned in the EC is given below.

Conditions No. (as per EC)	Conditions	Compliance Status
	Specific Conditions	
1	Consent for Establishment from the Karnataka State Pollution Control Board should be obtained before initiating the project.	<p>Complied</p> <p>The PA has obtained CFE from KSPCB, Bengaluru vide Order No. KSPCB/SEO (Non-EIA)/Honnavar Port/EIA/2012-13/1381 dated 06/02/2013. CFE obtained for the Ready-Mix Concrete (RMC) plant vide Order No. CTE-123047 dt 23/03/2023 is valid up to 22/03/2028.</p> <p>CFE extension was obtained vide Order No. PCB 185/Infra 2020/1003 dt. 25/10/2023 is valid up to 20/09/2024 i.e., up to validity of EC.</p>

Conditions No. (as per EC)	Conditions	Compliance Status
21	<p>All construction design/drawings relating to construction activities must have the approval of the concerned Departments/Agencies. Ground water should not be tapped for construction activities as the drawl of ground water for industrial use from the CRZ area is a prohibited activity. It should also be ensured that as a result of the proposed constructions, ingress of saline water into ground water does not take place.</p>	<p>Refer below</p> <p>The PA has noted this condition for compliance once construction work commences. Currently, no construction activity was taking place.</p> <p><u>During the visit, the PA has submitted the following details:</u></p> <p>The construction design/ drawings relating to two numbers of berths each of 220m length and 30m width has been approved by Director, Ports & IWT Karwar vide letter No. PIWT-62/LND-II/2010, Dated: 30/04/2015.</p> <p>However, approval to the design/drawings relating to Breakwater construction, dredging, reclamation, shore protection work, river bank protection works, cement concrete road, storage sheds, buildings etc will be taken from the competent authority of the Karnataka Maritime Board, Karwar.</p>
40	<p>A 3-tier avenue plantation using local species shall be developed along the main roads, and approach roads. In addition, green belt shall be developed using local species all along the periphery of the site, along the stockyards, which shall be properly maintained. Water sprinkling arrangements shall be established and functional</p>	<p>Being complied</p> <p>The green belt is being developed along the completed approach road.</p> <p>The PA has noted this condition for compliance. Currently, no construction/port activity was taking place. Port operation has not yet commenced.</p>

Conditions No. (as per EC)	Conditions	Compliance Status
	during transfer and loading of coal/iron ore.	
41	The Project authorities shall earmark at least 5% of the total cost of the project towards the future corporate social responsibility, including activities such as providing treated drinking water to Kasarkod, Tonka and Apsarakonda Villages by installing RO plants, provide educational and health facilities and undertake community development programs committed vide letter dated 27.08.2012 which are to be implemented with a budget not less than Rs. 1.5 Crores. Item-wise details along with time bound action plan shall be prepared and submitted to the Authority.	<p>Not complied</p> <p>No CSR activities have been undertaken by the PA.</p> <p>As stipulated, item-wise details along with time bound action plan have not been submitted to this office.</p> <p>Currently, no construction/port activity was taking place. Port operation has not yet commenced.</p>
	General Conditions	
1	A separate Environment Management Cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.	<p>Complied</p> <p>Environment Management Cell is in place for implementation of the stipulated environmental safeguards. Additionally, third party laboratory is doing the monitoring.</p>
9	Ambient air quality (RPM, SPM, SO ₂ , NO _x) should be regularly monitored as per the National Ambient Air Quality Emission Standards/Limits prescribed by the Ministry of Environment and Forests, Government of India, vide G.S.R. No. 826(E) dated 16th	<p>Complied</p> <p>Ambient air quality is monitored (through M/s Vision labs, Hyderabad recognized by MoEF&CC). Monitoring report for the period from July 2019 to March 2024 is submitted to SIEAA Karnataka and Regional Office of MoEF&CC</p>

Conditions No. (as per EC)	Conditions	Compliance Status
	November, 2009 and data submitted to the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka, Regional Director (Environment), Department of Environment and Ecology, Government of Karnataka, Karwar and the Regional Office, MoEF, Bangalore and the State Pollution Control Board / Central Pollution Control Board once in six months.	Bangalore.
14	The implementation of the project vis-à-vis environmental action plans shall be monitored by MoEF, Regional Office at Bangalore / KSPCB/ CPCB, the Department of Environment & Ecology, Bangalore and the Regional Director (Environment), Department of Ecology and Environment, Karwar. A six-monthly compliance status report shall be submitted to monitoring agencies.	Complied. Six months' compliance report by the Vision Labs Hyderabad is submitted to SEIAA Karnataka once in six months. Copy of the report for period from July 2019 to March 2024 is submitted to SIEAA Karnataka, Regional Office, MoEF&CC Bangalore.
15	The project proponent shall inform the public that the project has been accorded environmental clearance by the SEIAA and copies of the clearance letter are available with the KSPCB and may also be seen at Website of the State Ecology and Environment department at http://www.seiaa.kar.nic.in . This shall be advertised within	Refer below Copy of the newspaper advertisement for EC is not made available. Copy of the public hearing advertisement was shared by the PA during the visit.

Conditions No. (as per EC)	Conditions	Compliance Status
	seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the Regional Office of MoEF at Bangalore / KSPCB/ CPCB/ the Department of Ecology & Environment, Government of Karnataka, Bangalore.	

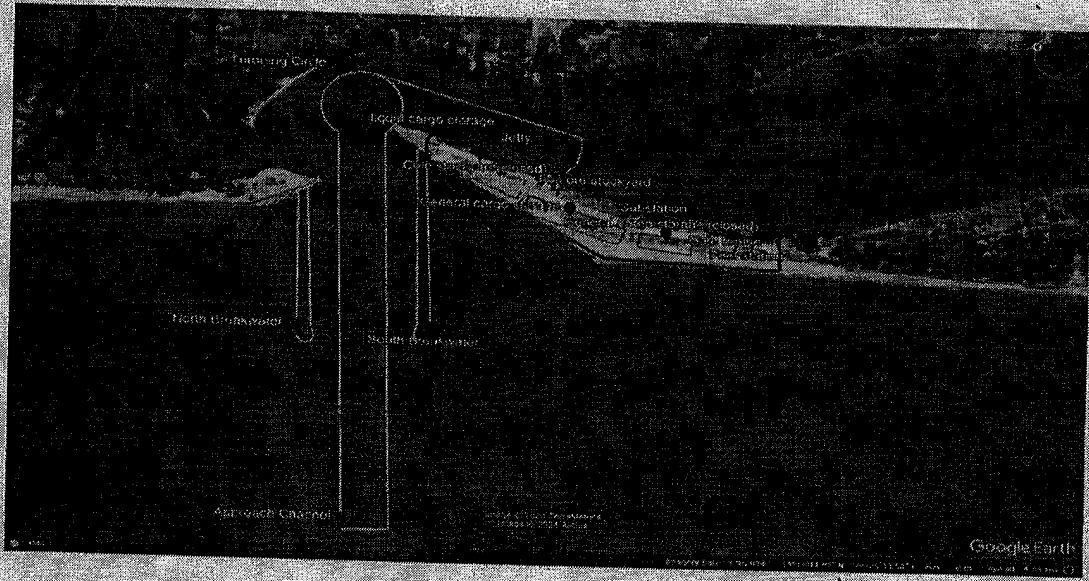
Other conditions could not be reviewed as no dredging work has started and port activity has not yet commenced. Site visit photos showing project development are attached.


(Dr. R. Sridhar)

Scientist 'D'

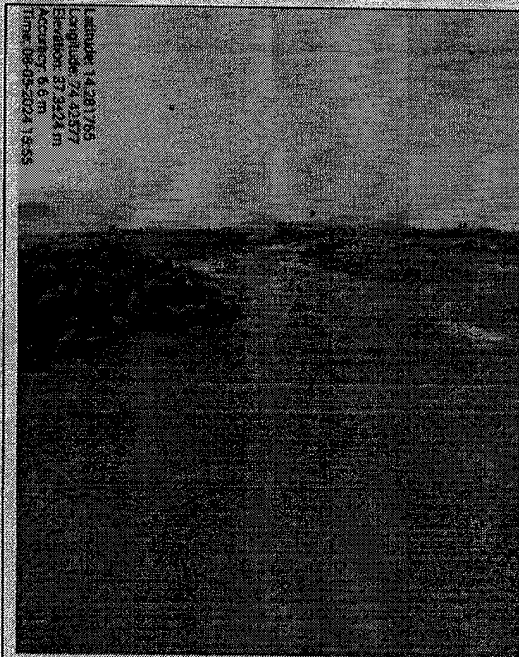
संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
भारत सरकार / Government of India
क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
Regional Office (Southern Zone)
केन्द्रीय सदन, चतुर्थमंजरा, बंगलूरु - 560034
Kendriya Sadan, Chaturth Manjara, Bangalore - 560034.

Fig. 1 Google earth image of project location of M/s. Honnavar Port, Uttara Kannada District, Karnataka.

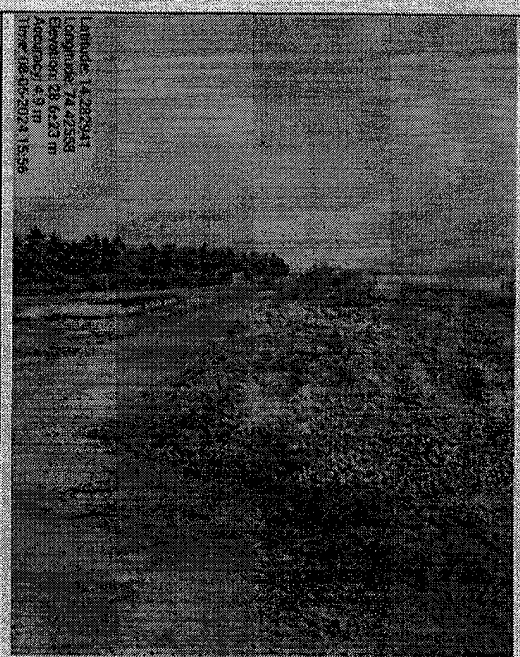


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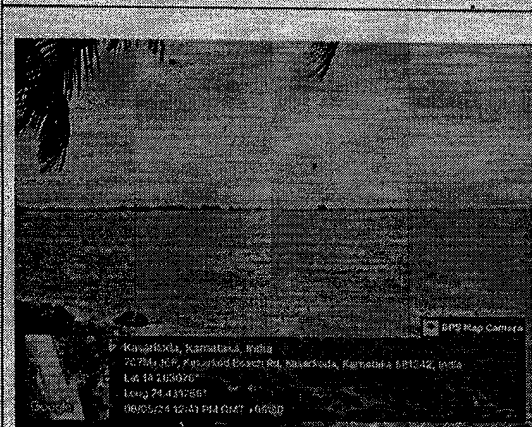
Site visit photos on 08-05-2024



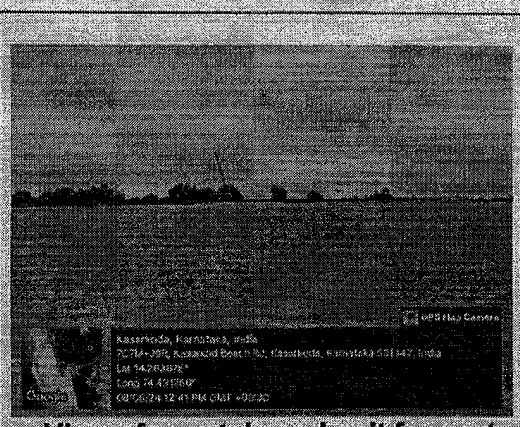
Approach Road to the Port – not completed



Construction work - stopped



View of coastal sand spit for port development



View of coastal sand spit for port development

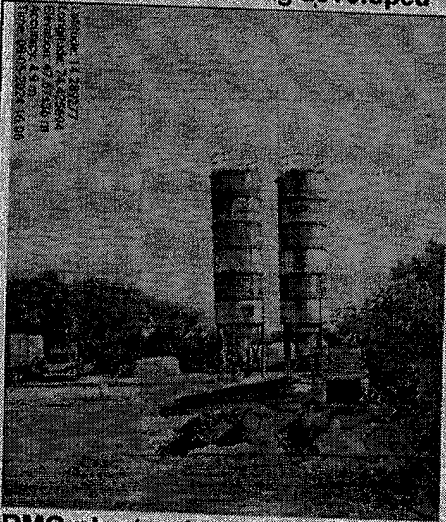
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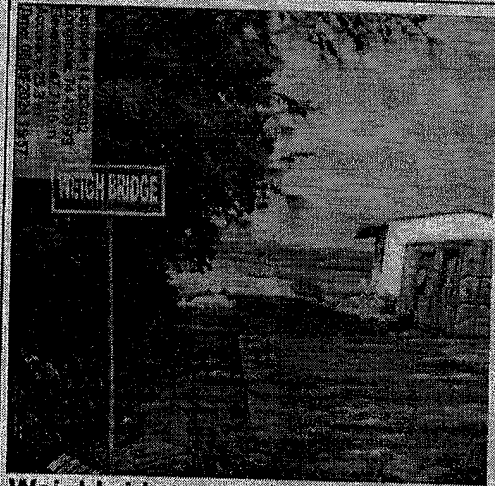
Few Plantations being developed



construction stopped



RMC plant setup



Weighbridge-completed



Approach Trestle- completed



Approach road -Village Kasarkod

Handwritten signature or initials.

I/609692/2024

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ
ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ
ಕಚೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003
AranyaBhavan, 18th Cross
Malleeshwaram, Kanara-560 003

E-office File No. KFD/HOFF/A52K(GFL)/47/2019-FC

E- 78072

Encl: 3 sets of compliance report

Date -05-2024

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M.S. Building, Bengaluru-560 001

Sir,

Sub: Diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy No. 233 & 237, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Department, Honnavar

Proposal No. FP/KA/ROAD/41625/2019 [Stage-I approved]

Ref:

1. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru letter 4 KRB 1275/2021-BAN/1298 Dated 08-02-2022 [Stage-I approval]
2. Government of Karnataka letter No. FEE 90 FLL 2020 (e) dated 07-02-2022 [communication of Stage-I approval]
3. This office letter even No. dated 08-02-2022 [communication of Stage-I approval to User Agency and Field officers]
4. Assistant Executive Engineer, Port Department, Honnavar letter No. AEE/PSDH/HPPL/2022-23 dated 29-06-2022 [Compliance Report]
5. Deputy Conservator of Forests, Honnavar Division letter No. B2/GFL/FC/CR-20/2020-21 dated 24-11-2023 [Compliance Report to CF, Kanara Circle]
6. Conservator of Forests, Kanara Circle, Sirsi letter No. B2/GFL/FCA/Approach road/CR-29/2020-21 dated 04-12-2023 [Compliance Report to Nodal Officer]

The Government of India vide ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy No. 233 & 237, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in

I/609692/2024

favour of the Assistant Executive Engineer, Port Department, Honnavar subject to fulfillment of certain conditions.

The same was forwarded to this office by the Government of Karnataka vide ref (2) with a direction to submit the compliance report of conditions of Stage-I approval.

Accordingly, this office vide ref (3) informed the User Agency and field officers for further action to submit the compliance report in respect of the conditions of Stage-I approval.

In response, the User Agency vide ref (4) has submitted the condition-wise compliance report to the Deputy Conservator of Forests, Honnavar Division, who after verification have vide ref (5) submitted the condition wise compliance to the Conservator of Forests Kanara Circle, Sirsi who has further submitted the same to this office vide ref (6).

Based on the reports received, the status of compliance to the conditions of Stage-I approval is as under.

Stage-I approval condition		Status of Compliance
Conditions which need to be complied prior to handing over of forest land by the State Forest Department.		
1	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in writ petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.	The user agency has paid Net Present Value (NPV) of Rs. 12,21,800/- (@ Rs. 15,95,790/- for 0.76 Ha) on 22-04-2022. (Total amount transferred under this UTR is Rs. 1,02,21,800/- which includes NPV and cost of raising plantation of ten times number of trees to be felled) Copy of Payment Page Print taken from FC Web portal is enclosed [ANNEXURE-I]
2	Cost of raising planation (including ten years maintenance) of ten times number of trees to be felled shall be realized from User Agency towards compensatory afforestation.	The user agency has paid the cost of raising plantation of ten times number of trees to be felled Rs. 98,50,335/- (UA has paid Rs. 90,09,000/- on 22-04-2022 and Rs. 8,41,335/- on 14-03-2024). Copy of Payment Page Print taken from FC Web portal is enclosed [ANNEXURE-I]
3	Location of the area (map with DGPS coordinates) identified for raising the plantations shall be furnished along with compliance report.	F. Sy. No. 33 of Bangane Village, Kumta Taluk, Uttara Kannada District, Kumta Range is identified for plantation. Map with DGPS

I/609692/2024

		coordinates is enclosed as ANNEXURE-II
4	The Wildlife Mitigation Plan as approved by the PCCF (Wildlife) & Chief Wildlife Warden shall be implemented at the cost of User Agency.	Wildlife Mitigation Plan has approved by PCCF (Wildlife) & Chief Wildlife Warden vide letter No. PCCF/WL/D/CR-78/2020-21 dated 22-06-2021. Further, the User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-III]
5	All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal(https://parivesh.nic.in/). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance	The user agency has paid Rs. 1,02,21,800/- on 22-04-2022. (<i>which includes NPV and cost of raising plantation of ten times number of trees to be felled</i>). Further, the User Agency has paid Rs. 8,41,335/- on 14-03-2024 as revised cost of raising plantation of ten times number of trees to be felled. Copy of Payment Page Print taken from FC Web portal is enclosed [ANNEXURE-I]
6	The KML file of the area diverted and CA plantation (ten times no. of trees to be felled) shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.	DCF, Honnavar has uploaded the KML file of the area diverted and CA plantation (ten times no. of trees to be felled) in e-green watch portal and the details are enclosed.
7	The Compliance report shall be uploaded on e-portal(https://parivesh.nic.in/)	The user agency has uploaded the compliance report in parivesh portal.
8	The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC dated 3 rd August 2009 read with 05-07-2013 with necessary enclosures, in support thereof.	The User Agency has furnished the RoFR Certificate in FORM-I (for linear projects) issued by the Deputy Commissioner, Uttara Kannada District vide No. R.B/FOR/CR-92/2018-19 dated 16-12-2020 is enclosed.
9	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.	The boundary of the diverted forest land has been demarcated and stone pillars have been erected. Photos of the boundary stones erected are enclosed
10	Violation of any of these conditions will amount to violation of Forest	The User Agency has agreed to this and furnished an undertaking to that effect.

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	(Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated.28-03-2019.	[ANNEXURE-V]
Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:		
1	The legal status of the diverted forest land shall remain unchanged	The legal status of the forest land remains unchanged and the land continues to be forest land. It will be further monitored by the Forest Department in future.
2	At the time of payment of the Net present Value (NPV) at the then prevailing rate the User Agency shall furnish an undertaking to pay the additional amount of NPV. If so determined, as per the final decision of the Hon'ble Supreme Court of India.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-VII]
3	Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-VIII]
4	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-IX]
5	The total forest area utilized for the project shall not exceed 0.76 Ha.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-X]
6	No labour camp shall be established in the forest land.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XI]
7	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XII]
8	The forest land shall not be used for any purpose other than that specified in the project proposal.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XIII]
9	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency department or person without prior	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XIV]

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	approval of the Central Government.	
10	No damage to the flora and fauna of the adjoining area shall be caused.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XV]
11	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XVI]
12	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.	DCF, Honnavar will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
13	The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and integrated Regional Office, Bangalore by the end of March every year.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XVIII]
14	The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court order(s) and NGT order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has agreed to this and furnished an undertaking to that effect. [ANNEXURE-XIX]

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru to consider according the final (Stage-II) approval for diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy No. 233 & 237, Manki Hobli, Honnavar Taluk, Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Department, Honnavar.

Yours faithfully,

Signed by
Brijesh Kumar

Date: 22-05-2024 11:02:29

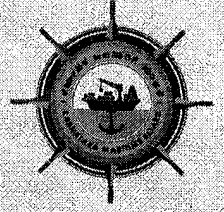
Principal Chief Conservator of Forests
(Forest Conservation) & Nodal Officer (FCA)

Copy to the:

1. Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests, Honnavar Division for information.
3. The Assistant Executive Engineer, Port Department, Honnavar- 581 334 for information



GOVERNMENT OF KARNATAKA
KARNATAKA MARITIME BOARD



JAYARAM RAIPURA IRS
Chief Executive Officer,
Karnataka Maritime Board

📍 Khanija Bhavan, No.49, West Entrance,
3rd Floor, Racecourse Road, Bengaluru - 560 001.
☎ 080 - 2957 7444
✉ ceokmb2019@gmail.com

No. KMB-38/DEV-II/2024

Date: 24.06.2024

To,

The Project Director
National Highways Authority of India,
(Ministry of Road Transport and Highways)
Project Implementation Unit-Honnavar,
2nd Floor, Part 1 Vasudev Business Park,
Adjacent to HDFC Bank, Mastikatte,
Honnavar-581334.

Sir,

Sub:- Land Handover Memorandum and requesting NHAI to declare the Appointed Date to the EPC contractor for taking up the project highway of Four laning with paved Shoulders of Honnavar Port Connectivity Road from Km 0.00 (Kasarkod side of Honnavar Port) to Km 2.580 (towards NH-66) connecting Honnavar Port with NH-66 at Km 195.986 and to improve NH-66 from Km 195.00 to Km 197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-I - reg.

- Ref:-
1. NHAI PIU-Honnavar Letter No NHAI/PIU-HNVR/14011/CEO/2024-24/233 dated- 08.06.2024.
 2. Maritime Board Karnataka Letter no. KMB-22/DEV-11/2022 dated 07.06.2024.
 3. NHAI PIU-Honnavar Letter No NHAI/PIU-HNVR/Port/2023-24/799 dated 28.02.2024.
 4. Maritime Board Karnataka Letter no. KMB-22/DEV-11/2022 dated 26.02.2024.
 5. Bipartite agreement dated: 11.03.2020.
 6. Tripartite agreement dated: 16.10.2019.

Adverting to the subject cited above, relevant documents are submitted for providing encumbrance free land to NHAI which are as below.

1. NHAI, vide ref (1), requested for a joint inspection for handing over the port land to the NHAI for executing proposed four lane road connectivity from NH - 66 to the port project boundary of Honnavar Port and further requested to depute representatives from KMB for the same. Subsequently, the inspection was conducted

on, 12-06-2024 in presence of the representatives from the KMB, NHAI, EPC Contractor M/S Viva Infraventure Pvt Ltd and Honnavar Port Pvt Ltd.

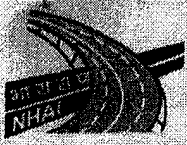
2. The details of the inspection report are enclosed along with the land Handover Memorandum and its abstract.
3. The encroached land within the port limits by some illegal occupants will be evacuated for free execution of the project. Any extra cost will be borne as per bipartite and tripartite agreement.
4. If required, all necessary steps will be taken for controlling the LAW & ORDER situation by the Govt. of Karnataka. The Karnataka Maritime Board shall facilitate on best effort basis.
5. As per the above inspection and details provided, we are handing over the Land. Accordingly, you are requested to declare the appointed date to the EPC contractor on priority.

Enclosed: As above

Yours faithfully,



Chief Executive Officer
Karnataka Maritime Board



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

कर्नाटक क्षेत्र, क्षेत्रीय कार्यालय, बेंगलुरु

Karnataka Region, REGIONAL OFFICE, BENGALURU

बेंगलुरु - तुमकूर सड़क (एन.एच-4), एम. एस. रामैया इन्क्लेव, नागासंद्रा मेट्रो स्टेशन के बगल में, बेंगलुरु - 560 073
Bengaluru - Tumakuru Road (NH-4), M.S. Ramiah Enclave, Beside Nagasandra Metro Station, Bengaluru - 560 073

Tele : 080 - 28347156
080 - 28397171
Fax : 080 - 28377171
Email : robangalore@nhai.org
ronhaibangalore@gmail.com



भारतमाला
प्रगति के पथ पर अग्रसर
BHARATMALA
ROAD TO PROSPERITY

No.NHAI/RO-BNG/15028/02/2019/3136

Date: 06.11.2019

To:

Shri.Akil Ahmad,
General Manager (T), Karnataka
National Highways Authority of India,
G - 5 & 6, Sector - 10,
Dwaraka, New Delhi - 110 075

Sub: Four lane road connectivity from NH-66 to Kasarkod side to Honnavar Port -
Sagarmala under Bharatmala Phase-I - **Submission of Tripartite Agreement**
between NHAI, Government of Karnataka & DPR Consultant -reg

Sir,

Please find enclosed herewith Original signed copy of Tripartite Agreement
between NHAI, Government of Karnataka & DPR Consultant for the subject stretch for
kind information & further needful.

Thanking you,

Encl: Agreement

Yours faithfully,

(R.K.Suryawanshi)
Regional Officer

Copy to:

1. The Additional Chief Secretary to Government, Public Works, Ports and Inland Water Transport Department, Government of Karnataka, Room No.335, Third Floor, Vikasa Soudha, Bangalore - 560001- enclosed Original Copy for necessary action
2. M/s. ICT, New Delhi - enclosed Original Copy for necessary action
3. M/s. HPPL, Honnavar - enclosed Original Copy for necessary action
- ✓ 4. PD, PIU-Mangalore - for necessary action

GOVERNMENT OF KARNATAKA

No. PWD 161 PSP 2016

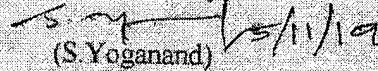
Karnataka Government Secretariat
Vikasa Soudha,
Bengaluru, dated 5th November 2019From
The Additional Chief Secretary to Government,
Public Works, Ports & IWT Department,
BENGALURU-560 001To
The Regional Officer,
National Highways Authority of India,
Near Nagasandra Metro Station,
BENGALURU.

Sir,

- Sub: Four lane Road Connectivity proposals from Kasarkod side of Honnavar Port to National Highway No. 66 under Bharatmala Pariyojana through NHAI – signing of tripartite agreement – regarding
- Ref: 1) O.M. No. Sm-25021/12/2015-sm (Sagarmala), dated: 25.10.2018 from the Ministry of Shipping, Government of India;
2) O.M. No. Sm-25021/12/2015-sm (Sagarmala), dated: 12.02.2019 from the Ministry of Shipping, Government of India;
3) Government letter No. PWD 161 PSP 2016, dated 29.01.2019 addressed to Government of India, Ministry of Shipping, New Delhi;

Adverting to the above, I am directed to forward herewith tripartite agreement duly signed by the Director of Ports & IWT, on behalf of Government of Karnataka (in quadruplicate), which is being entered with the Consultant M/s. Intercontinental Consultants and Technocrats Private Limited by the State Government, NHAI & User Agency for the work of "Preparation of DPR of Honnavar Port Road Connectivity (access road from Kasarkod side of Honnavar Port km. 0.000 to Km 2.650 on NH-66 at (196/000)", the receipt of which may kindly be acknowledged.

Yours faithfully,


(S. Yoganand)
Under Secretary to Government,
Public Works, Ports & IWT
Department (Ports)




GOVERNMENT OF KARNATAKA

No. FEE 90 FLL 2020

Karnataka Government Secretariat
Multistoried Buildings,
Bengaluru, Date: 22.10.2024.

From:

The Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
Bengaluru-560001.

To:

The Deputy Director General of Forests (Central),
Integrated Regional Office,
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main, Koramangala, Bengaluru.

Sir,

Sub: Diversion of 0.76 hectare of forest land in Kasarkod village F. Sy No.233 and 237, Manki Hobli, Honnavara Taluk, Uttara Kannada District (Honnavara Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavara Port in favour of the Assistant Executive Engineer, Port and Inland Water Transport Department, Port sub Division, Honnavara.

Proposal No.: FP/ KA/ROAD/41625/2019

- Ref:**
1. Your Office letter No: 4-KRB1275/2021-BAN/312, dated:12.09.2024.
 2. The Principal Chief Conservator of Forests (HoFF), Bengaluru's letter No: KFD/ HoFF/ A52K(GFL)/ 47/ 2019-FC, Dated:10.10.2024.

With reference to the above subject, I am directed to invite your kind attention to letter vide referred at (1) above and forwarding herewith the copy of letter vide referred at (2) above along with enclosures submitted by the Principal Chief Conservator of Forests (HoFF), Bengaluru for further necessary action.

Hence it is requested to accord In-Principle approval (Stage-II) to the above said proposal.

Yours faithfully

B. Shivakumar

(B.SHIVAKUMAR)

Under Secretary to Government
Forest, Ecology and Environment Department
(Forest-C and Co-Ordination)

Issue: 3

Dated: 23/10/24

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Aranya Bhavana, Malleshwaram, Bengaluru.
2. The Assistant Executive Engineer, Port Sub-Division, Honnavar, Uttara Kannada-581334.
3. SGF/Spare Copies.

BEFORE THE NATIONAL GREEN TRIBUNAL,**SOUTHERN ZONAL BENCH, CHENNAI**

(Under Section 18 (1) read with Section 14 and 15 of National Green Tribunal

Act, 2010)

Original Application No. _____ of 2022

IN THE MATTER OF:

Damayanti Subray Mesta

Tonka-1, Kasarkod, Honnavar,

VTC: Kasarkod, P.O: Kasarkod,

Uttar Kannada district, Karnataka -581342

Ph: 9481739639

VERSUS

I. Department of Public Works, Ports

& Inland Water Transport

Government of Karnataka

Represented by the Additional Chief Secretary to Govt.

Room 28, Vikasa Soudha

Bangalore-560001.

Ph: 080-22035085

Email: idd.prs@gmail.com

2. M/s HONNAVAR PORT PRIVATE LIMITED (HPPL)

Through its Director

#103, Lalehzar Apartments,

45/1-2, Palace Road,

Bangalore- 560001

Ph:8022353670/41494960

Email id: info@honnavarport.com

3. Karnataka State Coastal Zone Management Authority

Through its Chairman & Additional Chief Secretary to Government,

Forest, Ecology and Environment Department,

4th Floor, M.S. Building, Bengaluru-560001

Ph: 080-22256722, 080-22032509

E-mail: prs-fee@karnataka.gov.in

4. State Level Environment Impact Assessment Authority, Karnataka

Through its Member Secretary

Department of Ecology & Environment

Room No. 709, 7th Floor, IV -Gate,

M.S Building, Bangalore-560001

Ph: 080 2203 2497

Email Id: msseiaakarnataka@gmail.com

5. Karnataka Forest Department

Through the Principal Chief Conservator of Forest (PCCF),

Head of Forest Force (HoFF)

4th Floor, Aranya Bhavan, Malleshwaram, Bangalore-56003

Ph: 08023343770

Email: peetkar@gmail.com

6. Ministry of Environment Forest and Climate Change (MoEF & CC)

Integrated Regional Office, Bangalore

Through the Deputy Director General of Forests (C),

Kendriya Sadan, 4th Floor, E&F Wings,

17th Main Road, Koramangala II Block, Bangalore - 560034

Ph:080-25537184,25537180

Email: rosz.bng-mef@nic.in

7. Directorate of Fisheries

Through the Director

3rd Floor, Podium Block, Visvesvaraya Centre,

Dr. Ambedkar Veedhi, Bengaluru-01

Ph: 080 22864681

Email: ramacharya.63@ka.gov.in

8. Office of the Deputy Commissioner & District Magistrate

Uttar Kannada District

Karwar P.O 581 301

Ph: 8382-226303

Email: dckarwar@gmail.com

MOST RESPECTFULLY SHOWETH:

- I. The address of the Applicant is given above for service of notices of this application.
- II. The Addresses of the Respondents are given above for service of notices of this application.
- III. The instant Application is filed under Section 14 and 15 of the National Green Tribunal Act 2010 raising substantial questions relating to the Environment arising out of an ongoing construction of a 4-lane, 4km long, 40m wide 'dedicated road corridor' to provide port connectivity from the port project of M/s Honnavar Port Private Limited (herein after "HPPL") at Kasarkod Tonka to National Highway -66 undertaken by Respondent No.1. The impugned road is constructed through CRZ-I & CRZ-III on No Development Zone (area up to 200 meters from High Tide Line (HTL) on the landward side) on Kasarkod beach, Honnavar, Uttar Kannada district in absence of prior CRZ Clearance thus in violation of CRZ Notification, 2011 and Environment (Protection) Act 1986.
- IV. The ongoing construction of the road encroaching upon the CRZ areas of Kasarkod village has impacted livelihood of approximately 2000 women who are traditionally engaged in drying, processing and selling fish as their only means of livelihood. The CRZ areas of Kasarkod village has been used as a fish drying area intergenerationally by the fisherwomen of

Kasarkod and Pavinkurve village. Photographs depicting the impugned road and its encroachment on fish drying areas and photographs depicting livelihood practices associated with fish drying activity are hereto marked and annexed as Annexure-A (colly) , page no. 35 to 42.

v. Respondent No.1 is undertaking the construction of the impugned road to provide port a 'dedicated road corridor' from the port project of M/s Honnavar Port Private Limited (herein after "HPPL") to National Highway -66. HPPL is presently developing a "*Barge/vessel loading facility to handle 4.9 MTPA*" proposed over 45 ha of land on a newly created Survey No. 305 (on lease) at Coastal Sand Spit, Kasarkod Tonka village, Honnavar Taluk, Uttar Kannada District, Karnataka. The port project of HPPL was granted embedded Environment and CRZ clearance on 21st September 2012 subsequently the validity of the same was extended on 1st July 2019 for a period of three years i.e. till 21st September 2022.

vi. Since 24th January 2022, the Ports Department (herein Respondent No.1) started preparatory work by dumping red soil and boulders and reclaiming the sandy beach for the construction of the impugned road. The total length of the impugned road is 4km. Of which 3.8 km is through CRZ III NDZ area (7.47 ha) and the remaining 0.2km is through CRZ I-A area (0.76ha) on Forest land in Forest Survey (F.Sy.) No. 233 & 237 in Kasarkod beach and village. Photographs depicting the monthly

progress of the construction of the impugned road on the Kasarkod beach since 24th January 2022 is hereto marked and annexed as Annexure-B (colly), page no. 45 to 46.

VII. It is pertinent to highlight that the CRZ areas of Kasarkod is an ecologically sensitive area and is a "Olive Ridley Sea-Turtle" nesting ground. Since 1984, the Karnataka Forest Department in collaboration with the villagers has executed several Sea-Turtle conservation initiatives and since 2014 onwards the Forest Department has started maintaining a Sea Turtle nesting register which records, date, time, GPS location, number of eggs and number of hatchlings released in the sea. In fact, a 2016 study conducted by the Environment Management and Policy Research Institute (EMPRI) a Government of Karnataka research institute in collaboration with Dakshin Foundation has identified Kasarkod beach as one of the nesting site of the 'Olive Ridley Sea-Turtle' in Honnavar Taluk, Karnataka.

Particular of the Applicant

The Applicant belongs to a traditional fishing community of the Honnavar Rural area and a resident of Kasarkod village, Honnavar Taluk, Uttar Kannada district, Karnataka. She along with two thousand other women is involved in traditional fish drying, processing and sales as the only means of livelihood and financial independence to lead a dignified life. The applicant along with other women in the Kasarkod and Pavinkurva village uses the

CRZ area of Kasarkod village to sun dry their fish; however due to the encroachment by the impugned road, the applicant along with other women have lost access to the coastal area (CRZ area) on Kasarkod beach, on which their livelihood is completely dependent. The annual income of the Applicant is between Rs 20,000 -Rs 30,000 and she is a Below Poverty Line (BPL) card holder.

Brief Facts constituting the case:

1. Karnataka has a maritime coastline of about 320 kilometres. The Karnataka Maritime Board under the Infrastructure Development, Ports & Inland Water Transport Department, Government of Karnataka is proposing to develop twelve minor ports between Karwar in the North and Mangalore in the South in the State of Karnataka.
2. Out of the twelve minor port, Honnavar Port is one of such Minor Port's proposed to be developed at Kasarkod Tonka, Honnavar Taluk, Uttar Kannada district. The Honnavar Port at Kasarkod Tonka is proposed at the mouth of the Sharavathi river and is surrounded by estuary of the river, hills, forest, and the Arabian sea.
3. Kasarkod is a small coastal village which has been identified as one of the seven 'Olive Ridley Turtle' nesting sites under the Honnavar Forest Division, Uttar Kannada district, Karnataka. The 'Olive Ridley Turtle' is the smallest Sea Turtle (2.5 feet and 50 kg). The 'Olive Ridley Turtles' play an important role as flagship species for diverse

ecosystems such as coral reef ecosystem, seagrass meadows, open seas and sandy beaches. In fact, Kasarkod bears 38 years of Turtle Conservation history. Since 1984, the Karnataka Forest Department in collaboration with the local community has been involved in Turtle conservation activities. The Turtle nesting season on Kasarkod beach typically ranges from September - March every season, the peak nesting months being December-January-March. The extent of Turtle nesting range on Kasarkod beach is 8.1km.

4. In Honnavar, approximately, 23,500 people are fisher folks and 12,600 additional people are involved in other allied activities related to fishing. The main livelihood and occupation of the majority population is marine fishing. The above submissions are based on a RTI response received from the Fisheries Department indicating the livelihood dependency of the majority population on fishing. A copy of the RTI response from Fisheries Department originally in Kannada and a typed Translated copy in English is hereto marked and annexed as Annexure-C, page no. 47 to 48.
5. A dry fish processing yard is located very close to the existing fishing harbour in the Kasarkod village at Honnavar on the banks of the Sharavathi river and a few meters from the estuary and extends a few kilometres on the Kasarkod beach.
6. The fish drying industry at Kasarkod, a women centric industry, which provides direct employment to around 2000 women who are involved

in traditional fish drying. Additionally, it generates employment for the input supplying industries and services such as small-scale fishing, loading and unloading, transportation to drying yard. It also generates employment in post processing sectors, loading and unloading, transportation to drying yard, packaging, storage, transportation and marketing services. It was estimated that overall, around 12000-15000 people were employed directly or indirectly throughout the year except the monsoon season in the fish drying industry.

7. The value of dry fish is dependent on accessibility to coastal commons and pollution free environment. The price of dry fish is highly sensitive to quality attributes and even a red dot on the fish reduces the fish price by half. The fisherwomen source fresh fish from the fishing harbour, then salt it and dry them over mats laid on the coastal sand for 3-5 days. High quality dry fish is used for production of other value-added fish products such as fish protein powder and chips. Hygienically dried fish in a 30kg bag used to be sold for Rs 200-250/kg. Low Quality dry fish of mixed fish variety was sold to fish meal companies at around Rs100-150/kg. The demand and price of dry fish increases during the monsoon season when fishing is banned in the sea. A copy of the Minutes of the meeting of the Focus group discussion conducted with dried fish producer groups of Honnavar at Snehakunja Trust, Kasarkod, Honnavar is hereto marked and annexed as Annexure- D, page no. 49 to 53.

8. For decades, the fishing community residing in Kasarkod village has been worshipping the 'Olive Ridley Sea Turtles as *'Kurma'* the second avatar of Lord Vishnu. Additionally, scientific studies have confirmed that the Olive Ridley Sea turtles are known to feed on jellyfish, by doing so they play a critical role in maintaining balance in the marine ecosystem. Jellyfish feed on small fish that impacts the fish breeding and fish population thereby greatly impacting the catch of the fishing community. The Olive Ridley Turtles are a critical part of the food chain of Olive Ridley-Jellyfish-Fish. By endangering the Olive Ridley Turtle, the marine ecosystem balance that protects the fish gets skewed. Therefore, for generations the fisherfolks are conscious of the fact that to save fisheries conservation of Olive Ridley Turtle is imperative.
9. The Government of Karnataka (GoK) had sanctioned a total of 8,47,560 sqm. of port land to develop infrastructure by constructing jetty in Honnavar Port and at Kasarkod side of Honnavar Port to carry on Anchorage Operation in favour of M/s North Canara Sea Ports Private Limited-M/s GVPR Engineers Limited Consortium, Hyderabad. vide Order No. PWD-119/PSP/2010 dated 22nd September 2010 for a period of 30 years. A copy of the Government of Karnataka order dated 22nd September 2010 is hereto marked and annexed as Annexure-E, page no. 54 to 59.
10. As per the infrastructures approved vide the Government of Karnataka Order dated 22nd September 2010, a port connectivity road (130 x 12

mtrs) (total 1560 sq.mt) to connect the port site to the National Highway-17 was permitted by filling up the pond space in the corner of Sharavathi bridge at Honnavar.

11. Thereafter, on 11th October 2010, the Directorate of Ports and Inland Transport Department, Government of Karnataka (herein Respondent No.1) signed a lease agreement with M/s North Canara Sea Ports-GVPREL Consortium, Hyderabad for "*use of Port land for port related activities and anchorage operations at Honnavar Port*" to develop Honnavar Port at the mouth of Sharavathi River in Honnavar village, Uttar Kannada district, Karnataka. As per the lease agreement dated 11th October 2010, a road measuring 130x12 mtrs (total 1560 sq.mts) to give entry to Honnavar Port from National Highway-17 was proposed to be constructed by filling up the pond space in the corner of Sharavathi bridge. A copy of the lease agreement dated 11th October 2010 is hereto marked and annexed as Annexure- F, page no. 60 to 73.

12. Thereafter, the Public Works, Port and Inland Water Transport Department (Respondent No.1) vide order No.PWD 293 PSP 2010 dated 7th April 2011 accorded permission to transfer the subject matter of Lease agreement dated 11th October 2010 with all recitals/tenets without alteration in favour of Special Purpose Vehicle (SPV) i.e. M/s Honnavar Port Private Limited (herein after "HPPL"). A copy of the

order No.PWD 293 PSP 2010 dated 7th April 2011 is hereto marked and annexed as Annexure-G, page no. 74.

13. Therefore, the Government of Karnataka while approving the Honnavar Port project in 2010 granted approval for an entirely different port connectivity road to connect Honnavar Port to National Highway-17 (now NH-66).
14. The Coastal Regulation Zone was first identified and notified by the Ministry of Environment and Forest under the Environment (Protection) Act 1986 in 1991 to regulate human activities in an area up to 200m from High Tide Line (HTL) along the coastal Stretches of the Country. The objective of the Notification which was subsequently revised in 2011 is to protect the coastal areas from degradation due to unplanned or excessive development which results in pollution and eventual destruction of irreplaceable natural resources. The objective of CRZ law is also to ensure livelihood security of the fisher community living in the coastal area and to promote development in a sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas and rise in sea level due to global warming.
15. The HPPL applied for embedded Environment and CRZ Clearance for their proposed, "*Barge/vessel loading facility to handle 4.9 MTPA of Cargo*" proposed on CRZ I-B (intertidal area) (area between low tide line and high tide line), a protected area as per the CRZ Notification

- 2011, before the Karnataka State Coastal Zone Management Authority (herein after "KSCZMA") and before the Karnataka State Environment Impact Assessment Authority (SEIAA).
16. The Port project was appraised by KSCZMA in their meeting held on 28th May 2012 and the Authority decided to recommend the proposal to Karnataka State Environment Impact Assessment Authority (SEIAA) for issue of Environment Clearance. A copy of the Minutes of the Meeting of KSCZMA held on 28th May 2012 is hereto marked and annexed as Annexure-H, page no. 76 to 80.
17. Thereafter, the Port project of HPPL at Kasarkod was appraised and was recommended for grant of Environment Clearance (EC) by the Karnataka State Environment Impact Assessment Authority (herein after "KA SEIAA") in their 54th meeting held on 6th August 2012 under 'Item 7 (e)' of the Schedule to the EIA Notification, 2006, as ports and harbours with handling capacity of less than 6 Million Tons per annum of cargo handling capacity and is categorised as category "B" projects as per the EIA Notification, 2006. A copy of the 54th SEIAA minutes of the meeting is hereto marked and annexed as Annexure- I, page no. 81 to 90.
18. Subsequently, an embedded Environment and CRZ clearance dated 21st September 2012 was issued by KA SEIAA in favour of M/s Honnvar Port Private Limited for "*development of barge/vessel loading facility to handle 4.9 MTPA of cargo volume*" at Kasarkod

Tonka village, Honnavar Taluk, Uttar Kannada district, Karnataka. The validity of the embedded EC and CRZ clearance was for a period of 7 years. A copy of the embedded EC and CRZ clearance dated 21st September 2012 is here to marked and annexed as Annexure-J

19. A few months prior to the expiry of the embedded EC and CRZ clearance dated 21st September 2012, the Karnataka SEIAA on 1st July 2019 extended the validity of the embedded EC and CRZ clearance for a period of three years. Thus, the embedded EC and CRZ clearance dated 21st September 2012 is now valid until 20th September 2022. A copy of the 1st July 2019 SEIAA order extending the validity of embedded EC and CRZ clearance dated 21st September 2012 is hereto marked and annexed as Annexure-K, page no. 99, 15, 150.

20. The Karnataka Forest Department has devised a Working Plan for management of Honnavar Forest Division [2013-14 to 2022-23] which includes protection and conservation of the endemic and endangered marine biodiversity in the area which includes the Olive Ridley Turtle, nine species of shark, Indo-pacific humpback Dolphins, corals etc. A copy of the relevant Chapter on Olive Ridley Sea Turtle in the Working Plan of Honnavar Forest Division (2013-14 to 2022-23) is hereto marked and annexed as Annexure- L, page no. 101, 15, 107

21. As part of the 'Olive Ridley Turtle' conservation programme envisaged under the Working Plan, the Honnavar Range Forest Office since 2015 has engaged the local youth in monitoring the Turtle nests and

informing the Department of every nesting incident. As a result, since 2015 the Forest Range office under Honnavar Division has started maintaining a Turtle register which records the GPS location of the nest, date, name of the villager who informed the officials, location/ village name, number of eggs and number of hatchlings released and release date. A copy of the Turtle nesting register (2015 to 2021) obtained from the Range Forest Office, Honnavar along with a Google Earth image depicting Turtle nesting points between 2015 to March 2022 on the Kasarkod beach are hereto marked and annexed as Annexure- M (colly), page no. 108 to 114.

22.A 2016 published study, titled '*Establishing a baseline for monitoring sea turtle nesting sites on the Karnataka coast through coastline mapping*' conducted in collaboration between Government of Karnataka's Environment Management and Policy Research Institute (EMPRI) and Dakshin Foundation underlines the impact of climate change on Olive Ridley Sea Turtles. According to the report, major threats to Olive Ridley's are from the loss of habitat due to rise in sea level, decline in hatchling success and increase in temperature shift leading towards feminization of Turtle population leading to a gender imbalance in the Turtle population. A copy of the 2016 report of Dakshin Foundation and EMPRI is hereto marked and annexed as Annexure- N, page no. 115 to 129.

23. On 16th August 2019, the Port Department (Respondent No.1) applied for forest clearance for diversion of 0.76 ha of forest land at Forest Survey (F. Sy) No.233 and 237 in CRZ-I area of Kasarkod village, Honnavar for 'approach road from NH-66 to Kasarkod side of Honnavar Port'. A copy of Form- A, Part -1 and Part-II of the Forest Clearance Proposal No. FP/ROAD/41625/2019 and the design of the road attached to Form-I are hereto marked and annexed as Annexure- O (colly), page no. 170 to 201.
24. A site inspection was conducted by the Deputy Conservator of Forest (DCF), Honnavar on 22nd October 2020 pursuant to the submission of Forest Clearance proposal by the Port Department. The Site Inspection report of the DCF notes that the forest land proposed to be diverted for the 'approach road from NH-66 to Kasarkod side of Honnavar Port', falls in the villages which are included in the Coastal Regulatory Zone, CRZ-I area with species of coastal and estuarine vegetation flora and fauna. A copy of the DCF, Honnavar's site inspection report dated 22nd October 2020 is hereto marked and annexed as Annexure- P, page No. 262.
25. It is submitted that on 22nd February 2021, a Public Interest Litigation (PIL) (W.P No. 4039/2021) was filed by Honnavar Taluk Hasimeenu Vyparastara Sangha before the Hon'ble High Court of Karnataka challenging the following:

- i. Challenging the Environment Clearance granted on 21st September 2012 and the extension of the validity of Environment Clearance dated 1st July 2019
- ii. Challenged the Port as the same being a prohibited activity in CRZ -1 area
- iii. Challenged the port as there are private revenue land on which the port is coming up
- iv. The entire port premises (45 ha) being a Turtle nesting ground.
- v. The location of the project area as set out in the Environment Clearance has undergone change.
- vi. Project involves 0.76ha of forest land in Sy. No. 236 and 237 for which Forest clearance was not obtained.

A copy of all the Hon'ble Karnataka High Court orders, especially the order dated 13th July 2021 in W.P 4039/2021 wherein the Hon'ble Court has summarised the challenges raised in the Writ Petition is hereto marked and annexed as Annexure- Q, page no. 203 to 205.

26. It is submitted that at the time of appraisal of the forest clearance proposal, the Regional Office of Ministry of Environment, Forest and Climate Change (MoEF & CC) vide its communication dated 21st January 2021 addressed to the Forest, Ecology and Environment Department, Government of Karnataka sought further clarification on three aspects:

- The comments of the Chief Wildlife Warden on mitigation measures, if any, to be incorporated as the area for diversion is close to the proposed marine sanctuary
- Status of obtaining CRZ Clearance
- Consideration of the road project on the Kasarkod beach which is identified for 'Blue Flag Certification'.

27. In response to the clarifications sought by MoEF & CC, the Port Department furnished:

- a copy of the mitigation measures suggested by the Principal Chief Conservator of Forest (Wildlife),
- the embedded EC and CRZ clearance dated 21st September 2012 obtained specifically for the Port was disguised as CRZ clearance for the approach road from NH-66 to Kasarkod side of Honnavar Port through CRZ areas,
- no objection certificate from the Tourism Department was furnished to show that they have no objection on the road being adjacent to the infrastructures laid on the Kasarkod beach as part of Blue Flag certification.

The clarifications furnished by the Port Department on the queries raised by MoEF & CC is captured in the communication dated 23rd June, 2021 between the Principal Chief Conservator of Forest (PCCF), Head of Forest Force (HoFF) and the Additional Chief

Secretary to Government. A copy of the communication dated 23rd June 2021 is hereto marked and annexed as Annexure-R, page no. 206 to 208.

28. It is pertinent to highlight that the Port Department misled the Forest Department and the MoEF & CC by furnishing a copy of the embedded EC and CRZ clearance dated 21st September 2012 which does not encompass a CRZ clearance for the 4km long 25-40m wide road on CRZ I-A, I-B and NDZ of CRZ III area. Because of this mischief, the Regional Office of MoEF & CC was tricked to grant Stage-1 'in-principle' approval on 20th January 2022 in absence of valid CRZ clearance for the road. As a consequence, the forest approval letter dated 20th September 2022 is devoid of any condition that obligates Respondent No.1 to protect and mitigate the impact of the road on an ecologically sensitive zone of nesting grounds of the Olive Ridley Sea Turtle on Kasarkod beach. A copy of the Stage-1 'in-principle' approval granted by Regional Office of MoEF & CC dated 20th September 2022 granted in favour of Respondent No.1 is herewith annexed as Annexure-S, page no. 209 to 211.
29. The Hon'ble Karnataka High Court vide judgment dated 24th November 2021 in W.P No. 4039 of 2021, disposed of the Writ Petition with the following directions:

- i. Concerning authority to ensure that no damage is caused to the nesting ground of turtles and other endangered species found in the area (Para 8)
- ii. Proponent to obtain necessary forest approval and obtain all other necessary approvals/sanctions and permission from all concerned authorities while undertaking construction for the port. (Para 9)
- iii. Liberty was granted to the Petitioner to raise its grievances before the Principal Secretary, PWD, Ports and Inland Water Transport Department, Government of Karnataka.

A copy of the Judgment dated 24th November 2021 in W.P No. 4039 of 2021 is hereto marked and annexed as Annexure- T, page no. ²¹² to ²²⁰

30. It is submitted that the Port Department (herein Respondent No.1) on 24th January, 2022 started preparatory work for construction of a 4km long 25-40m wide port connectivity road by deploying heavy machinery to dump red soil and boulders and reclamation of the sandy beach of Kasarkod.

31. The area where the Construction of the Port connectivity road (4km long, 25-40m wide) is undertaken is governed by the Coastal Regulation Zone (CRZ) Notification, 2011. As per the Coastal Zone Management Plan (Map No.25) prepared under the CRZ Notification, 2011, the coastal stretch where the ongoing construction of the road is

undertaken is earmarked as CRZ I-A, I-B and NDZ of CRZ III and the CRZ III is also demarcated as 'No Development Zone' (NDZ) (an area up to 200 meters from High Tide Line (HTL) on the landward side).

32. It is submitted as per the CRZ Notification, 2011, construction of road is a permissible activity only if it is required for local inhabitants and upon a 'prior' permission from the Coastal Zone Management Authority (CZMA) on a case-to-case basis. A copy of the Coastal Zone Management Plan (Map No.25) of Kasarkod is hereto marked and annexed as Annexure- U, page no. 221.
33. The construction of the road since 24th January 2022 has led to encroachment and pollution of the coastal commons on the Kasarkod beach which is used as fish drying yard by the dry fish producers including the Petitioner herein. The availability of sunlight, dried fish species and adequate land for drying are the communities' main livelihood inputs; the road is a threat to the latter input with direct implications on the financial security and socio-economic well-being of the community. Lack of land equates to suspension of traditional fish drying activity and thus immediate unemployment and loss of daily earnings/income. Thus, presently around 2000 women of the Kasarkod village who are involved in fish drying activity are facing imminent threat to their livelihood.
34. It is submitted that the women dry fish producers of Kasarkod are part of an intergenerational fishing community and most of them have no

other skillset or literacy to pursue any alternate profession. Many of these women belong to the marginalised section and many of them are single mothers. These women have already lost access to 45ha of accredited land at Kasarkod Tonka which is leased to the M/s Honnavar Port Private Limited by the Ports department by allocating a new Survey No. 305 in the Kasarkod village.

35. Therefore, on 25th January 2022, a day after the construction of the impugned road began, the Honnavar Hasimeenu Vyaparasthara Sangha (Fish trading Group) addressed a complaint letter to the Member Secretary, Karnataka State Coastal Zone Management Authority (KSCZMA) in Bangalore. In the Complaint letter it was specifically brought to his attention that construction of the impugned road is undertaken by the Port Department in the presence of Deputy Commissioner (DC), Uttar Kannada district along with Superintendent of Police, Karwar by creating an atmosphere of intimidation in absence of CRZ and other allied clearances. It was specifically highlighted that villagers had witnessed Mother Turtles visiting Kasarkod Tonka in the early mornings of 22nd and 24th January 2022. The construction of the road through the Kasarkod beach by dumping red soil had led to burying of Turtle nests with live clusters of eggs in the estimated range of 100-200 each under the red soil. It was sincerely urged before him to protect the habitat of vulnerable species of sea Turtles. A copy of

the 25th January 2022 complaint letter to KSCZMA is hereto marked and annexed as Annexure- V, page no. 222 to 224.

36. It submitted that in the nesting season between September 2021 till March 2022, the Turtle nesting Register of Honnavar Forest Division records, Turtle nesting on 17th February 2022 along the alignment of the Port connectivity road. However, photographic evidence of the local fishing community indicates another nesting incident on 29th January 2022 along the alignment of the road. Therefore, during the nesting season between September 2021 - March 2022, two instances of Turtle nests on 29th January 2022 and 17th February 2022 are documented along the alignment of the road. In fact, the Forest Department in collaboration with the village 'Turtle Conservation Volunteers' had barricaded the nests with bamboo enclosures and green mesh. Each of these such barricades or 'In -Situ Conservation' cages bears a nest number and indicates the nesting date. A copy of the Turtle nesting data maintained by the Honnavar Forest Department (September 2021-March 2022) and Photographs depicting the Olive Ridley Turtle nesting, in-situ enclosures and hatchling release from January 2022 onwards in proximity to the impugned road are hereto marked and annexed as Annexure- W (colly), page no. 225 to 232.

LIMITATION

The instant Original Application has been filed under Section 14 and 15 of the National Green Tribunal Act 2010 raising substantial question relating to environment arising from the ongoing construction of a 4km long 25-40m wide road on CRZ III NDZ and CRZ -I area of Kasarkod beach, Honnavar, Karnataka in violation of CRZ Notification, 2011 impacting livelihood of approximately 2000 women involved in dry fish production, for relief and restitution of environment and compensation for loss of livelihood and violating the provisions of CRZ Notification, 2011. The construction of the impugned road began since 24th January 2022.

As per Section 14 of the NGT Act, 2010, the period of limitation is six months from the date on which the cause of action first arose. The instant Original Application is filed within six months from the cause of action first arose i.e., on 24th January 2022. Hence, the instant Original Application is filed within the period of limitation.

GROUNDS

- A. Because the impugned 4-lane, 4km long, 25-40m wide is constructed on CRZ areas of Kasarkod beach, Honnavar without a prior CRZ clearance in violation of CRZ Notification 2011 and Environment (Protection) Act 1986.
- B. Because as per Para 8, III (iii) (j) of the CRZ Notification 2011, construction of a 'road' is permissible only if it is required for the local

inhabitants and 'may' be permitted on a case-to-case basis by Coastal Zone Management Authority.

- C. Because the local inhabitants of the Kasarkod village already have access to 4m wide existing road which connects the Honnavar Fisheries Harbour to NH-66 (earlier NH-17) and the same is even approved for expansion by the Karnataka State Coastal Zone Management Authority in 2015. Therefore, the impugned road is a private road which admittedly is being built by the Port Authority for creating a 'dedicated road corridor' for the Port.
- D. Because under the CRZ 2011, natural fish drying is a permissible activity in CRZ areas, whereas construction of road through coastal beaches to advance private interest on CRZ-III, No Development Zone (NDZ) is not a permissible activity.
- E. Because the Hon'ble Supreme Court in *Piedade Filomena Gonsalves V. State of Goa* [(2004) 3 SCC 445] held that the Coastal Regulation Zone notifications have been issued in the interest of protecting environment and ecology in the coastal areas. Construction raised in violation of such regulation cannot be lightly condoned.
- F. Because Olive Back Loggerhead Turtles, popularly called 'Olive Ridley Turtles' are one of the fastest declining species of sea turtles and have thus been classified as a Schedule I species under the Wildlife (Protection) Act, 1972 (Part II, Entry3).

- G. Because the Bombay High Court in *Goa Foundation v. Panchayat of Morjim* (W.P. (PIL) No. 4 of 2018), at paragraph 132, with respect to Olive Ridley Turtles, held that, "*the nesting is part of the breeding process and therefore, is part of the habitat.*" Thus, in order to protect the habitat of this rapidly declining species of sea turtles it is imperative that all construction activity be immediately halted.
- H. Because the construction of the impugned road started without prior approval under the Wildlife (Protection) Act 1972 leading to destruction of habitat and nesting ground of the Olive Ridley Turtle at Kasarkod beach.
- I. Because the Hon'ble Bombay High Court in *Worli Koliwada Nakhwa & Ors v. Municipal Corporation of Greater Mumbai & Ors.* [W.P (L) No. 560/2019] while adjudicating on a similar issue where presence of corals (schedule-I species) was observed in the intertidal zone where Mumbai's coastal road project was proposed, the Hon'ble court vide judgment dated 16th July 2019 held prior permission under the Wildlife (Protection) Act 1972 was needed. The paragraph no.178 of the judgment is reproduced hereunder:
- "Schedule I to the Wildlife (Protection) Act 1972 lists the species of the wildlife to which protection is accorded. Section 39(3) of the Act Prohibits a person, without prior permission in writing of the Chief Wildlife Warden or the authorised officer, to destroy or damage Government property. Section 2 (36) defines 'wildlife animals' as the*

ones specified in Schedules I to IV. Section 39 stipulates that all wild animals shall be the property of the State or the Central Government. Concededly species of corals listed in the Schedule-I to the Act were observed in the intra-tidal one where the coastal road project has been proposed. Notwithstanding the fact that corals presence is minuscule the same shows the ecosystem in the area in question is conducive to the Corals. It establishes that the area is ecologically sensitive having geo-morphological features which plays a role in maintaining integrity of the species and thus, we hold that MCGM could not have commenced the work in question without obtaining permission under Wildlife (Protection) Act, 1972." (emphasis added)

- J. Because as per the Study Report published in 2016 conducted by Government of Karnataka's Environment Management & Policy Research Institute (EMPRI) in collaboration with Dakshin Foundation, titled 'Establishing a baseline for monitoring sea turtle nesting sites on the Karnataka Coast through coastline mapping', the Olive Ridley Sea-Turtle nesting ground at Kasarkod stretches between 14.29726931 N & 74.42526754 E and 14.22824786 N & 74.44283685, it is 8.1km long stretch
- K. Because the National Marine Turtle Action Plan (2021-2026) issued by the Government of India, Ministry of Environment, Forest and Climate Change in January 2021 identifies coastal development and

- construction of ports, jetties, resorts, industries, etc as a threat and disturbance that attribute to loss of nesting beaches.
- L. Because the construction of road by deploying heavy machineries and use of halogen lights to continue road laying work by dumping boulders and levelling of land post sunset adds to 'Light Pollution' and such pollution is identified as a threat under the National Marine Turtle Action Plan (2021-2026).
- M. Because this Hon'ble Tribunal, Western Zone bench at Pune in O.A 23/2014 (wz) based on a complaint filed by Goa Paryavaran Savrakshan Sangharsh Samitee vide order dated 2nd November 2017 directed the Goa Coastal Zone Management Authority (GCZMA) to take action against temporary structures constructed along the Turtle nesting beaches in Goa namely, Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Hon'ble Tribunal had also directed GCZMA to recover compensation from the violators apart from other incidental directions.
- N. Pursuant to the direction of this Hon'ble Tribunals Western Zone Bench, Pune in O.A 23/2014 (WZ) dated 2nd November 2017, the GCZMA formed a committee to work out the formula for calculation of Environmental Compensation to be recovered from the violators. The committee came to a finding that the Environmental Compensation works out to be Rs 25906173.91 (Rupees: Two Crores Fifty Nine Lakhs

Six Thousand One Hundred and Seventy Four) per hectare per year, which translate to Rs 2590 per square per year. With respect to the violation cases which included alteration natural landscape, erection of temporary and permanent structures, landscaping by removing native vegetation flattening of Dunes etc, the Authority to resolved to carry out exercise of calculation of fines based on area damaged calculating difference in land use change in square meter by satellite imagery (from year the violation was noticed) along with field verification on case to case basis so that compensation could be recovered from the violators. And on sound and light pollution, the Authority decided to levy a fine as per polluters pay principle. The GCZMA resolved to accept the recommendation of its subcommittee in their 294th meeting held on 3rd March 2022 and resolved to carry out the exercise expeditiously since the matter is pending before this Hon'ble Tribunal's Western Zone Bench.

O. Because this Hon'ble Tribunal in **Ramdas Janardan Koli vs The State Of Maharashtra** (M.A No. 19 of 2014 in O.A No. 19/2013) observed that there was a potent threat of environmental damages caused due to expansion of the port activities of JNPT and development activities of CIDCO. The Court held spillage of oil due to faulty maintenance of pipeline has contributed to loss of environment and ecology and therefore requires grant of interim relief as prayed for in the Application. This Hon'ble Tribunal vide its order dated 27th May 2012, passed an order

granting interim relief and directed JNPT to deposit an amount of Rs 20 crores and ONGC to deposit amount of Rs 10 Crores with the collector, raised within a period of 4 weeks.

INTERIM PRAYER

In light of the facts and circumstances in the instant Original Application, this Hon'ble Tribunal may be pleased to:

- i. Pass an order to stay the ongoing construction of the impugned 4-Lane 4km long, 25-40 m wide road on 'No Development Zone' of CRZ III area (within 200 m from HTL) and on CRZ I-A and I-B area on forest land in violation of CRZ Notification 2011 undertaken by the Port Department (Respondent No.1).
- ii. Pass an order directing Respondent No.1 to deposit interim compensation towards loss of livelihood and for restoration of the CRZ III and CRZ I-A and I-B NDZ area (within 200 m from HTL) on Kasarkod beach;

PRAYERS

In light of the facts and circumstances in the instant Original Application, this Hon'ble Tribunal may be pleased to:


- i. Pass an order Directing the Respondent Authorities to remove the red soil, boulders, tar, jelly stones and debris used for the construction of the

- road on CRZ area of Kasarkod village and restore the CRZ-III NDZ area (within 200 m from HTL);
- ii. Pass an order directing Respondent No.3 (KSCZMA) to initiate violation proceeding against Respondent No.1 for violating provisions of the CRZ Notification 2011 and Environment (Protection) Act 1986;
 - iii. Pass an order directing Respondent No. 5 (Karnataka Forest Department) to not issue any 'work order' under section 2 of the Forest (Conservation) Act, 1980 in furtherance to the stage-I 'in-principle' forest clearance dated 22nd January 2022 unless a CRZ clearance is obtained from Respondent No. 3 (Karnataka State Coastal Zone Management Authority) for construction of road on CRZ-I area on Forest land Survey No. 233 and 237;
 - iv. Pass an order directing the Respondent No.1 to pay litigation cost to the Applicant;
 - v. Pass any such order or direction as this Hon'ble Tribunal may deem fit.

PLACE: Honnavar

DATE: 19/5/2022

Dhmayanti
DEPONENT


Sreeja Chakraborty
Advocate
Address: 4/B, New 2638, First Floor,
36th Cross, 25th Main, 6th Block, Jayanagar,
Bangalore - 560 069.

(22)

Advocate for the Applicant/Petitioner

*Sreeja Chakraborty***SREEJA CHAKRABORTY LILLY FRANCIS**No. 4/B, 1st Floor, New-263836th cross, 28th Mainroad, Jayanagar 9th Block

Bengaluru-560069

Karnataka

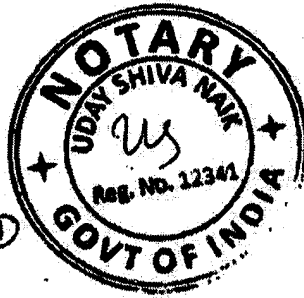
Ph: 8250654780

Email: sreejachakraborty@protonmail.com

VERIFICATION

I, Damayanti Subray Mesta, aged about 43 years, Wife of Subray Mesta, Residing at Tonka-1, Kasarkod, Honnavar, VTC: Kasarkod, P.O: Kasarkod, Uttar Kannada district, Karnataka -581342, do hereby verify that the contents of Para 1 to 65⁰ of this Original Application are true to my personal knowledge and belief and that I have not suppressed any material fact.

ENTERED IN NOTARIAL
Register Serial No: 3993
Page No: 10
Volume: 7
Dated: 19/05/2022



NO OF CORRECTIONS one (1)

US
NOTARY PUBLIC

✓
Damayanti
APPLICANT

SWORN & SIGNED BEFORE ME

Uday Shiva Naik
UDAY SHIVA NAIK B.A., LL.B.
ADVOCATE & NOTARY PUBLIC
Royalkert, Honavar-581 314
Uttarakannada Dist: KARNATAKA
Mob: 9880809225

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI

ORIGINAL APPLICATION NO. 76 OF 2022 (SZ)

IN THE MATTER OF:

DAMAYANTI SUBRAY MESTA

..... APPLICANT

VERSUS

DEPARTMENT OF PUBLIC WORKS, PORTS &
INLAND WATER TRANSPORT,
GOVERNMENT OF KARNATAKA & OTHERS

..... RESPONDENTS

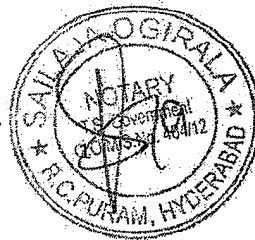
REPLY FILED BY RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH;

1. The address for service of notice and process on the 2nd Respondent is that of his counsel M/s. R. Ramasubramaniam Raja, R.Hemavathi, Arvind A.S and

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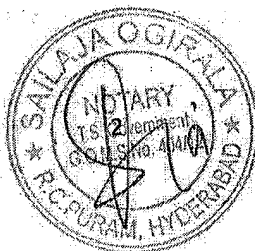
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Kannammai. ME 4th floor, Pent House, No.29, Pycrofts Garden Road, Nungambakkam, Chennai - 600 006. Email : ram@ramlawchambers.com. Phone: 95000 82400

2. That the present Original Application filed under Section 14 and 15 of the National Green Tribunal Act, 2010 is neither maintainable in law or in facts. The above OA and the Interim Application filed by the Applicant is frivolous and vexatious. The same has been filed with malafide intention to arm twist the Respondent to coerce them into terms. The present OA is a proxy Application on behalf of certain individual persons, who have vested interest against the construction of the Port and the connectivity road to the Port. This Respondent denies and disputes all allegations and averments, except those that are specifically admitted hereunder.
3. The averments in paragraph I and 2 are matter of record and does not warrant any reply. The Applicant in Paragraph III falsely states that the road is constructed without prior CRZ Clearance and thus in violation of CRZ Notification, 2011 and Environmental (Protection) Act, 1986. The said allegation is entirely misconceived and baseless.
4. The Environment Impact Assessment (EIA) study for the Port was conducted by L&T Ramboll (Authorized agency of Ministry of Environment & Forest). The said EIA report was prepared in February 2012 named 'Final EIA report for Honnavar Port Barge/Vessel loading facility'. Copy of the Final EIA report is produced herewith and marked as Annexure - R1.
5. In the said Final EIA report, the road connectivity to the barge/vessel loading facility from NH 17 (New NH 66) in Kasarkod side is clearly stipulated. Furthermore, the EIA report clearly stipulates that as part of the infrastructure development of the 'Honnavar Port Barge/Vessel loading

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facility', it is proposed to develop 4 km road from NH-17 (New NH-66) to Kasakod. The EIA report also stipulates for mitigating measures on account of potential impact due to proposed development of road. The benefits of road connectivity among others are also mentioned as part of the EIA report. Further, during public hearing conducted on 27/01/2012 as part of EIA Notification requirement, in response to the issue raised regarding road/rail connectivity for the Port, it is clearly informed that a Dedicated road/rail corridor is provided in the EIA report and that proposed road connecting project site to NH-17 (new NH-66) for 4 Km will be constructed as part of development. The said EIA report along with the proceedings of the public hearing were submitted to the KSCZMA for obtaining CRZ clearance. As an illustration, the EIA report containing road connectivity and the public hearing is extracted hereunder:

"2.6.16.3 Conclusion

As the barge/ vessel loading facility is proposed in the Kasarkod side, Connectivity option II i.e. road from NH 17 to Kasarkod side is found to be best suited for this facility."

"In public hearing dated 27.01.2012

Issues Raised by Smt Laxmi Naik and Snehakunja, Honnavar

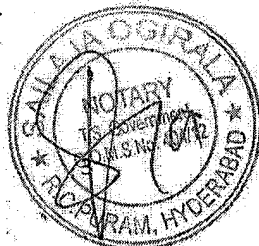
She objected to the acquisition of land for development of railway line and road for the project as land holdings of local people are very less.

Response

A new independent access road is being developed for the traffic to and from the facility, without disturbing the existing roads by the facility traffic. The alignment is planned in such a way that it has minimum

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disturbance to the local communities. More over the road is not an access controlled therefore the local public also can use the road for their needs.

Issues Raised by Panchayat Member, Honnavar

He also informed that school masjid, temples and residential area are situated on the way to the proposed project as well as the proposed road and railway

track.

He also informed that the school, religious places and residential areas will be affected if the project is allowed to come up.

He objected to the development of road and railway track as it will affect local ecosystem.

Response

Proposed road connectivity starts from NH 17 at Kasarkod. This road will then run south east for some distance and then aligns parallel to the shoreline till it reaches the proposed project site. This will be parallel to the existing single lane road at an offset distance of 100 m. The total length of this road from NH 17 to the proposed site is 4 km. This road connectivity will have a width of 25 m.

Proposed road/rail alignment will traverse across the coastal sand and barren land. The alignment is selected such a way that there will not be any disturbance to the existing structures. The proposed road connectivity is not an access controlled private facility and hence local people will be allowed to use as required."

6. The KSCZMA scrutinized the EIA report 'Honnavar Port Barge/Vessel

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loading facility' which included the proposed Road corridor and the public hearing proceedings. Based on the examination of the EIA report and the public hearing, the KSCZMA has vide meeting held on 28/05/2012 recommended the CRZ clearance along with the connectivity of road corridor connecting project site to NH-17 (New NH-66). The said meeting of KSCZMA dated 28/05/2012 is marked as Annexure - R2.

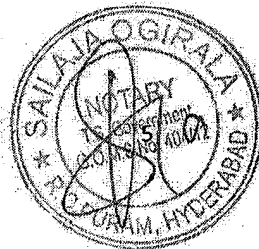
7. Therefore it was only after examination, due consideration and recommendation by the State level expert appraisal committee and Karnataka State Coastal zone Management Authority the Environmental Clearance for the project was granted by the State Environmental Authority, Karnataka vide proceedings dated 21.09.2021. The EC is marked as Annexure- R3.

8. Thus, the entire premise on which the above OA is filed is baseless and misconceived. Furthermore, Applicant had not participated in the public hearing which was conducted on 27/01/2012. The Applicant as a clear afterthought has filed the presently OA challenging the road development, which was part of the EIA report, for which necessary recommendation from KSCZM is obtained. The Applicant has not approached this Hon'ble Tribunal with clean hands. The present OA is miserably barred by limitation.

9. The averments in paragraph IV are false and baseless. The Applicant falsely alleges that livelihood of approximately 2000 women who are engaged in drying, processing and selling fish is affected. The road connectivity work has been taken up within the Honnavar Port limits declared as per Government Notification No. PWD/107/PSP/2013 dated

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09.12.2013, which is issued as per section 5 of the Indian Ports Act 1908. The Government Notification No. PWD/107/PSP/2013 dated 09.12.2013 is marked as Annexure R4. Thus, it is very clear and evident that the construction of road is done on the land belonging to the Ports and Inland Water Transport Department and the local fishermen/ fisher women have been unauthorized/illegally using this area for fish drying purpose. Moreover, the allegation that approximately 2000 women livelihood is affected is baseless and the Applicant is put to strict proof of the same. The fishermen/ fisher women were unauthorized/illegally using the Port area too for fish drying purpose prior to the development of the Port. The said fishermen who were squatting on the port land were evicted in accordance with law. Hence, they have groused against the Respondent. Moreover their only aim is to illegally occupy the land.

10. The construction of road will not affect the livelihood of the fishermen/fisherwomen.
11. The averments in paragraph V are false and baseless. The Applicant states that Environment and CRZ clearance on 21st September, 2012 is extended only till 21st September 2022 is false and misleading. The Government Notification date 18/01/2021 provides for execution of period for 1st April 2020 to 31.3.2021 on account of Covid 19 pandemic. The Application for extension of Environmental/CRZ clearance, the Extension of Environmental/CRZ clearance dated 01/07/2019 and notification issued by Ministry of Environment and Forest dated 18/01/2021 is marked as Annexure R5, R6 and R7 respectively.

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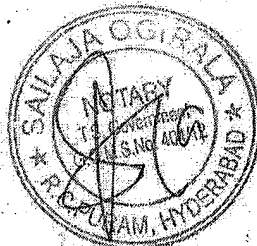
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12. The averment in paragraph VI are false and baseless. With respect to the contention that total length of the impugned road is 4km. of which 3.8 km is through CRZ III NDZ area (7.47ha) and the remaining 0.2km is through on Forest land in Forest survey(F. Sy.) No.233 & 237 in Kasarkod beach and village, it is submitted that the necessary approvals were obtained from the Ministry of Environment, Forest & Climate Change, Government of India.
13. The existing road connecting from Tonka Village to the Port is not suitable for Port construction activities. The construction activity of the Port involves transport movement of large number of trucks/trailers carrying heavy construction materials and large construction equipment and machineries. The EIA report clearly mentions that huge quantities of construction material is required for construction of breakwaters, berths, stockyards among others. The quantity of quarry stones required would be about 6 Lakhs tonnes of various size, which will be transported by Road and a dedicated road corridor will be developed.
14. In view of the essential requirement of approach road, during construction phase as well as Operation phase, the Government of Karnataka proposed to the Government of India, ministry of shipping to include four land road connectivity from NH-66 from Kasarkod side to the Honnavar port under the Bharatmala Pariyojana, to be executed by the National Highways Authority of India ('NHAI'). Bharatmala Pariyojana is a programme focused on development of Coastal and Port connectivity roads among others to improve connectivity to ports. It is submitted that the approach road to the project site is sanctioned under the Integrated Port connectivity on EPC mode and the work is to be executed by NHAI at an estimated cost of Rs. 87,50,00,000.

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15. Thus, it was only after all the required approvals and sanctions were obtained, the tenders were called and Letter of Acceptance dated 08/12/2021 was issued by NHAI for construction of for 4 lane of Honnavar Port Connectivity with H-66 to integrate port connectivity road on EPC mode under Bharatmala Phase - I at a cost of Rs. 87,50,00,000/-. The letter of Acceptance issued by National Highways Authority of India is produced herewith and marked as ANNEXURE- R24. Further, the proposed four lane road connectivity road from Kasarkod side of Honnavar Port to National Highway No. 66 under Bharatmala Pariyojana through National Highways Authority of India (NHAI) is included under 'Gati Shakti', which is being monitored by the Government of India [PMO's Secretariat].
16. This Respondent submits that Bipartite and Tripartite Agreements have been signed by the Government of Karnataka represented by its Director of Ports & Inland Water Transport, NHAI, User Agency-M/s. HPPL and Consultant. As per the standard pattern being followed by Government of India in such infrastructural development project, State Government is required to handover possession of encumbrance free land for development of roads, statutory clearances, environmental clearances, and Detailed Project Reports.
17. The NHAI after inspection of the entire area and keeping in view the larger interest of the general public and also safe movement of large truck/ trailers finalised the most suitable and feasible road alignment. While drawing-up a final sketch for the proposed road connectivity with NH-66, it was noted

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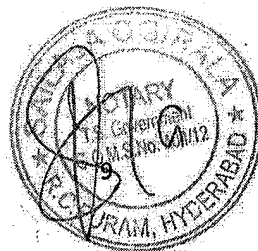
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that a small extent of road alignment of .2 km was falling in forest land in Survey No. 233 & 237 admeasuring 0.76 ha. In order for connecting the approach road with NH-66, it was considered necessary for obtaining forest clearance under the Forest (Conservation) Act, 1980.

18. The Government of Karnataka, the Government of Karnataka through its nodal officer for the project, Assistant Executive Engineer, Port Sub-division, Honnavar submitted online application to the Forest authority seeking permission for forest clearance in respect to diversion of 0.76 ha bearing survey no. 233 & 237 of forest land for construction of four land road connecting the last leg of the 4km road alignment of .2 km.
19. Based on the Application and after careful examination of the proposal of the Government of Karnataka, in-principle approval/ Stage - I clearance was obtained from the Central Government/Forest Department for diversion of 0.76 ha of forest land for approach road from NH 66 to Kasarkod side of Honnavar port in favour of Port Department, subject to condition mentioned in the approval dated 20/01/2022. Annexure R8.
20. It is submitted that the said approval/stage-I approval was granted pursuant to the following inspection, approval and sanctions.
21. The User Agency, i.e. the Ports & Inland Water Transport Department through the Assistant Executive Engineer, Ports Sub Division Honnavar and Nodal Officer on behalf of the Port Department for correspondence with the Forest Department for the online application, applied for the diversion of 0.76 ha Forest land for the proposed road connectivity from NH - 66 (Then NH - 17) to the Port Project site in F. Sy. No 238 and 239 of

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Kasarkod village Honnavar Taluk, Uttar Kannada District, Karnataka on 07.03.2019.

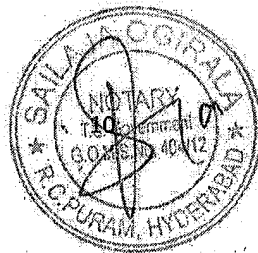
22. Vide letter No: KFD/HOFF/A52K(GFL)/47/2019-FC-KFD, dated: 14.03.2019, observations were made by the Principal Chief Conservator of Forest (HoFF) and instructed to fulfil the required conditions as per the norms mentioned in the said letter. A copy of the letter No: KFD/HOFF/A52K(GFL)/47/2019-FC-KFD, dated: 14.03.2019 is marked as Annexure R9.

23. On 16.08.2019, the Assistant Executive Engineer, Ports Sub Division Honnavar and Nodal Officer, applied for the diversion of Forest land for the proposed road connectivity from NH - 66 (Then NH - 17) to the Port Project site through F. Sy. No 233 and 237 of Kasarkod village (new proposal), Honnavar Taluk, Uttar Kannada District, Karnataka. The details of the said proposal is as under:

Online application dated	16.08.2019
Proposal No	FP/KA/ROAD/41625/2019
Subject	Diversion of 0.76 hectares of forest land in F. sy. No 233 and F. sy. no 237 of Kasarkod village, Honnavar Taluk, Honnavar Division for "Approach Road" from NH - 66 to Kasarkod side of Honnavar Port in favor of the Assistant Executive Engineer & Nodal Officer - PW, PIWT Department, Port Sub Division Honnavar.
Location	Kasarkod Village, Honnavar Taluk, Uttar Kannada District.

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Survey Numbers	F. Sy. No. 233 & F. Sy. No. 237.
Area applied	0.76 hectares
Background and present status	<p>Observations raised by the PCCF (FCA), Aranya Bhavan, Bangalore vide letter No. KFD/HOFF/A52K [GFL]/47/2019-/FC, dated: 04.07.2020 w.r.t confirmation of GPS co-ordinates, Forest and Non-Forest land confirmation, component wise breakups of road, rectification of Topo sheet and KML polygon etc.</p> <p>The Assistant Executive Engineer & Nodal Officer - PW, PIWT Department, Port Sub Division Honnavar, re-uploaded the proposal on online portal on 14.09.2020.</p> <p>Proposal accepted by Forest Department (Aranya Bhavan) on 22.09.2020.</p>
23.10.2020	DFO Honnavar forwarded the proposal vide letter No. B2/GFL/FC/CR-20/2020-21, Dated: 22.10.2020 addressed to the Chief Conservator of Forest, Kanara circle, Sirsi on 23.10.2020.
04.11.2020	Chief Conservator of Forest, Kanara circle, Sirsi forwarded the proposal vide letter No. B2/GFL/FCA/Approach Road/CR-29/2020-21, Dated: 04.11.2020 addressed to the Principal Chief Conservator of Forest, Aranya Bhavan, Bangalore on 04.11.2020 for further action in the matter.

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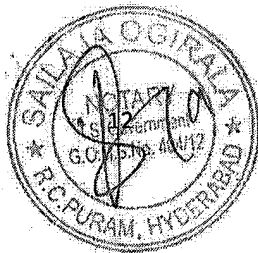
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19.11.2020 .	Principal Chief Conservator of Forest (HoFF), Aranya Bhavan, Bangalore recommended the proposal vide letter No. KFD/HOFF/A52k(GFL)/47/2019-FC and forwarded the proposal on 19.11.2020 to the Additional Chief Secretary to Government, Forests, Ecology and Environment Department, M. S. Building, Bengaluru.
05.01.2021	Additional Chief Secretary to Government, Forests, Ecology And Environment Department, M. S. Building, Bengaluru recommended and forwarded the proposal vide letter NO. FEE 90 FLL 2020 (e) on 05.01.2021 to the Deputy Director General of Forest (Central), Integrated Regional Office, Kendriya Sadan, Koramangala, Bengaluru. The letter No. FEE 90 FLL 2020 (e) on 05.01.2021 from Additional Chief Secretary to Government, Forests, Ecology And Environment Department, M. S. Building, Bengaluru to Deputy Director General of Forest (Central), Integrated Regional Office, Kendriya Sadan, Koramangala, Bengaluru is marked as Annexure R10.
21.01.2021	Deputy Director General of Forest (Central), Integrated Regional Office, Kendriya Sadan, Koramangala , Bengaluru vide letter no. F.No.4-KRB1275/2021- BAN/1117, Dated: 21 st January 2021, sought clarification from the Additional Chief Secretary to Government, Forests, Ecology And Environment Department, M. S. Building, Bengaluru w. r. t mitigation measures (if any) for diversion of the proposed road as it is close to the proposed Marine Sanctuary, Status on Coastal regulation Zone, Examination of construction of road

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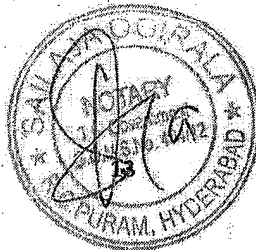
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	allowed in "Blue Flag Certification" area. The letter from Deputy Director General of Forest (Central), Integrated Regional Office, Kendriya Sadan, Koramangala , Bengaluru to the Additional Chief Secretary to Government, Forests, Ecology And Environment Department, M. S. Building, Bengaluru seeking clarification vide letter no. F.No.4-KRB1275/2021- BAN/1117, Dated: 21 st January 2021, is marked as Annexure R11.
21.02.2021	Additional Chief Secretary to Government, Forests, Ecology And Environment Department, M. S. Building, Bengaluru has further sought clarification vide letter no. APAJI 90 FLL 2020 (e), Dated: 21.02.2021 from the Principal Chief Conservator of Forest (HoFF), Aranya Bhavan, Bangalore.
09.02.2021	Principal Chief Conservator of Forest (HoFF), Aranya Bhavan, Bangalore has further sought the clarification vide letter no KFD/HOFF/A52K(GFL)/47/2019-FC, Dated: 09.02.2021 from the Chief Conservator of Forests, Kanara Circle, Sirsi.
06.03.2021	DFO, Honnavar vide letter no: B2/GEL/FC/CR-2020-21, dated: 06.03.2021 sought clarification from the AEE Sub Division Honnavar.
17.04.2021	AEE Sub Division Honnavar gave clarification vide letter no: Sa.Ka.Ni.Im/Bom.u.Vi.Ho/2020-21, Dated: 17.04.2021 to DFO Honnavar. The Letter no: Sa.Ka.Ni.Im/Bom.u.Vi.Ho/2020-21,

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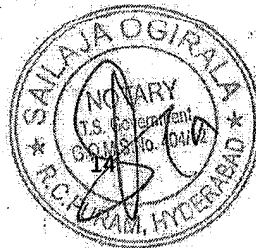
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	Dated: 17.04.2021 to DFO Honnavar is marked as Annexure R 12.
21.05.2021	DFO, Honnavar vide letter no. B2/GFL/FC/CR -20/2021-Dated: 21.05.2021, gave clarification to Chief Conservator of Forests, Kanara Circle, Sirsi.
03.06.2021	Chief Conservator of Forests, Kanara Circle, Sirsi vide letter no. B2/GFL/FCA/Approach Road/CR-29/2020-2, dated: 03.06.2021 gave clarification to the Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA).
22.06.2021	Principal Chief Conservator of Forests, (WILDLIFE AND CHIEF WILDLIFE WARDEN) reviewed and approved the mitigation plan submitted by the User Agency. The approval of mitigation plan submitted by User Agency by Principal Chief Conservator of Forests, (WILDLIFE AND CHIEF WILDLIFE WARDEN) is marked as Annexure R13.
25/06/2021	Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) vide letter No. KFD/HOFF/A52K (GFL)/47/2019-FC, Dated: 25/06/2021 gave clarification to the Additional Chief Secretary to Government, Forest, Ecology and Environment Department, Bengaluru.
05/07/2021	Additional Chief Secretary to Government, Forest, Ecology and Environment Department, Bengaluru vide letter No. FEE 90 FLL 2020(e), dated: 05/07/2021 gave clarification to the

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	Deputy Inspector General Of Forest (Central), Integrated Regional office, Bengaluru.
26/08/2021	AEE Sub Division Honnavar vide letter no: AEE/PSDH/HPPL/2020-21/114, dated: 26/08/2021 submitted the documents as required by the Assistant Inspector General of Forest (Central), Koramangala, Bengaluru during the site visit to Kasarkod village forest land bearing sy. no 233 and 237. The letter No. AEE/PSDH/HPPL/2020-21/114, dated: 26/08/2021 through which the documents as required by the Assistant Inspector General of Forest (Central), Koramangala, Bengaluru were submitted is marked as Annexure R14.
15.09.2021	Deputy Inspector General Of Forest (Central), Integrated Regional office, Bengaluru vide letter no F. No. 4-KRB1275/2021-BAN/615, Dated: 15.09.2021 sought information from the Additional Chief Secretary to Government of Karnataka, M. S. Building, Bangalore on the present status of the Writ petition No. 4039 of 2021 (PIL status) The letter no F. No. 4-KRB1275/2021-BAN/615, through which Deputy Inspector General Of Forest (Central), Integrated Regional office, Bengaluru sought for information from Additional Chief Secretary to Government of Karnataka, on the present status of Writ No. 4039 of 2021 (PIL) is marked as Annexure R15.
21.09.2021	AEE Sub Division Honnavar vide letter no: AEE/PSDH/HPPL/2021-22/135, dated: 21/09/2021 submitted the present status of the Writ petition No. 4039 of 2021 (PIL

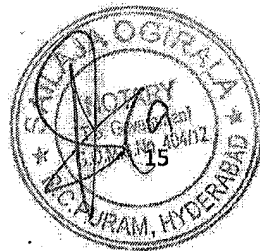
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	status) to Deputy Inspector General of Forest (Central), Koramangala, Bengaluru.
24.09.2021	Additional Chief Secretary to Government of Karnataka, M. S. Building, Bangalore vide letter no: APAJI 90 FLL 2020 (e), dated: 24.09.2021 sought information from the Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) on the present status of the Writ petition No. 4039 of 2021 (PIL status).
04.10.2021	Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) sought information from the Chief Conservator of Forests, Kanara Circle, Sirsi on the present status of the Writ petition No. 4039 of 2021 (PIL status).
06.11.2021	AEE Sub Division Honnavar vide letter no: AEE/PSDH/HPPL/2020-21/166, dated: 16/11/2021 submitted ONCE AGAIN the present status of the Writ petition No. 4039 of 2021 (PIL status) to Deputy Conservator of Forest, Honnavar Division, Honnavar. The letter no: AEE/PSDH/HPPL/2020-21/166, dated: 16/11/2021 from AEE Sub Division Honnavar on the status of the Writ petition No. 4039 of 2021 is marked as Annexure R16.
20.01.2022	Assistant Inspector General Of Forest (Central), Integrated Regional office, Bengaluru issued letter no F. No. 4-KRB1275/2021-BAN/1298, Dated: 20.01.2022 to the Additional Chief Secretary to Government of Karnataka, M. S. Building, Bangalore informing of GRANT OF STAGE – I

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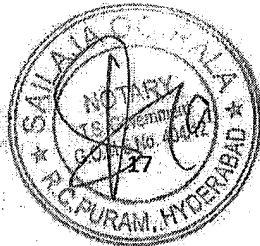
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	<p>APPROVAL for diversion of 0.76 ha of forest land in F. Sy. No 233 & 237. The letter no F. No. 4-KRB1275/2021-BAN/1298, information of GRANT OF STAGE - I APPROVAL is marked as Annexure R17.</p>
07.02.2022	<p>Additional Chief Secretary to Government of Karnataka, M. S. Building, Bangalore issued letter No: A. PA. JI 90 FLL 2020 (e) to the Principal Chief Conservator of Forests, (Forest Conservation), informing of grant of STAGE - I approval for diversion of 0.76 ha of forest land in F. Sy. No 233 & 237 with direction to fulfil the compliances required to obtain Stage - II approval.</p>
08.02.2022	<p>Principal Chief Conservator of Forest (HoFF), Bengaluru issued letter no KFD/HOFF/A52K (GFL)/47/2019 - FC, Dated: 08.02.2022 addressed to the Assistant Executive Engineer informing of grant of STAGE - I approval for diversion of 0.76 ha of forest land in F. Sy. No 233 & 237 and directed to Upload Condition wise compliance required to obtain Stage - II approval.</p>
16.02.2022	<p>Deputy Conservator of Forest Demand Notice vide letter No: B2/GFL/FC/CR-20/2020-21, Dated: 16.02.2022 to AEE Port Sub Division Honnavar for making payment towards NPV & Cost of raising Plantation. The Copy of vide letter No: B2/GFL/FC/CR-20/2020-21, Dated: 16.02.2022 to AEE Port Sub Division Honnavar for making payment towards NPV & Cost of raising Plantation is marked as Annexure R18.</p>

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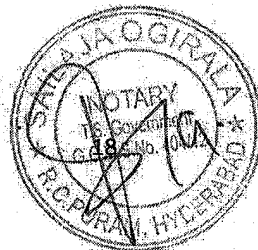
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29.06.2022	Assistant Executive Engineer, Port Sub Division Honnavar letter No: Dated: 29.06.2022 addressed to the Deputy Conservator of Forest, Honnavar for submission of DD towards payment of NPV and Cost of Raising Plantation. The letter from Assistant Executive Engineer, dated 29.06.2022 Port Sub Division Honnavar addressed to Deputy Conservator of Forest, Honnavar for submission of DD towards payment of NPV and Cost of Raising Plantation is marked as Annexure R19.
03.06.2022	Deputy Conservator of Forest Demand Notice vide letter No: B2/GFL/FC/CR-20/2020-21, Dated: 03.06.2022 to AEE Port Sub Division Honnavar for making payment towards tree felling. The letter No B2/GFL/FC/CR-20/2020-21, Dated: 03.06.2022 from Deputy Conservator of Forest Demand Notice to to AEE Port Sub Division Honnavar for making payment towards tree felling is marked as Annexure R20
20.07.2022	Assistant Executive Engineer, Port Sub Division Honnavar letter No: Dated: 20.07.2022 addressed to the Deputy Conservator of Forest, Honnavar for submission of DD towards payment of tree felling. The letter dated 20.07.2022 from Assistant Executive Engineer, Port Sub Division Honnavar to the Deputy Conservator of Forest, Honnavar s marked as Annexure R21

24. Therefore, the MoEF, Regional Office asked for several clarifications from the Karnataka Forest Department regarding mitigation measures, In its reply, the Karnataka Forest Department has clarified all issues regarding

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mitigation measures; CRZ clearance for the proposed road connectivity proposals and for Blue Flag Certification, NOC has been obtained from the Tourism Department.

25. In addition, The Principal Chief Conservator of Forest (wildlife) & Chief Wildlife Warden, Karnataka recommended wildlife mitigation measure in respect of conversation of the forest land, which included underpasses for smooth movement of animals and wildlife mitigation plan for Rs. 4 lakhs, which has been duly remitted. Further, the project proponent has already paid net present value (NPV) for 0.76 ha of forest land and Cost of rising plantation(including 10years maintenance) of 10 times of tree for compensatory afforestation amount of Rs. 1,02,21,800/- on 22nd April 2022 towards compensatory afforestation cost and Rs. 75,714/- on 20th July 2022 towards tree cutting cost. The letter from forest department dated 22nd April 2022 and 20th July 2022 is marked as Annexure R22 and R23 respectively.
26. The remaining road connectivity i.e. 3.8 km is within the Honnavar Port limits declared as per Government Notification No. PWD/107/PSP/2013 dated 09.12.2013 (ANNEXURE -R4) which is issued as per section 5 of the Indian Ports Act 1908. The land belongs to the Port and Inland Water Transport Department and the local fishermen/ fisher women have been unauthorized/illegally using this area for fish drying purpose.
27. Thus, the allegation of the applicant that the proposed connectivity road is constructed in absence of prior CRZ clearance and thus in violation of CRZ Notification 2011 and Environment (Protection) Act, 1986 is totally false

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and not tenable.

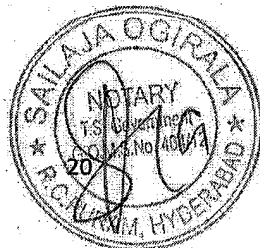
28. With respect to allegation made in para VII, there are various contradictory findings about the identification of "Olive Ridley Sea-Turtle" nesting ground as alleged by the Applicant. At no point of time, turtle nesting was found anywhere near the project site till 2020. There is a constant attempt by vested interests who are opposing Port development to misquote and misrepresent the authorities and the Tribunal by pointing out that the entire area is a turtle nesting ground.

29. It is most respectfully submitted that the National Centre For Sustainable Coastal Management (NCSCM), Chennai in its final report on Turtle Nesting Grounds dated 2018-2019, found that there are 179 nesting sites in India spread across 11 States and Union Territories in India. It is to be noted that there is not even a single turtle nesting site in Karnataka. The Report published by NCSCM on Turtle Nesting Grounds in the year 2018-2019 is marked as Annexure - R 25. Further, a specific survey was undertaken by NCSCM, Chennai pursuant to the orders of the Hon'ble High Court of Karnataka in WP No. 4039/2021, which observed that there was no nest, turtles, dead carcass were observed in the entire 45 hectre area of the proposed site during survey. The NCSCM report of survey undertaken after specific direction of the Hon'ble High Court of Karnataka in WP No. 4039/2021 is marked as Annexure R26.

30. Further the reliance on the copy of the turtle nesting register obtained by the Range Forest Office is misleading. The same was also considered as part of the report submitted by NCSCM to the Hon'ble High Court wherein the following observations are made from the data: It was noted that the

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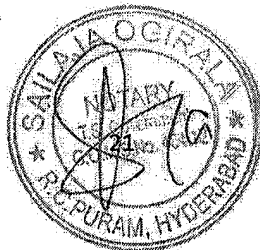
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GPS location provided by the Forest Department were failing in the ocean and none of the GPS points have been documented were at the beach, The said report also contains the geo tag location. From the said data it was observed that the southern tip of the proposed HPPL project site had one nesting in the year 2020, that too falling 3 kms in the land area from the shore. Thus, the data from the forest department are not accurate and the same has been considered part of the report of NCSCM. Likewise, the reliance placed on the 2016 study conducted by the Environment Management and Policy Research Institute, a Government of Karnataka research institute in collaboration with Dakshin Foundation, the said report is also considered in the Report submitted to the High Court by NCSCM. Further, the NCSCM report has considered Nesting Beaches in Coastal Karnataka. The observations are that only sporadic nesting of Olive Ridley turtles is reported from the coast of Karnataka. The report also considered a joint study undertaken by Government of India and UNDP Sea Turtle project, wherein it has highlighted that no mass nesting like those in Odisha occurs in Karnataka. Likewise other reports from WWF, India Reporter and Sritharan et al. (2017)- Reported submitted to NCSCM where in it is reported that no mass nesting sites were observed along Karnataka coast.

31. The Karnataka Forest Department is actively taking several mitigation measures in this regard. The Applicant along with other women have not lost access to the coastal area on Kasarkod beach for carrying out their activities - fish drying, processing, etc.,. The proposed Project site is not having any area under the Forest Department except for a small stretch of 200m in the Port connectivity road in Forest Sy. No. 233 & 237 (0.76 ha). Therefore, the said road is built after obtaining all necessary approvals. Further it is not out of place to point out that there has not been any

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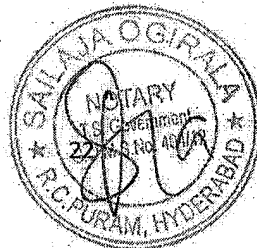
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objection during the Public Hearing under EIA notification in 2012 regarding either Olive Ridley Sea-Turtle or fish drying. Thus, the present contention of Olive Ridley Sea-Turtle and Fish drying is nothing but an afterthought. It is submitted that vested interest individuals have been created records to misleading this Hon'ble Tribunal. A detailed study of the Environment Impact Assessment (EIA) of the project has considered each and every aspect of the environment, fish culture, tissue culture and flora and fauna studies etc. Thus, the entire allegation is false and baseless.

32. With respect to the particulars of the Applicant, this Respondent denies the allegation mentioned therein. As already mentioned that there are only a handful of fisherwomen, who have been illegally occupying port land for fish drying. This Respondent denies the allegation that due to construction of road, the Applicant has lost access as false and baseless.
33. With respect to averments made in paragraph 1 and 2, this Respondent submits that all the required governmental, administrative and stature permissions, clearances for the development of Honnavar port including the environmental impact assessment study for the project was conducted which took note of each and every aspect of the environment.
34. With respect to contentions in paragraph 3 that Kasarkod is a small coastal village and has been identified as one of the 7 (Olive Ridley turtle nesting) the Honnavar Forest Division, Uttar Kannada District and Kasarkod bears 38 years of turtle conversation history are misleading. As already explained in detail herein above, the there are various contradictory findings about the identification of "Olive Ridley Sea-Turtle" nesting ground as alleged by the Applicant. At no point of time, turtle nesting was

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found anywhere near the project site till 2020. The allegation that the extent of Turtle nesting range on Kasarkod beach is 8.1 km is false and baseless. There is a constant attempt by vested interests who are opposing Port development to misquote and misrepresent the authorities and the Tribunal by pointing out that the entire area is a turtle nesting ground. The report by the NCSCM, Chennai considered various reports relating to turtle nesting and has observed that no nests or dead turtles or carcasses were observed during their visit. The Hon'ble HC of Karnataka based on the report submitted by NCSCM have observed that the following:

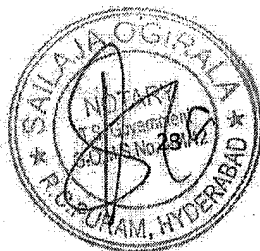
"8. So far as the contention of learned counsel for the petitioner that the site which has been leased for development of the port is a nesting area of turtles is concerned, we have perused the survey report of the NCSCM. As per the survey report which is on record, no nest, turtle or dead characters are found during the survey of the entire 45 hectares area of the proposed site. However, it is for the concerning authority to ensure that no damage is caused to the nesting of turtles and other endangered species found in the area."

Thus, the concerned authority is to ensure that no damage is caused to nesting of turtles found in the area. The Karnataka Forest Department is actively taking several mitigation measures in this regard and whenever such turtle eggs are found, they are taken to Turtle Conservation Centre, Haldipur and manage the species. Thus, the entire allegation is baseless.

35. With respect to contentions in paragraph 4,5, 6, 7 & 8 it is submitted that only a small section of the local population who is involved in fishing activities. With respect to the contention that approximately 23,500 people

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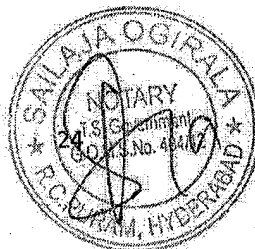
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are fisher folks and 12,600 additional people are involved in other allied activities related to fishing and the RTI response from Fisheries Department, it is submitted that the total population 23,500 people directly involved in fishing and another 12,600 involved allied activities are not from Kasarkod village alone. It is from 16 different location of Honnavar taluk, namely Manki, Apasarkonda, Karki, Haldipura, Nagarbastikere, Allanki, Karkikurva, Balakuru, Jalval Karki, Mavinkurve, Magod, Maalkod, Tanmgadi, other areas near Honnavar Town, It is only a small group of locals who claim propriety of the entire marine zone and are obstructing construction of port at Honnavar. The port is proposed by Government of Karnataka - which aims towards overall development of the citizens and inhabitants living in the area. The project in question does not at all affect or jeopardies the livelihood of fisherman. The project in question results in a dedicated navigation channel which will permit fisherman to undertake fishing activity throughout the year and will benefit them enormously. The navigation channel which were used for the movement of fishing vessels could be used by fisherman only during high tide and because of accumulation of soil, mud and sand, etc., and many areas of the channel were not navigable for the fishing vessels. The project in question will, create a dedicated for fishing. The project will benefit the fisherman enormously.

36. With respect to fish drying process yards located very close to the existing fishers harbour at Honnavar is false and denied. The contention that fish drying industry being a women centric industry and generates employment for the input supplying industries and services such as small-scale fishing, loading and unloading, transportation to drying yard is false and is denied. The contention that around 12000-15000 people are employed directly or indirectly throughout the year is false and baseless.

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37. The local fisherman and fisherman/women were illegally/unauthorized using the land belonging to the Ports & IWT Department for fish drying purposes. This land has been reserved for the Port Development purpose. A representation has been submitted by the Vyaparasthara Sangha to the Directorate of Ports & IWT for allocation of five acres of ports land for fish drying purposes. Their request is under active consideration of the Department of Ports & IWT. Tentatively, a suitable land near Roshan Mohalla has been identified by the Directorate of Ports & Inland Water Transport for being granted to the fishermen for the purposes of fish drying, purely on lease basis.
38. The allegation that there are about 2000 women who are involved in traditional fish-drying would lost direct employment is false and baseless. There is no reliable document to establish that about 2000 fisher-women are engaged in fish-drying. As per the census, maintained by the Gram Panchayat of Kasarkod Village, the total women population is about 700 only. Out of this entire women population, there are many senior citizens who are not in a position to engage themselves in any physical activity. It also comprises of school going children below the age of 12-15 years. A conservative estimate suggests that about 500 fisher-women may be actively involved in fishing activities, which include both fish-drying and fish marketing. Therefore, about 300-400 fisher-women may be involved in fish-drying activities. As against the employment generation that would accrue to the society at large on account of the commencement of port related activities in the region, which is expected to provide livelihood for about 10,000 families, the ground on which fisher-women are obstructing the project is not sustainable.. The allegation that the fishing community has been worshipping Sea Turtles is misleading and the photos are created

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for the purpose of the case. All other allegations are false and baseless.

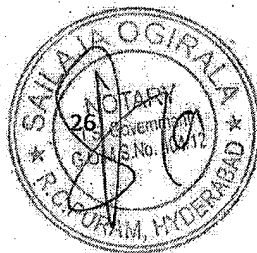
39. With respect to the allegation made in para 9, 10, 11, 12 & 13, this Respondent states that they have obtained all the necessary clearances from the concerned authorities. With respect to the allegation that the port connectivity road (130X12 mts) to connect the port site to NH-17 was permitted by filing up the sand in the corner of Sharavathi Bridge at Honnavar. It is submitted that the same relates to the port to be developed at Honnavar side and not at Kasarkod side. This Respondent submits that 2 separate ports were to be developed, one at Kasarkod side and other at Honnavar side. The Applicant is willfully attempting to mislead this Hon'ble Tribunal. The port connectivity for the port at Kasarkod side is as mentioned in the EIA report.

40. With respect to allegations made in para 14, 15, 16, 17, 18 & 19, this Respondent had obtained all the necessary approval from the all required governmental, administrative and statutory permissions, clearances and approvals for the project 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

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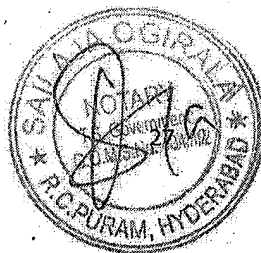
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		its letter no. SEIAA: 22: IND: 2011 dated 21/09/2012
2	Consent for establishment issue date: 06/03/2013	Karnataka state pollution control board- vide its letter no. KSPCB/SEO (non-EIA Honnavar port/EIA/2012-13/1381 dated 06/02/2013
3	Detailed project 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 and IWT department, karwar vide its letter no. PIWT-73/DEV-1/2015 03/08/2015
6	Capital dredging plans/ designs 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	Energy approval for installation for 100KVA (1MVA) issue date: 26/10/2015	Hubli 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-

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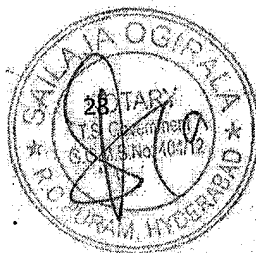
		96/90/F-9252/2016-17/4622-28 dated 14 th / 07/ 2016
10	Energy approval for installation of 1000KVA(1MVA) issue date: 21/06/2016	Karnataka power transmission corporation limited- vide its OM no. BGKT/CEE/TRNS/CA/SEE(O)/ AEE-5716-17/4021-24, dated 21/06/2016
11	Issue of notification 7(a) issue date 08/07/2016	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	Extension for consent for establishment issue date: 26/02/2021	Karnataka state pollution control board - vide its letter no. PCB 185 infra 2020/ 5881, dated 26/03/2021
14	Renewal of consent for establishment by KSPCB dated 26.03.2021	Karnataka state pollution control board vide its letter dated 26/03/2021

* COVID-19, extension of one year has been granted by Ministry of Environment, Forest and Climate Change, New Delhi, vide notification Dated: 18th January 2021, in exercise of the powers vested in Section 3 of the Environment (Protection) Act, 1986 - published in the Gazette of India dated: January 19, 2021

41. With respect to the allegation made in para 20, the said working plan of

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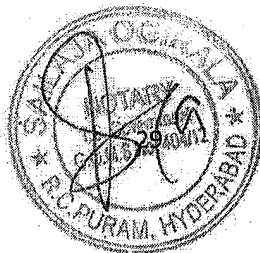
Honnavar Forest Division itself mentioned that only solitary nesting is reported in west coast and Kasarkod is not even identified as a potential nesting sites. The extract of the same is reproduced hereunder.

"The mass congregation for reproduction is popularly know arribada, a Spanish term meaning 'arrival', to signify mass nesting. Mass nesting is very common is Eastern Coast that too in the state of Orissa. However, on the west coast, solitary nesting is reported. In Honavar Division, beaches in Bhatkal,, Manki, Apsarakonda, Haldipura, Dhareshwar, Kagal and Ganavali are the potential nesting sites"

42. With respect to the allegation made in para 21, the register maintained by Forest Department between 2015 to 2011, was considered by NCSCM in its report to the Hon'ble High Court of Karnataka and it was observed that GPS location provided by the Forest Department were failing in the ocean and none of the GPS points have been documented were at the beach, The said report also contains the geo tag location. From the said data it was observed that the southern tip of the proposed HPPL project site had one nesting in the year 2020, that too falling 3 kms in the land area from the shore. Thus, the data from the forest department are not accurate.
43. With respect to allegation contained in para 22, the report of Environment Management and Policy Research Institute, a Government of Karnataka research institute in collaboration with Dakshin Foundation, the said report is also considered by the Report submitted to the High Court by NCSCM. Even as per the said report Kasarkod is identified as only an occasional nesting site as opposed to a frequent nesting site. Further, range wise nesting data from 210 to 2016 does not mention Kasarkod. It is clearly mentioned that the nesting in Karnataka coast is only sporadic. The

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NCSCM has recorded that the team surveyed the port area and the surrounding areas of Kasarkod . Further, based on the published work on turtle nesting sites in Honnavar, the location was visited and observations were that no nest, turtles, dead carcass were observed in the entire 45 hectre area of the proposed site during survey.

44. With respect to allegations made in para 23 & 24, as already mentioned, all the required governmental, administrative and statutory permissions, clearances and approvals for the construction of road was obtained and then only the construction of road had commenced.
45. With respect to allegation made in para 25 are concerned, the Writ Petition filed before the Hon'ble High Court of Karnataka, the counter and final order is filed along with this Counter. The Writ Petition, Counter and Final Order is marked as Annexure- R27, R28 and R29 respectively. This Respondent craves leave of this Hon'ble Tribunal to refer the same. The present OA is nothing but a second round of litigation by a proxy filed with malafide intention.
46. With respect to allegation made in para 26 & 27, it is submitted that during the consideration of the proposal for grant of necessary permission under Section 2 of the Forest Conservation Act, 1980, the MoEF, Regional Office asked for several clarifications from the Karnataka Forest Department regarding mitigation measures, CRZ clearance and 'Blue Flag Certification'. In its reply, the Karnataka Forest Department has clarified all issues regarding mitigation measures; CRZ clearance for the proposed road connectivity proposals and for Blue Flag Certification, NOC has been obtained from the Tourism Department. The allegation that the embedded

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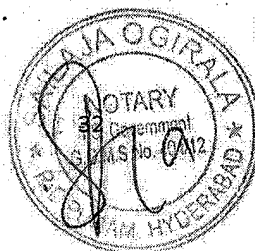
area, who do not want the port to be constructed and as such, the Writ Petition was a proxy petition on behalf of certain fisherman and other persons involved in fishing and other similar activities. Hon'ble High Court while appreciating the fact that all statutory clearances and administrative approvals have been obtained by the project proponent, disposed the Writ Petition giving liberty to the petitioners to raise their grievances, if any, before the Principal Secretary to Government, Public Works, Ports & IWT Department, who may consider the grievance of the petitioner and pass appropriate orders in accordance with law. On the basis of the directions contained in the said Order dated: 24.11.2021, the petitioners have filed their representations to the Government, which is being looked into by the concerned. The letter to Principal Secretary PWD, Ports and inland Water Transport Department from Hasimeenu Vyaparastara Sangh is marked as Annexure R30 Page. The present Application is another round of litigation by certain vested interests who are opposed to the Port development, although there are no fresh grounds for consideration.

49. With respect to allegation made in para 30, as already explained that the construction of road connectivity stated only after obtaining the necessary approval. The paramount importance for a connectivity road during construction phase is also explained herein above. The project proponent has to complete the project within a time line, as per the directions of Government. Therefore, it is necessary to undertake construction activities at the project site without any loss of time, in order to avoid time and cost overrun.

50. With respect to the allegation made in para 31, It is submitted that the

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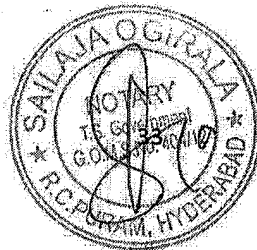
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KSCZMA has given its recommendations of construction of connectivity road for the Port. All other allegations are false and baseless. With respect to allegation made in para 32, the allegation made therein false and misleading. It is submitted that as per the CRZ notification 2011 & 2019, construction of the road in CRZ is permissible activity and a recommendation by the concerned coastal zone management authority is sufficient, which in this case has been obtained as part of the EC/CRZ dated 21/09/2012. All other allegations are false and baseless.

51. With respect to allegations made in para 33 & 34, it is submitted that the construction of road has not led to encroachment and pollution of the coastal commons on the Kasarkod beach as the land up to 50m width above High water mark is the Port land, except patta lands as per declared limits. It is submitted that area of Kasarkod beach is used illegally/unauthorized as fish drying yard by the dry The fisher women were using 45 hectares of land (93 acres) at Kasarkod Tonka illegally/unauthorized for fish drying purpose all these years. However, this land is reserved for the development of Port. All other allegation of direct implication of financial and security and socio-economic well-being, unemployment is misleading. In fact, the road is constructed it would greatly benefit the larger public and also the livelihood of the fishermen and women would improve multifold. There is absolutely no treat involved to the livelihood of the women in kasarkod village due to construction of road.
52. With respect to the allegation made in pars 35 relating to the complaint by Honnavar Hasimeenu Vyaparasthara Sangha. It is submitted, that as per the order of the Hon'ble High Court, it is clearly recorded that they were part of the public hearing conducted under EIA. With respect to the

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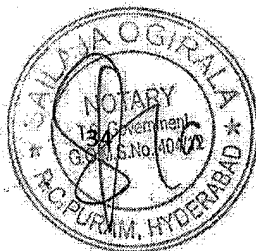
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allegation that construction of road had led to burying Turtle nests with live cluster of eggs in estimate range of 100-200 each under the red soil is false and baseless. The Applicant is put to strict proof of the same.

53. With respect to the allegation made in para 36, this Respondent disputes that Turtle nested on 17th Feb, 2022 along with the alignment of port connectivity road. The Photographs and the In-situ Conservation enclosures are disputed and have been created for the purpose of the case. The Hon'ble High Court of Karnataka has clearly observed in the para 8 that *"However, it is for the concerning authority to ensure that no damage is caused to the nesting of turtles and other endangered species found in the area."* Thus, the Forest Department is taking a active role in ensuring no damage is caused to the nesting of turtles. All other allegations are false and baseless.
54. Thus, as the Project proponent i.e., HPPL has obtained the statutory Environment Clearance, which is valid up to 20.09 2023, the allegation made by the applicant that construction of Port connectivity road is in violation of CRZ Notification 2011 and Environment (Protection) Act, 1986 is totally false, baseless and far from truth. The proposed four lane road connectivity road from Kasarkod side of Honnavar Port to National Highway No. 66 under Bharatmala Pariyojana through National Highways Authority of India (NHAI) is included under 'Gati Shakti', which is being monitored by the Government of India [PMO's Secretariat].
55. The road connectivity work has been taken up within the Honnavar Port

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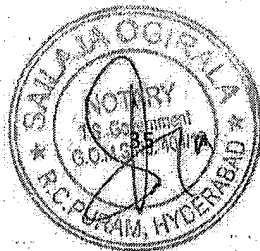
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limits The four lane road connectivity proposals of State Government has been included for execution under Bharatmala Pariyojana, which is a national programme for providing connectivity to ports. After ensuring satisfactory compliance of all the requirements, the National Highways Authority of India has proceeded to float tenders and award contracts. It is to be noted here that the KSCZMA has approved road connectivity to the project site and accordingly recommended issue of Environmental Clearance. Further to get encumbrance free land for the proposed road connectivity the Karnataka Forest Department has already issued Stage-I Clearance to the diversion of 0.76ha forest land in Forest Survey no. 233 & 237 and action is being taken for final approval. The project proponent has already paid net present value (NPV) for 0.76 ha of forest land and Cost of rising plantation (including 10 years maintenance) of 10 times of tree for compensatory afforestation amount of Rs. 1,02,21,800/- on 22nd April 2022 towards compensatory afforestation cost (ANNEXURE -R22) and Rs. 75,714/- on 20th July 2022 towards tree cutting cost (ANNEXURE - R23). The allegations leveled against the Respondents by the applicant are misconceived, baseless and far from truth.

56. It is submitted that the Hon'ble High Court of Karnataka Bangalore in its order dated: 24.11.2021 in W.P. No. 4039 of 2021 (GM - POL) PIL has clearly stated at Sl.No.08 that it is for the concerned authority to ensure that no damage is caused to the nesting of turtle and other endangered species found in the area. (Annexure - R29). Accordingly, Principal Chief Conservator of Forest (PCCF), (Wildlife), & Chief Wildlife Warden, Bangalore in letter no PCCF/WL/D/CR-78/2020-21 dated: 22.06.2020 has approved the wildlife mitigation measures pertaining to Diversion of 0.76 ha of forest land in Kasarkod village F. Sy. No. 233 & 237, Manki Hobli,

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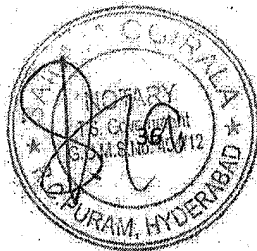
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Honnavar Taluk, Uttar Kannada District for approach road from Nh - 66 to Kasarkod side of Honnavar Port. Thus as per the approved, wildlife mitigation plan Rs. 4.00 lakhs on an annual basis is to be paid. The Wildlife Mitigation Plan is marked as Annexure R 31.

57. An agreement was signed for development of Honnavar Port in 07.04.2010 and 11.10.2010. Before granting Environment Clearance, a public hearing was held on 27.01.2012 at Kasarkod village. The project proponents have obtained all statutory clearances and administrative approvals in accordance with law before 2014 itself. As back as in 2016 itself, unauthorized/illegal occupants of 93 acres of alluvial land situated in Kasarkod-Tonka spit area were evicted. They were fishermen who were using the land belonging to the Ports Department unauthorized / illegally for drying fishes. The project proponents paid compensation amount to them, purely on humanitariangrounds.
58. The earlier agreement dated: 11.10.2010 was required to be amended so as to enable the project proponents to achieve financial closure. A revised agreement based on amendments to several clauses in the earlier agreements came to be signed on 14.03.2018. Amendments to several clauses of the agreement dated: 11.10.2010, enabling the project proponents to achieve financial closure. Therefore, the administrative department viz., Public Works, Ports & Inland Water Transport Department, after obtaining opinion from the Finance and Law Departments, placed the matter before the Cabinet and with the approval of the Cabinet, Government Order No: PWD 05 PSP 2013, dated: 16.01.2018 was issued, granting necessary permission for amendment of several clauses contained in the Agreement dated:

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11.10.2010, so as to enable the project proponent- M/s. HPPL [a SPV created as per Government letter No. PWD 293 PSP 2010, dated; 07.04.2011] to achieve financial closure, fixing the lease period for 30 years from the date of issue of the said Government Order. The Government letter No. PWD 293 PSP 2010, dated; 07.04.2011 is marked as Annexure R32. In pursuance to the Government Order dated: 16.01.2018, Government of Karnataka and the project proponent [HPPL] signed an amended Agreement dated: 14.03.2018) which came to be registered in the books of the Sub-Registrar, Honnavar. The Amended Agreement dated 14.03.2018 is marked as Annexure R33.

59. In the year 2020 COVID pandemic consumed more than one year affecting construction activities. Thereafter, purportedly espousing the cause general public, a fishermen association filed a PIL before the Hon'ble High Court of Karnataka challenging Honnavar Port project. After the disposal of the PIL-WP by High Court upholding Honnavar Port project, locals started obstructing road connectivity issues. After resolving most of the local issues due to the intervention of District Minister and District Administration, some vested interests have challenged the proposed Honnavar Port project and four lane road connectivity proposals undertaken by NHAI as part of Bharatmala Pariyojana, and an application has been filed before NGT, Chennai. It is alleged that the project proponents have violated environmental laws.

60. This Respondent submits that PIL was filed in the month of February, 2021. After losing the case before the Hon'ble High Court of Karnataka, Bangalore, local fishermen/fisher women have been publically agitating against the project. It was therefore necessary for the District Administration to extend support to the project proponents, in

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accordance with law, and to prevent unlawful and illegal obstructions by the agitating public comprising of local fishermen and fisher women. It cannot therefore be said that the cause of action arose only on 24.01.2022. They are aware of the Honnavar Port Development project right from the time public hearing was held by the concerned authorities [EIA Report 2012]. The averments made in this regard by the applicants are therefore denied as totally false and misleading. The delay in commencement was solely due to the agitation of local fisherman/fisherwomen.

61. It is humbly submitted that Karnataka is endowed with a maritime coastline of around 300 Kms. between Karwar (at the North) and Mangalore (at the South). This belt is well connected by National Highway and the Konkan Railway (broad gauge line) both running parallel to the coastlines. At present, in Karnataka there are 12 Minor ports under the Port Directorate and one Major Port viz., the New Mangalore Port under Government of India. The transportations sector is a strong factor in terms economic and reasonable balanced development, as well as also having a great influence on National Integration to the World economic market. India has a rich history of trade across seas. Ports constitute an important economic activity in coastal areas. The higher the throughput of goods and passengers year-on-year, the more infrastructure, provisions and associated services are required. These will bring varying degrees of benefits to the economy and to the country. Ports are also important for the support of economic activities in the Hinterland since they act as a crucial connection between sea and land transport. As a supplier of jobs, Ports do not only serve an economic but also a social function. In terms of load carried, sea way transportation is the cheapest and most effective transportation system compared to other systems. Industries require a safe and cheap means of exporting finished good and

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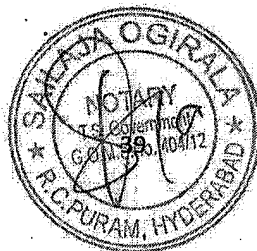
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importing raw materials. Hence the majority of industries in the world are located in the coastal belts, in the vicinity of major ports. These industries in turn, influence the lives of the employees and indirect benefactors.

62. Honnavar port is located at the place where Sharavathi Badagani rivers joins the Arabian sea. For faster development of ports and its efficient and cost effective operations, the development of Ports through private investment is envisaged. The development of port dependent industries and other infrastructural facilities will be integrated with port development. Major aim of port development in Karnataka is to promote regional development.
63. Government of Karnataka, which is committed for overall development of the State including the Western Coast, proposes to develop Honnavar Port through Public Private Participation. As at present, there are no industries which have come-up in this region of Western Coast. Therefore, it is intended to create greater employment potential to the locals. Through the development and commissioning of the port related activities in this part of Western Ghats region, a lot of skilled, semi-skilled and un-stilled job opportunities would be available to youths. It increases economic activities to a great extent and also ensure other infra structural activities. The project proponents are also obliged to undertake many socio-economic activities under Corporate Social Responsibility (CSR). It also results in the boost of State's economy in terms of GST/CST, etc., Various other incidental infra-structural developments like roads, railway, tourism, hotel industry, commercial activities, would take place, resulting in overall development of this under-developed region located in Western Ghats.

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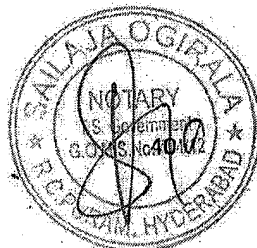
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64. In so far as local fishermen are concerned, who are largely dependent upon fishing activities, construction of port by the project proponent, would help them in a great way, as dredging activities will be undertaken, providing 24x7 dedicated channel for safe and smooth navigation of fishing/vessels. The dedicated channel will be earmarked with the help of floating marker buoys which will be helpful to the fisherman during barge/vessel movement to the berths for their fishing activities. Construction of breakwaters at the existing gut by the project proponent as a part of Honnavar Port development would help the fishermen in a great way, as it results in maintaining stability at the mouth of the river channel/tidal inlet and facilitate safe and smooth navigation of mechanized floating vessels (MFV's) and small boats. Thus, fishing activity is directly and allowed activities are indirectly benefitted due to maintenance of safe navigable depth at all times. At present, fisherman have to wait for the high tide in order to have sufficient water depth, i.e., draft, for smooth and safe navigation of vessels/boats due to siltation and bar formation at the mouth estuary/gut. Construction of 2 parallel Breakwaters on either side of the existing gut by HPPL would ensure stability and thus and directly encouraged fish activity by virtue of more effective time for fishing without any hindrance.

65. The technical designs for the breakwaters is furnished by the central water and power research station, Pune, a premier Research Institute of Government of India after detailed technical study and modeling. The CWPRS report (Technical) is marked as Annexure R34. The entire population of this region contains citizens belonging to various sections of the society, including fishermen community. The interests of other local people, who are dependent upon professions other than fishing are also required to be protected by the State. There are no industries in the region

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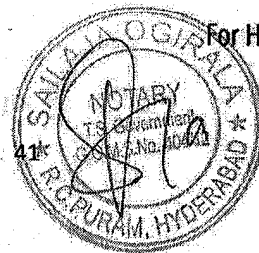
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and therefore, alternative job opportunities have to be created for the benefit of those citizens of the society who are not fishermen. The entire coastal zone belongs to every citizen and it cannot remain a private asset of some section of the society. Therefore, taking larger public interests in mind and the need for providing livelihood to other persons of the society, the State of Karnataka has undertaken this responsibility of developing Port at Honnavar under PPP Mode.

66. Further, construction of four lane road connectivity from Kasarkod side of Honnavar Port to NH-66 under Bharatmala Pariyojana through the NHAI is a proposal of national importance. This road connectivity proposal is being monitored by the Government of India, as it is included in GATI SHAKTI. As a part of this proposed road connectivity, a Separate concrete service road of 7mtrs width should be provided for movement of localities. This is clearly shown in the cross-section drawing. The cross section drawing of road is marked as Annexure R35. All allegations levelled by the Applicants in OA No. 76/2022 (SZ) filed before the Hon'ble National Green Tribunal, Chennai are totally misconceived and are denied as false. All other averments are here by denied.
67. The Applicant has suppressed the legal notice dated 17/06/2022 issued by M/s. Sreeja Chakraborty. The Legal Notice dated: 17.06.2022 was issued to the Deputy Commissioner, Uttara Kannada District, Karwar by Smt. Sreeja Chakraborty, Advocate, Bangalore regarding illegal port connectivity road at Kasarkod-Tonka, Honnavar, Uttara Kannada: Learned Counsel for the Petitioner Smt. Damayanti Subray Mesta in Original Application No: 76 of 2022 (SZ) on the file of the Hon'ble National Green Tribunal, Southern Zone, Chennai had issued a legal notice dated: 17.06.2022 to the Deputy Commissioner, Uttara Kannada

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District, Karwar about illegal port connectivity road at Kasarkod-Tonka, Honnavar, Uttara Kannada District, stating that the construction of the road is undertaken illegally by the Ports Department to provide 'dedicated portconnectivity road' to the port project of M/s. Honnavar Port Private Limited at Kasarkod Tonka to National HighwayNo: 66 (earlier NH-17) under heavy police deployment. The legal notice issued by Smt. Shreeja Chakraborty dated 17.06.2022 to the Deputy Commissioner, Uttara Kannada District is marked as Annexure R36. It was alleged that ongoing construction of the road is undertaken in violation of (i) CRZ Notification, 2011 and Environment (Protection) Act, 1986; (ii) Administrative approval of the Government of Karnataka; (iii) illegal encroachment on private land of Kasarkod villages; and (iv) contempt of Hon'ble High Court judgment.

68. After careful consideration of the above legal notice issued by the learned Counsel Smt. Sreeja Chakraborty, a detailed report has been furnished by the Director of Ports and Inland Water Transport Department, Karwar on 24.06.2022. The reply of Director of Ports & IWT department for legal notice issued by Smt. Shreeja Chakraborty is marked as Annexure R37. There are no violations of any of the statutory provisions. The project proponents have strictly adhered to all statutory requirements and administrative approvals, as are required under law. The very same allegations were made by another batch of local fishermen in the PIL 4039/2021 and after due consideration of the documents and upon hearing the learned Counsel for the parties, Hon'ble High Court of Karnataka, Bangalore, while categorically opining that it is not a PIL, has disposed off the writ petition in favor of the respondents.

69. The Department of Ports & Inland Transport vide its reply 24/06/2022

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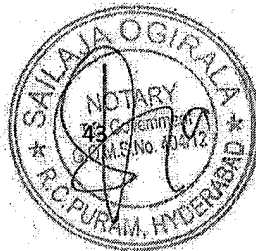
had categorically stated that the Karnataka State Coastal Zone Management Authority in meeting dated 28/05/2012 had recommended grant of EC and CRZ clearance for road corridor connecting the project site to NH 17 (New No. NH 66) as one of the components recommended for EC. Thought the Applicant was aware of this reply, the same has not been brought the notice of this Hon'ble Tribunal in neither of the hearings dated 14.07.2022 or 27.07.2022. This materials information has been suppressed and has been projected that the construction is carried out without clearance form KCZMA. The interim orders have been obtained behind the back of the Respondent.

70. This Respondent submits that series of problems raised from several quarters act as deterrent to private investors who take part in several infrastructural projects in Karnataka. Government of Karnataka shows interest to invite private investors to come and take part in several infrastructural projects in Karnataka. But such anti developmental activities from vested interests against policy decisions of State Government sends a very bad signal to private investors. It is very detrimental to the progressive decisions of State Government and adversely affects State's economy. Private investors should not be allowed to suffer at the hands of vested interests who oppose developmental activities and cause considerable time and cost overrun.

71. The proposed Honnavar Port is being developed by the project proponent on PPP Mode. The lease period for the project is 30 years from the date of issue of revised Government Order dated: 16.01.2018. Any infrastructural development undertaken by any investor involves huge

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financial implications. Besides organizing all activities including obtaining of statutory clearances and administrative approvals, the project proponents have to resolve all vital issues relating to the project and adhere to the time line prescribed by the Government. The impact of COVID-19 adversely affected the progress of construction. In addition to the natural calamities, the local inhabitants who constitute a small section of the society who are opposing the project are creating undesirable nuisance and preventing developmental works at the project site. Thus the implementation of this project has been inordinately delayed. The series of litigations before the High Court and Tribunals has impaired the progress of construction. The above named Respondent most respectfully pray that the application filed by the applicant is unsustainable both on law on facts and the same is liable to be rejected. Therefore, in the interests of State and taking into consideration the advantages that would accrue to the society at large and this part of the coastal region in particular, Hon'ble Tribunal may be pleased to dismiss the Application with costs, in the interest of justice and equity.

72. This Hon'ble Tribunal had passed an ex parte order dated 27.07.2022 directing the authorities to ensure that no further construction is to be made either as per the environmental clearance or in violation of the same in that area. The said ad interim injunction was passed suppressing vital material facts. The Applicant has suppressed the legal notice issued by her Counsel M/s. Sreeja Chakraborty and the reply issued by the Director of Ports i.e., 1st Respondent herein. The Department of Ports & Inland Transport vide its reply 24.06.2022 had categorically stated in its reply that the Karnataka State Coastal Zone Management Authority in meeting dated 28.05.2012 had recommended grant of EC and CRZ clearance for road corridor connecting the project site to NH 17 (New No. NH 66) as one of the components

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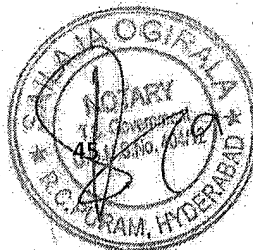
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recommended for EC. The Applicant was aware of this reply and had not brought the same to the notice of this Hon'ble Tribunal in neither of the hearings dated 14.07.2022 or 27.07.2022.

73. The present interim Order dated 27.07.2022 observes in para 7 that "from the Arguments that Originally there was a proposal for an overbridge to the port site which is now converted to road on land laid by the project proponent. The above act of laying road in contra to the condition laid in the Environmental clearance and without approval of CZMA should deprive the project proponent of his environmental clearance". The Project proponent for the port is the 2nd Respondent herein. The Applicant has misled this Hon'ble Tribunal regarding proposal for an overbridge to the port. The EIA road connectively, which is an integral part of port development is suppressed. The said interim order is premised on the misguided facts that the road is laid contra to the conditions in the Environmental Clearance and without approval of KSCZMA. The EC and CRZ approvals are granted for road connectivity which is an integral part of the Environmental clearance. By virtue of the interim order the complete Project is stalled including the construction of port. The locals are not permitting the staff to enter the site. The workers and staffs are manhandled. The Applicant is misinterpreting the interim order stating that the not further construction should be undertaken as per the EC. In view of this, the local fisherman and other individuals with vested interest are not allowing the staffs and employees of this Respondent to enter the port site too. The State Level Environment Impact Assessment Authority- Karnataka has also issued letter to this Respondent to ensure that no further construction should be made either as per the Environmental Clearance or

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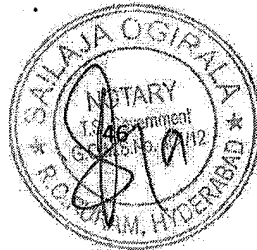
in violation of the same and this Respondent must comply with the Order. The letter dated 30.07.2022 is marked as Annexure R38.

74. The 2nd Respondent is incurring heavy losses on account of the interim order passed by the Hon'ble Tribunal. The 2nd Respondent has already spent more than Rs. 80 Crores on this project. The 2nd Respondent had already mobilized expensive materials such as rigs, quality control lab equipment, survey equipment and surveillance Equipment to the site. The 2nd Respondent had also mobilized the labours to the site and they had been working till the Interim order passed by this Hon'ble Tribunal on 27.07.2022. The Current status of the Project as follows: -

Description		Status
1) Construction of Jetty	a) Approach Trestle -1 (67.5M x 15M)	Completed
	b) APPROACH TRESTLE-2 (67.5M X 15M)	5 nos of piles completed out of the proposed total 17 nos. Sheet Pile erection and sand filling for reclamation of land work completed.
	c) BERTH - (440M X 30M)	Sheet pile erection for reclamation is in progress.
	d) Precast Deck Plans	In Progress

For HONNAVAR PORT PRIVATE LIMITED

Authorized Signatory



For HONNAVAR PORT PRIVATE LIMITED

Authorized Signatory

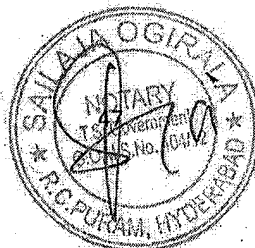
2) Construction of Breakwaters	Breakwater boulders procured. A total of 1632.60 MT quantity stocked at site till date.
3) Development of Internal Roads (within the Project premises)	Out of proposed 4575 Rmtrs 1113 Rmtrs is completed.
4) Construction of Approach Road by Port Department 2.1 kms	I. Road work up to GSB layer is completed. II. WMM laying and construction work is in progress - 1.1 kms completed out of 2.1 kms

75. The 2nd Respondent submits that apart from the abovementioned progress, the 2nd Respondent has already constructed a fully furnished site office and Contractor Office. The 2nd Respondent has also constructed a QC lab and installed Batching Plant in the port site. The port site also has labour camps where labourers mobilized by the 2nd Respondent for the project are residing. A weighbridge of 100 MT Capacity is complete and is operational. The 2nd Weighbridge of 100 MT Capacity installation is complete up to weighbridge platform. The 2nd Respondent is incurred heavy expenses and mobilized material and labour and has the development of the port is in full swing. The photos showing the

For HONNAVAR PORT PRIVATE LIMITED

For HONNAVAR PORT PRIVATE LIMITED

Authorized Signatory



[Signature]
Authorized Signatory

equipment and the current status of the site is marked as Annexure R39(Colly).

76. The 2nd Respondent submits that the entire port project has come to a standstill amount of the Interim Order dated 27.07.2022. The 2nd Respondent who has spent a substantial amount is put to grave prejudice and irreparable loss on account of the said Interim Order. The labour and machineries are idling on account of the interim Order and the 2nd Respondent is forced to bear the expenses. The Total expenses incurred for each day is Rs. 2,45,000/- and the 2nd Respondent is forced to bear these expenses. The break up of the expenses are extracted hereunder:-

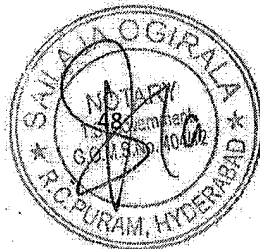
PER DAY EXPENDITURE DETAILS

SL. NO.	ITEMS	HPPL (PER DAY IN Rs.)	RKEC (PER DAY IN Rs.)
1	Site Engineers	10,000.00/-	35,000.00/-
3	Staff Accommodation and Administration charges	20,000.00/-	10,000.00/-
4	Equipment/Machinery	20,000.00/-	1,50,000.00/-
Total Amount		50,000.00/-	1,95,000.00/-
Total Expenses		2,45,000.00/-	

77. The 2nd Respondent submits that 2nd Respondent's men are manhandled by the locals. On 09.08.2022 at 10.30 while staff of the 2nd Respondent were

FOR HONNAVAR PORT PRIVATE LIMITED

Authorised Signatory



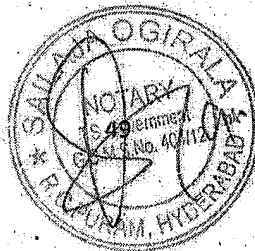
For HONNAVAR PORT PRIVATE LIMITED

Authorised Signatory

going to Project site on vehicles (Mahindra Bolero & Mahindra Camper) local people around 40 men and women stopped the vehicle of the 2nd Respondent and assaulted the staffs of the 2nd Respondent and damaged the vehicle. The locals also showed the interim order passed by this Hon'ble Tribunal and threatened the staffs of the 2nd Respondent that they will face awful consequences if they 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. Due to local issues and hinderance on approach road, the 2nd Respondent has not been able to take the pilling rig and 70MT Steet to the port site. It is unloaded outside the site premise.

78. The Applicant herein have successfully stalled the project which they were otherwise not able to achieve in the Writ Petition No. 4039/2021 (PIL) before the Karnataka High Court. The validity of the EC was challenged in the abovementioned Writ Petition No. 4039/2021 (PIL) and the validity of EC was upheld and there is no appeal against the said order. The Applicant and its nominees are merely forum shopping by filling frivolous Applications in order to arm twist the Respondents.

79. The 2nd Respondent submits that the 2nd Respondent has invested a substantial amount in the project. The 2nd Respondent is incurring idling changes of more Rs. 2,35,000/- on account of stoppage of work. Apart from that the 2nd Respondent is also forced to pay interest and penalties. Even stoppage of work for a day will cause grave prejudice and irreparable loss to the 2nd Respondent. In light of the above, it is absolutely imperative that the stay passed by this Hon'ble Tribunal is vacated and



For HONNAVAR PORT PRIVATE LIMITED
 Authorised Signatory

suspended. No prejudice will be caused to the Applicant. Irreparable loss and hardship is caused on account of the interim order dated 27/07/2022 passed by this Hon'ble Tribunal.

Prayer

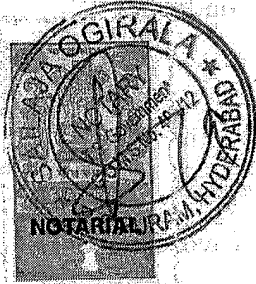
It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss above I.A No 116 of 2022 (SZ) In ORIGINAL APPLICATION NO. 76 OF 2022 (SZ) with cost and thus render justice.

VERIFICATION

I, Captain Surya Prakash aged about 69 years, having office at 103, Lalhzar Apartments, 45/1-2, Palace Road, Bangalore- 5600001, CEO of Honnavar Port Private Limited, do hereby verify that the contents of para 1 to 79 of this Reply are true to my personal knowledge and belief and that I have not suppressed any material fact.

For HONNAVAR PORT PRIVATE LIMITED

Signature of 2nd Respondent Authorised Signatory



ATTESTED
SAILAJA OGIRALA
ADVOCATE & NOTARY
B.H.E.L., MIG-1110, R.C.Puram,
Hyderabad-502032. T.S. Cell: 9348292606
Commission Exp. On : 24/6/2027

For HONNAVAR PORT PRIVATE LIMITED

Authorised Signatory

Item No. 03:**Court No.2**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**Original Application No. 76 of 2022 (SZ)****&****I.A. No. 116 of 2022(SZ)**

(Through Video Conference)

IN THE MATTER OF

Damayanti Subray Mesta

...Applicant(s)

*Versus*Department of Public Works, Ports and
Inland Water Transport, Bangalore & ors

...Respondent(s)

Date of hearing: 27.07.2022**CORAM:****HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s):

Ms. Sreeja Chakraborty

For Respondent(s):

Mr. H.K. Vasanth for R3 and R4

Mr. Rajat Jonathan Shaw for Mr. Darpan for State of
Karnataka

Ms. Sumathi for MoEF&CC

ORDER

1. Heard the Learned Counsel Ms. Sreeja Chakraborty for the applicant. Mr. H.K. Vasanth, Learned Counsel for respondents 3 and 4, Mr. Rajat Jonathan Shaw, Learned Counsel appearing for the State of Karnataka and Ms. Sumathi, Learned Counsel appearing for MoEF&CC.

2. Learned Counsel appearing for the applicant states that the respondents 1 and 2, who are the project proponent are served with the papers by e-mail on 18.07.2022. But there is no representation for them today.
3. The complaint of the applicant is that there is a construction of road on the CRZ area of Kasarkod Village which is in violation of Environmental Clearance already granted to the project proponent.
4. The Learned Counsel appearing for the SEIAA and Coastal Zone Management Authority (CZMA) categorically stated that they have not authorised the project proponent to construct the road on the route indicated in the map attached which reaches the Honnavar Port.
5. The map produced by the Learned Counsel for the applicant clearly indicates a portion of the road being laid across the forest land and a longer stretch of the same on the coastal area leading to the Honnavar Port at Kasarkod. The port area itself has been clearly demarcated on the northern side of the Kasarkod Village which appear to be a sandy beach and it is classified as CRZ-III "No Development Zone"
6. Learned Counsel appearing for the applicant submits that in the said area there are Olive Ridley Turtle nesting sites and there are instances of the nesting sites being damaged by the port workers earlier also. She also submits that the area earmarked for the port is highly erosive and may not be suitable for the proposed port.

7. Be that as it may, it is elicited from the argument that originally there was a proposal only for an over bridge leading to the port site which is now converted to a road on land that is being laid by the project proponent. The above act of laying road in contra to the conditions laid in the Environmental Clearance and without the approval of the CZMA should deprive the project proponent of his Environmental Clearance.
8. The Learned Counsel appearing for the SEIAA and CZMA also stated that he would advice his authorities to consider this aspect and take appropriate action against the project proponent including the cancellation of the Environmental Clearance.
9. We hope the authorities would follow the procedure for the same in the manner known to law. Till such time, we direct the authorities to ensure that no further construction should be made either as per the Environmental Clearance or in violation of the same in that area.
10. The Learned Counsels appearing for the respondents are directed to file their appropriate replies before the next hearing.
11. Let the matter appear on the list on 22.08.2022.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No. 76/2022(SZ) &
 I.A. No. 116/2022(SZ)
 27th July , 2022. (AM)

ITEM NO.2

COURT NO.5

SECTION IV-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 8586/2022

(Arising out of impugned final judgment and order dated 24-11-2021 in WP No. 4039/2021 passed by the High Court of Karnataka at Bengaluru)

HONNAVAR TALUK HASIMEENU VYPARASTARA SANGHA Petitioner(s)

VERSUS

M/S. HONNAVAR PORT PVT LTD. & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.69697/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-08-2022 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Devdutt Kamat, Sr. Adv.
 Mr. Nishanth Patil, AOR
 Mr. Rajesh Inamdar, Adv.
 Mr. Javedur Rahman, Adv.
 Mr. Harsh Pandey, Adv.
 Mr. Sabyasachi Banerjee, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
 Mr. M. Gireesh Kumar, Adv.
 Mr. Ankur S. Kulkarni, AOR
 Ms. Pushpita Basak, Adv.

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

Learned counsel for the petitioner seeks leave of this Court to withdraw the special leave petition.

The special leave petition is dismissed as withdrawn.

If the petitioner approaches the National Green Tribunal his

Application shall be considered in accordance with law.

Signature Not Verified
Digital Signature of
CHETAN K. SHARMA
Date: 2023.08.29
16:39:48 IST
Reason:

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

Item No.14:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Original Application No.76 of 2022 (SZ) &
I.A. Nos.116, 144, 146 of 2022 (SZ)**

IN THE MATTER OF:

Damayanthi Subray Mesta
Karnataka.

...Applicant(s)

*With*Department of Public Works,
Ports & Inland Water Transport
Bangalore and Ors.

...Respondent(s)

Date of hearing: 21.10.2022.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): M/s. Sreeja Chakraborty.

For Respondent(s): Mr. Darpan K.M. for R1 & R8.
Mr. Satish Parasaran, Sr. Adv. along with
Mr. Aravind A.S. for R2.
Mr. Vasanth H.K. for R3 & R4.

ORDER

1. In view of the urgency expressed in this matter which relates to M/s. Honnavar Port Private Limited (hereinafter referred to as 'HPPL'), we intend to pass the following order:-
2. The application is raising a substantial question relating to the environmental impact arising out of the ongoing project viz., the construction of a four-lane, 4 Km long and dedicated road corridor to provide port connectivity for the port project viz., M/s. Honnavar Port Private Limited.
3. The allegation is that the said road is being constructed in CRZ - I and CRZ - III which is a 'No Development Zone', as it is 200 m from the High Tide Line on the landward side. The HPPL has proposed to start the harbour in an extent of 44 Ha. of land.
4. The contention of the 2nd respondent is that as per the Final EIA Report, 'Connectivity' is referred as follows:

"1.3.2 Connectivity

The site has good road connectivity. NH 17 passes through Honnavar towards East of project site at a distance of about 1 km. The site is connected to Bellary through NH 63 and NH 17. NH 17 meets NH 63 near Ankola at about 45 km from the site. Presently the site can be approached from a single lane black topped road that runs in continuation to NH 17 and then lies parallel to the shoreline.

The site can be easily accessed through Konkan railway (Connecting Kerala with Mumbai) The barge / vessel loading facility proposed at Honnavar is at a distance of 5.0 km from Honnavar railway station and 14 km from Manki railway station.

The nearest Airports are at Mangalore and Goa which is about 155 km and 140 k respectively and the nearest seaport is at Karwar which is about 60 km from the project site."

5. It is stated that the NH - 17 passes through Honnavar towards the East of the project site at a distance of about 1 Km. The site is connected to Bellary through NH - 63 and NH - 17. Recently, the site is connected to Bellary through NH - 63 and NH - 17. Presently, the site can be approached from a single lane black topped road that runs in continuation to NH - 17 and then lies parallel to the shoreline.
6. In the same report, the proposed dedicated rail/road corridor has been mentioned, in which, options have been given by the HPPL.

"2.6.16.1 Road Connectivity Option : I

The road in this option takes off from NH 17 at Topalgaere and then traverses southeast a distance of around 0.90 km. A proposed bridge passing over River Bagdani will connect the road to the project site. Thus the overall length of this connectivity option will be around 1 km with a width of 25 m with a provision of double lane road.

2.6.16.2 Road Connectivity Option : II

In this option the proposed road starts from NH 17 at Kasarkod. This road will then run south-east for some distance and then aligns parallel to the shoreline till it reaches the proposed project site. This option will be parallel to the existing single lane road at an offset distance of 100 m. The total length of this road from NH 17 to the proposed site is 4 km. This road connectivity will have a width of 25 m."

7. Today, when the matter was taken up, the CEO of HPPL was personally present and informed that Option (i) if proceeded with would obstruct the movement of the vessels and it was by mistake, the consultant had given such an option. Option (ii) is concerned, it is a parallel road to the existing single lane road at an offset distance of 100 m and the total length of this road from NH - 17 to the proposed site is 4 Km and the said road connectivity will have a width of 25 m.

8. When this was pointed out, the applicant very seriously objected that it is a 'No Development Zone' and the existing road could not be used by the HPPL.
9. It is also pertinent to note that in the Karnataka SCZMA's report dated 18.08.2022 that the CRZ Clearance had been issued for the activities mentioned within the 44 Ha. of land in CRZ - I B & CRZ - III areas and breakwater construction in CRZ - IV areas. No approval for construction of new roads, outside the area mentioned i.e. 44 Ha. has been given by the SCZMA - Karnataka.
10. A communication from the office of the Regional Director (Environment), Department of Forest, Ecology and Environment addressed to the Principal Secretary to the Government, Ecology and Environment, Department of Forest, Ecology and Environment, Bangalore dated 03.10.2022 is produced by the 2nd respondent. The said communication relates to the report regarding the road connecting to the Honnavur port area.

"Office of the Regional Director (Env.) (Forest Ecology and Environment)
ParisaraBhavana, Habbuwada Karwar-581306, E-mail
rdekwr2010@gmail.com Phone: 08383-223997

No: RDE/CRZ/HPPL/2022-23/1253

Date: 03-10-2022

To

Principal Secretary to the Govt
(Ecology and Environment)
Department of Forest Ecology and Environment
Bangalore.

Dear sir,

Sub: Report regarding road connecting to Honnavur port area

Ref: 1. E-mail dated: 20-09-2022

2.Environmental Clearance letter from SEIAA

Karnataka No: SEIAA/22/IND/2011 Dated: 21-09-20112

3. Government Notification No:
AHF/210/FDS/2015, Bangalore Dated: 02-05-2017:

**** **

With respect to the above subject mentioned, in connection with case no. OA 76/2022 1A 116/2022 the Hon'ble National Green Tribunal, Chennai bench has passed the following Order on 22.08.2022:

"The stay granted is with respect to the ongoing construction of the impugned 4-Lane 4km long, 25-40m wide road on 'No Development Zone' of CRZ II area (within 200m from HTL) and on CRZ-1-A and 1-B area on forest land in violation of CRZ Notification, 2011 undertaken by the Port Department "

Earlier, the project of "Development of barge/ vessel loading facility" at Kasarkod Tonka sand spit area in a total extent of 44 Ha, by HPPL was recommended to SEIAA as per the proceedings of Karnataka State Coastal Zone Management Authority meeting held on 28-05-2012.

With regard to said case vide reference (1) it was instructed to give a clear picture about the roads available to approach the project area by way of a report after spot inspection.

Site Inspection Report:

From the site inspection, it is found that, a kaccha road (road with Gravels Mixture) runs parallel to the beach from National Highway-17 currently NH.66) at Kasarakod up to the proposed port area in CRZ-II No Development Zone area and as per the information from the port department the said kaccha road was formed during the construction of sea wall (for protection from sea erosion) by the Port Department along the Kasarakod seashore as the said road falls within the limits of Port Department. Presently, Honnavara Ports Pvt. Ltd has intended to develop the said Kaccha road for the purpose of port development as connecting road from National Highway.

There is an another road connecting to the port area which runs north from National Highway-17 (currently NH.66) and then passes through the residential area in the centre of Kasarakod village, next to the fishing harbour and upto Honnavar Proposed port area. This road is approximately 2.3 km from the National Highway to the port area entrance and continue in the proposed port area also. The Fisheries department vide Government Order which reference (3) has stated that the said road is Fisheries Link Road and it is found that along the said fisheries link road there are many residential, commercial, school buildings, fishing harbour etc.

The report is submitted for your kind information."

11. The learned counsel appearing for the 2nd respondent would submit that as per the site inspection report referred to above, there is a Kaccha Road (road with gravel mixture) that runs parallel to the beach from NH - 17 at Kasarkod upto the proposed port area in CRZ - III [No Development Zone area]. It was developed while forming the construction of a sea wall for protection from sea erosion and it further

states that the said road falls within the limits of the Port Department. Presently, the HPPL has intended to develop the said Kaccha Road for the purpose of port development as connecting road from National Highway as well. Be that as it may, we want to refer to the CRZ III (A) (i)

"III. CRZ-III-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)"-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

12. The above regulation refers to areas falling within any notified port limits. However, the communication referred to above states that the road falls within the limits of the Port Department. Therefore, the question that arises for consideration is whether the road in dispute will fall within the exempted area of the notified port limits which is to be decided only by the concerned authorities viz., SCZMA - Karnataka and SEIAA - Karnataka with reference to Coastal Zone Regulation (CRZ) Notification and Environmental Impact Assessment (EIA) Notification in vogue taking into account the Final EIA Report submitted by the project proponent.
13. As it is represented that the port activities have come to a grinding halt in view of the interim order granted by the Tribunal, the 2nd respondent insisted on permission being granted to use the existing single road referred to above for the port activities, till such time the application is decided finally by the National Green Tribunal. In this regard, we are constrained to state that it will be appropriate for the authorities referred to above to take a call on this and pass appropriate orders as per law.

14. Therefore, the 2nd respondent is given the liberty to approach the authorities for the usage of the existing road by making an application to the SCMZA - Karnataka and followed by an application before the SEIAA - Karnataka and let the same be examined by the authorities and pass appropriate orders as per law.
15. Post the matter on 05.12.2022.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.76/2022 (SZ)
I.A. No.116, 144, 146/2022 (SZ),
21st October, 2022. Mn.



Item No.01:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI*****Dated this the 26th day of September, 2023.****(Through Video Conference)***Original Application No.76 of 2022 (SZ)&
I.A. Nos.116, 144 and 146 of 2022 (SZ)****IN THE MATTER OF****Damayanti Subray Mesta**

Tonka - 1, Kasarkod, Honnavar,
VTC: Kasarkod, P.O.: Kasarkod,
Uttar Kannada District,
Karnataka - 581 342.

Applicant(s)

Versus**1) Department of Public Works, Ports &
Inland Water Transport**

Government of Karnataka
Rep. by the Additional Chief Secretary to Govt.
Room 28, Vikasa Soudha
Bangalore - 560 001.

2) M/s. Honnavar Port Private Limited (HPPL)

Through its Director
#103, Lalehzar Apartments,
45/I-2, Palace Road, Bangalore - 560 001.

3) Karnataka State Coastal Zone Management Authority

Through its Chairman &
Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
4th Floor, M.S. Building, Bengaluru - 560 001.

**4) State Level Environment Impact Assessment Authority
Karnataka**

Through its Member Secretary
Department of Ecology & Environment
Room No.709, 7th Floor, IV - Gate,
M.S. Building, Bangalore - 560 001.

5) Karnataka Forest Department

Through the Principal Chief Conservator of Forest (PCCF)
Head of Forest Force (HoFF)
4th Floor, Aranya Bhavan, Malleshwaram
Bangalore - 560 003.

6) Ministry of Environment, Forest and Climate Change (MoEF&CC)

Integrated Regional Office, Bangalore
Through the Deputy Director General of Forests (C)
Kendriya Sadan, 4th Floor, E & F Wings,
17th Main Road, Koramangala II Block,
Bangalore - 560 034.

7) Directorate of Fisheries

Through the Director
3rd Floor, Podium Block,
Visvesvaraya Centre
Dr. Ambedkar Veedhi,
Bengaluru - 01.

8) Office of the Deputy Commissioner & District Magistrate

Uttar Kannada District
Karwar P.O. - 581 301.

...Respondent(s)

For Applicant(s): M/s. Sreeja Chakraborty.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R1 & R8.
Mr. R. Ramasubramaniam Raja and
Mr. Aravind A.S. for R2.
Mr. H.K. Vasanth for R3 & R4.
Mr. Y. Kavitha for R6.

Judgment Reserved on: 03rd August, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

NCT
JUDGEMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member.

1. The Government of Karnataka had accorded sanction to the 2nd Respondent viz., M/s. Honnavar Port Private Limited (HPPL) to develop the infrastructure as specified and carry on anchorage operations in respect of the project proposed and carry on anchorage operations in Honnavar Port and Kasarkod side of

Honnavar Port for a period of 30 years. Based on the same, the 2nd Respondent had obtained Environmental Clearance from the State Environmental Impact Assessment Authority (SEIAA) - Karnataka dated 21.09.2012. The total land requirement for the proposed facility is 44 Hectares, out of which, the coal stack yard area, iron ore stack yard area, general cargo storage area, general cargo storage closed area, liquid cargo storage area, etc. were earmarked for operations and for future expansion. The Environmental Clearance was issued on specific conditions and general conditions.

2. While so, the above Original Application is filed by the applicant residing in Kasarkod Village seeking a direction to the respondent authorities to remove the red soil, boulders, tar, jally stone, etc. used for the construction of the road on the Coastal Regulation Zone (CRZ) area of Kasarkod village and restore the CRZ III No Development Zone (NDZ) area (within 200 M from HTL) and initiate violation proceeding against the 1st Respondent and direct the Karnataka Forest Department not to issue work order under Section 2 of the Forest (Conservation) Act, unless the CRZ Clearance obtained from the 3rd Respondent which is the Karnataka State Coastal Zone Management Authority (KSCZMA) for construction of the road in CRZ I area.
3. According to the applicant, the impugned road is constructed through CRZ - I and III on NDZ up to 200 M from the High Tide Line (HTL) on the landward side of Kasarkod Beach without obtaining prior CRZ Clearance which is a violation of the CRZ Notification, 2011.
4. It is stated that the project has impacted the livelihood of 2,000 women engaged traditionally in drying, processing and selling fish, as their only means of livelihood. The CRZ area of the Kasarkod Village is used as a fish drying area by the fisherwomen of Kasarkod, while so the impugned road is being constructed to provide to the port a **"dedicated road corridor"** from the port project of M/s. HPPL to the National Highway 66. The total length of the impugned road is said to be 4 Km, of which, 3.8 Km is through the CRZ III NDZ area and the

remaining 0.2 KM is through the CRZ I A area on forest land in Forest Survey No.233 and 237 of Kasarkod Beach and Village.

5. It is stated further that as per the lease agreement dated 11.10.2010 with M/s. North Canara Sea Ports - GVPREL Consortium, Hyderabad for the use of port land and port related activities, a road measuring 130 x 12 Meters to give entry to the port from NH 17 was proposed to be constructed by filling up the pond space in the corner of the Sharavathi bridge.
6. The said subject matter of the lease was transferred with all the same recitals in favour of the 2nd Respondent viz., M/s. HPPL on 07.04.2011. The Government of Karnataka, while approving the Honnavar Port, granted the approval for an entirely different port connectivity road to connect the Honnavar Port to the NH 17.
7. According to the applicant, the 2nd Respondent had applied for embedded Environment and CRZ Clearance for a project from the SEIAA - Karnataka and the Karnataka SCZMA respectively. Subsequently, the Port Department started the preparatory work for the construction of a 4 Km long, 25 M wide port connectivity road by deploying heavy machinery and boulders and reclamation of the sandy beach of Kasarkod. The said construction of the road has led to encroachment and pollution of the coastal commands on the Kasarkod beach who were using as a fish drying yard.
8. Hence, the above Original Application is filed by the applicant who is a fisherwoman raising the following grounds:-
 - I. The 4 Km long, 25 - 40 M wide road is constructed in the CRZ area without prior CRZ Clearance in violation of the CRZ Notification, 2011.
 - II. The impugned road is a private road specifically built for the port authority creating a dedicated road corridor, as the inhabitants of the Kasarkod Village already have access to the 4 M wide existing road which connects the Honnavar fisheries harbour to NH 66 (NH 17). Therefore, the

requirement for the local inhabitants as mentioned in the CRZ is inapplicable in this case.

III. While natural fish drying is a permissible activity in the CRZ area, the construction of a road through the coastal beaches for the private interest of the 2nd Respondent on CRZ III NDZ is not a permissible activity.

IV. Construction of the impugned road without prior approval under the Wildlife Protection Act will lead to the destruction of the habitat and nesting ground of the Olive Ridley Turtle at Kasarkod Beach.

V. Construction of the said impugned road would alter the natural landscape, remove the native vegetation, flatten the dunes, etc.

9. In response to the above application, **the Department of Public Works, Ports & Inland Water Transport (Respondent No.1) and the Deputy Commissioner & District Magistrate, Uttar Kannada District (Respondent No.8) have filed a common reply**, wherein it is stated that

9.1 The issues regarding the Olive Ridley Turtle nesting grounds and the validity of the Environmental Clearance and the CRZ Clearance which includes the port connectivity road were raised before the Hon'ble High Court of Karnataka in W.P. No.4039 of 2021. The issues were dealt with comprehensively and the writ petition was dismissed on 24.11.2021. Aggrieved, a challenge is made before the Hon'ble Supreme Court of India in SLP No.8586 of 2022 and is pending adjudication. Hence, it is alleged that the present proceeding is nothing but an abuse of the process of law.

9.2 It is alleged that when already the applicant has moved the Hon'ble High Court on the same issue, they have approached the Tribunal which amounts to forum shopping.

9.3 It is stated that the allegation that the Olive Ridley Turtle nesting grounds along Kasarkod Beach would be destroyed has already been dealt with by the Hon'ble High Court of Karnataka in W.P. No.4039 of 2021 in detail and also analysed the Environmental Clearance and other clearances relating to the port project including the connectivity road threadbare.

9.4 The Hon'ble High Court had directed that unless the Stage - I approval under Section 2 of the Forest Act was granted, no work shall be carried out. The Stage - I Clearance was granted on 20.01.2022, based on which, the construction work had commenced. Hence, it is false to allege that the construction of the connectivity road was commenced not in accordance with law.

9.5 The W.P. No.4039 of 2021 which assailed the Environmental Clearance and the CRZ Clearance and also the issue of turtle nesting ground was disposed of by the Hon'ble High Court on merits vide Order dated 24.11.2021, after elaborately considering all the issues. Once the said issues have reached finality, the applicant ought not to have taken up the same issue once again.

9.6 The National Centre for Sustainable Coastal Management (NCSCM) report has recorded that there are no turtle nesting grounds in the area in question. The above averment is placed on the report filed by the NCSCM in W.P. No.4039 of 2021 before the Hon'ble High Court of Karnataka.

9.7 The 2nd Respondent has obtained all the statutory clearances required under the law. The Environmental Clearance was obtained from the SEIAA - Karnataka upon recommendation from the Karnataka SCZMA on 21.09.2012. The Consent to Establish was also obtained from the Karnataka State Pollution Control Board on 06.02.2013 and a NOC from the Tourism Department was obtained on 03.04.2021. The validity of the

Environmental Clearance is extended up to 20.09.2022. Further, the extension was granted up to 20.09.2023.

9.8 Even as per the applicant, clearances were obtained only for the approach road to NH 17 and the construction of connectivity road to NH 66 is without statutory clearance. The said argument is misconceived as NH 17 has now been renumbered as NH 66.

9.9 The construction of the port connectivity road is a permissible activity under the CRZ Notification, 2011, as these require foreshore facilities.

9.10 The local community has been apprised of the project including the connectivity road. It is stated that the proposed dedicated road corridor to provide road connectivity from HPPL at Kasarkod Tonka to NH 66 is clearly mentioned in the Karnataka SCZMA Meeting held on 28.05.2012.

9.11 The Forest Clearance for the road was also duly obtained and the Stage - I Clearance was already granted. Finally, the local fishermen also will benefit from the port project, as the HPPL will construct two parallel breakwaters to stabilize the tidal inlets that are the existing gut at the confluence and estuary of the Sharavathi and Badagani Rivers and undertake dredging of the harbour basin and approach channel at their own cost to ensure safe and sufficient depth of water for smooth navigation of vessels, boats and barges. Additionally, the fishermen would be provided 24 x 7 free access to use the approach channel which would boost their fishing activity.

9.12 It is further pointed out that the local fishermen and fisherwomen are drying fish illegally in an unauthorized manner by constructing the sheds. The Deputy Commissioner, Uttar Kannada District had already issued an eviction order dated 29.11.2016 and were evicted on 07.12.2016.

10. Besides the above submissions, it was stated that the maritime trade in India is 95% by volume and 70% by value. Therefore, ports play a vital role and very important role in trade commerce and industries. Therefore, the 1st and 8th Respondents sought for dismissal of the application.

11. The 2nd Respondent which is M/s. Honnavar Port Private Limited (HPPL), in its reply, had submitted that

11.1 The EIA study for the port was conducted by L & T Ramboll who is the authorized agency of the MoEF&CC. The said EIA Report had clearly stipulated the road connectivity to the barge/vessel loading facility from NH 17 (New NH 66).

11.2 Besides raising the question of maintainability and limitation, the 2nd Respondent has stated that the construction of the road will not affect the livelihood of the fishermen community.

11.3 It is stated that of the total length of the 4 Km of the impugned road, 3.8 Km is through the CRZ III NDZ area and the remaining 0.2 Km is through the forest land in Forest Sy. No.233 and 237 and necessary approvals were obtained from the MoEF&CC.

11.4 The Principal Chief Conservator of Forest also recommended wildlife mitigation measures in respect of the conservation of the forest land and the Project Proponent has already paid the net present value of the forest land and the cost of raising plantation of 10 times of the tree for compensatory afforestation. The remaining road connectivity i.e. 3.8 Km within the Honnavar Port Limits declared as per the Government Notification dated 09.12.2013 is issued as per Section 5 of the Indian Ports Act, 1908. Therefore, the allegation that the proposed connectivity road is constructed in the absence of prior CRZ Clearance and is in violation of the CRZ Notification, 2011 is absolutely false and untenable.

11.5 Regarding the turtle nesting grounds, the NCSCM in its final report found that there was not even a single turtle nesting site in Karnataka. The report of the NCSCM on turtle nesting grounds in the year 2018 - 19 which was after the specific survey undertaken pursuant to the orders of the Hon'ble High Court of Karnataka observed that there was no nest, turtles, dead carcass observed in the entire 45 Hectare area of the proposed site during the survey. Further, it was found that the southern tip of the proposed HPPL project site had one nesting site in the year 2020 that too fell 3 Km land area from the shore.

11.6 So far as the forest area is concerned, the project site is having only a 200 M stretch in the port connectivity road in Forest Sy. No.233 and 237. It is also pointed out that there was no objection during the public hearing conducted in the year 2012 as per the EIA Notification regarding the Olive Ridley Turtle or fish drying.

11.7 Regarding the allegation of the applicant that the port connectivity road (130 x 12 M) to connect the port site to NH 17 was permitted by filling up the sand in the corner of Sharavathi bridge at Honnavar relates to the port to be developed at Honnavar side and not at Kasarkod side. It is specifically stated that two separate ports were to be developed, one on the Kasarkod side and another on the Honnavar side. The allegation made by the applicant relates only to the Honnavar side and not the Kasarkod side, for which, the application is filed.

11.8 The 2nd respondent further stated that the application filed itself is mischievous as the Public Interest Litigation filed before the Hon'ble High Court of Karnataka was already dismissed on the same grounds raised. The applicant is trying to reagitate the same issues before this Tribunal.

12. The **status report was filed by the Karnataka State Coastal Zone Management Authority (Respondent No.3)**, wherein it is stated that the project proposal was placed before them on 28.05.2012. The authority, after discussion and deliberation, recommended the proposal to the SEIAA – Karnataka as it requires clearance as per Para 4 (i) (b) of the CRZ Notification, 2011. The CRZ clearance had been issued for the activities mentioned within 44 Hectares of land in CRZ I B and CRZ III areas and breakwater construction in CRZ IV areas. It is further stated that nowhere approval for the construction of new roads outside the area mentioned i.e. 44 Hectares has been given by the Karnataka SCZMA. The Karnataka SCZMA also noted the information with regard to the proposal wherein regarding the connectivity, the road corridor connecting the project site to NH 17 is specifically mentioned.

13. From the above pleadings, the question that arises for determination is:

Whether the 4 Lane (4 Km long 25 M wide) dedicated road corridor undertaken by the 1st Respondent to provide port connectivity is permissible or not.

14. The application revolves around the 4 km long dedicated road corridor. The dedicated road corridor mentioned in the application for a length of 4 Km and 25 M wide road is intended for port connectivity under the '*Bharatmala Pariyojana Scheme*' and the clearance from the MoEF&CC for the same is pending before the Expert Appraisal Committee for the project related to the Coastal Regulation Zone. The road that is now in dispute is the Kaccha road which is sought to be strengthened to construct a seawall and this is not a dedicated road corridor of 4 Lane which is referred to in the application.

15. It is categorically pointed out by the learned Senior Advocate Mr. T.K. Baskar that the Karnataka SCZMA has approved the 4 Lane and recommended the proposal for the dedicated road corridor under the '*Bharatmala Pariyojana Scheme*' and the proposal is being considered by the MoEF&CC.

16. He also produced the document relating to the Proceedings of the 40th Meeting of the Karnataka SCZMA dated 27.02.2023 which relates to the request for issue of NOC for 4 Laning of Honnavar Port connectivity road from 0 Km - 2.58 Km connecting Honnavar Port with NH - 66 at Km 195.986 and improve the NH - 66 from 195 Km to 197 Km to integrate port connectivity on EPC mud under 'Bharatmala Pariyojana Scheme' Phase - I in Kasarkod Village of Honnavar Taluk of Uttar Kannada District by the Assistant Executive Engineer, Port Sub Division, Honnavar. The said request indicates the activities proposed as **"Proposed for 4 lane road connectivity to port from NH 66, Length of 2.58 Km average width 25 M, improvements to existing NH 66, length of 2 Kms, service road and construction of flyover"**.
17. In the said meeting, the HTL, hazard line from CRZ Notification, an alternate construction of a road on stilt, etc. were analyzed and discussed and found that there are no issues of re-habitation and resettlement in the execution of the project, as the proposed road is not passing through the high-density areas and will be constructed along the beach of the Kasarkod in port land. Finally, the authority had after detailed discussion and deliberation, recommended the proposal to the MoEF&CC with a condition that adequate mitigation measures need to be taken to protect the Olive Ridley Turtle nesting within port limits and to provide adequate medical facilities to the local fishermen and villagers. Regarding the CRZ Clearance for the usage of Kaccha Road along the seashore as a connecting road at Kasarkod Village for the development of Honnavar Port by M/s. HPPL, the activities proposed was **"Usage of existing Kaccha Road along the seashore at Kasarkod Village for development of Honnavar Port"**. Whether the permitted activity is as per the CRZ Notification, it is found that as per Para 3 (i) a - Port is waterfront activity, Para 4 (i) a- Clearance for waterfront and foreshore activities, Para 4 (ii) f - Foreshore requiring facility for transport of raw materials, Para 3 (iv) a -Setting up of foreshore facilities and then as per Para 8 III (A) (i) - NDZ shall not applicable for area falling in port limits of CRZ Notification, 2011.

18. The following were the objections raised by the applicant:-

- i. There was no Kaccha Road that existed along the seashore in Kasarkod Village before January 2022.
- ii. The villagers of the Kasarkod used a mud path or Kaludhari to access their homes on the seashore and the same was used as a fish drying area during the day.
- iii. The said path existed in patches and did not provide connectivity for a length of 4 Km.
- iv. Most of the laid road was washed during the high tide and what existed today is a 2 - Lane broken path that was laid by the Port Department.

19. To the above objections, the 2nd Respondent furnished the following clarifications:-

- i. The existing Kaccha Road runs parallel to the beach from NH - 66 at Kasarkod up to the proposed port area in CRZ III (road with gravel mixture) which was developed while forming the construction of seawalls for protection from sea erosion.
- ii. The proposal of usage of Kaccha Road along the seashore as a connecting road at Kasarkod Village for the issue of CRZ Clearance was considered in the DCZMC Meeting held on 25.11.2022.
- iii. The proposal was recommended to the Karnataka SCZMA on 29.11.2022. In the said recommendation, it was clearly stated that the existing Kaccha Road was formed for the construction of seawalls to protect the area from sea erosion and the potholes have been made good using murrum and jally.
- iv. However, presently this road is being used by the local inhabitants as an access road to their houses which is admitted by the applicant. Therefore, it is clear that the said road was not formed originally for the local inhabitants, but was formed for the transportation of construction materials like boulders, granite stones and other materials to the construction site for the formation of seawalls.

- 20.** The learned Senior Advocate also referred to the Notification dated 09.12.2013 issued by the Government of Karnataka prescribing the port limits of the Honnavar Port. In the said Notification, the limits on the eastern side are stated as the seashore of Honnavar 50 M above the high water mark between the North and South boundary mark. Thus, the 2nd Respondent submitted that the alternate alignment which is after the seawall protection and the existing Kaccha Road and there is no remote threat to the turtle nesting even presuming that there is sporadic turtle nesting.
- 21.** Further, the learned counsel for the applicant pointed out that the existing Kaccha Road was in existence even prior to 2000. The said Kaccha Road was developed for the purpose of transporting seawall materials like Granite, Boulders, sandbags, and Murram for forming the road. The said Kaccha Road was developed as a pre-requisite for the movement of tippers and dumpers to carry the materials required for seawall protection and the Kaccha Road was constructed on the landward side in order to facilitate the smooth movement of vehicles and machinery. The said fact is even admitted by the applicant stating that it was used by the fisherwomen for drying fish.
- 22.** A Letter dated 08.09.2022 issued by the Karnataka Infrastructure Development, Ports and Inland Water Transport Department to the Director, Port and Member, Karnataka Water Transport Board furnishing the details of the works undertaken in Kasarkod Tonka Village of Honnavar Taluk clarifies that the construction of the seawall work from Chainage 185.420 to 185.670 Km (i.e. 300 M) in Kasarkod Tonka area, Honnavar Taluk was completed on 31.03.2010. The said fact was also admitted by the applicant by producing the document, in which, the details of the contractors and cost incurred for sea erosion works in the past three years was furnished. In Uttar Kannada District for providing coastal protective works at Kasarkod Tonka, Chainage 184.180 to 184.230 Km, etc. and in Honnavar Taluk, the work is said to be in progress.

23. It is further pointed out that the existence of the seawall was also evident from the CRZ Map of 2019 and also the photographs produced by the 2nd Respondent.
24. It is the said Kaccha Road which is already in existence was being strengthened by the Ports & IWT Department to make it motorable for being used by the Project Proponent / 2nd Respondent to carry the materials to the project site. The said road is what was permitted by the Karnataka SCZMA by strengthening the same and using all the access roads as permitted in the Environmental Clearance.
25. To be noted in this regard is that on 21.10.2022, this Tribunal had given liberty to the 2nd Respondent to approach the authorities for the usage of the existing road by making an application to the Karnataka SCZMA and the application to the SEIAA – Karnataka to be examined by the authorities and pass appropriate orders. This is based on the submissions made by the 2nd Respondent with particular reference to the Final EIA Report regarding the connectivity. Clause 1.3.2 refers to the connectivity.

"The site has good road connectivity. NH 17 passes through Honnavar towards the East of the project site at a distance of 1 Km. The site is connected to Bellary through NH 63 and NH 17. NH 17 meets NH 63 near Ankola at about 45 Km from the site. Presently, the site can be approached from a single lane blacktop road that runs in continuation of NH 17 and then lies parallel to the shoreline."

26. In the same report, the proposed dedicated rail/road corridor has been mentioned, in which, following options have been given by the HPPL.

2.6.16.1 Road Connectivity Option : I

The road in this option takes off from NH 17 at Topalgaere and then traverses southeast a distance of around 0.90 km. A proposed bridge passing over River Bagdani will connect the road to the project site. Thus the overall length of this connectivity option will be around 1 km with a width of 25 m with a provision of double lane road.

2.6.16.2 Road Connectivity Option : II

In this option the proposed road starts from NH 17 at Kasarkod. This road will then run south east for some distance and then aligns parallel to the shoreline till it reaches the proposed project site. This option will be parallel to the existing

single lane road at an offset distance of 100 m. The total length of this road from NH 17 to the proposed site is 4 km. This road connectivity will have a width of 25 m."

27. In response to the application for usage of the existing road for the development of Honnavar Port by the 2nd Respondent, the Karnataka SCZMA passed an order on 04.03.2023 which is as follows:-

"After perusing the materials on record and averments made there under, the Karnataka SCZMA discussed and decided to exempt the use of the existing Kaccha road in **as is where is basis** only, as the proposed area falls in notified port limits where the NDZ is not applicable in such areas falling within the notified port limits as per the provisions in Para 4 (1) (a) of the CRZ Notification, 2011."

28. Thereafter, the SEIAA – Karnataka was approached for the same purpose by the 2nd Respondent. In response, the SEIAA – Karnataka sent a communication to the Karnataka Maritime Board vide Letter dated 28.03.2023, the relevant portion is as follows:-

"Your proposal regarding usage of the existing road for development of Honnavar Port by M/s. Honnavar Port Private Limited with 2.1 Km length was deliberated and it was observed that your proposal does not fall in the screening and scoping by SEIAA as it is not covered under EIA Notification, 2006 Issued by the MoEF&CC vide S.O. No.1533 dated 14th September 2006 and wherein it is stated that "project activities listed under 7 (f) of 2 & 7 of the Schedule of Projects or Activities requiring prior Environmental Clearance are applicable only for A Category Projects – (i) New national Highway Projects (ii) Expansion of National Highways greater than 100 KM involving additional right of way or land acquisition greater than 40 M on existing alignment and 60 M on re-alignment or by-passes and for B Category Projects – (i) All new State Highway Projects and (ii) State Highway expansion projects in hilly terrain (above 1000 M AMSL) and or ecologically sensitive areas."

29. Thus, the Karnataka SCZMA as well as the SEIAA – Karnataka had permitted the 2nd Respondent to use the road which is referred to as Kaccha Road in '**as is where is basis**'.
30. Additionally, it is also stated that the 2nd Respondent was permitted to use the said Kaccha road as per the lease deed and the Environmental Clearance. The lease agreement for the use of port land for port related activities, and anchorage operations

at Honnavar Port was executed on 11.10.2010. In Clause 43 of the lease agreement, it is stated that "the lessee shall use the road available on Kasarkod side as shown in Map C". This is further clarified in the proceedings of the 231st Meeting of the SEIAA - Karnataka dated 10.03.2023, wherein the online proposal of the 2nd Respondent for the usage of the existing road for the development of the Honnavar Port was considered in the following words:-

"Therefore, It is the opinion of the authority that the usage of the existing road for the development of the Honnavar Port by M/s. HPPL with 2.1 Km length does not come under the ambit of scheduled activities listed in the EIA Notification, 2006 and its amendment for prior Environmental Clearance."

- 31.** Even in the EIA Report, Chapter (5) which deals with the 'Anticipated Environmental Impacts and Mitigation Measures', it is reported as follows:-

"To mitigate impacts from transportation of stones and construction materials, existing roads will be strengthened and widened to enable movement of dumpers. Hence, impacts would not be significant as quarries are accessible."

Also, as a part of infrastructure development for Honnavar Barge/ vessel loading facility, it is proposed to develop 4 Km of road from NH - 17 to Kasarkod and a new railway of 14.6 Km from Manki railway station to the proposed project site. New Proposed railway line will run parallel to existing railway line for a length of about 8 Km and then will take a turn towards sea coast which will then run parallel to the sea coast till the proposed project site for the remaining 6.6 Km. In order to minimize the strain on the existing infrastructure in the region, dedicated road corridor will be developed at the earliest. Until then existing road will be strengthened and widened to ease the traffic movement."

- 32.** The same report further states that the temporary approach roads may be developed with prior permission from the competent authority and all approach roads shall be blacktopped and the internal roads and major haul roads shall be blacktopped or concreted and swept regularly with mechanical sweepers.
- 33.** In view of the above, it is pointedly argued by the learned Senior Advocate appearing for the 2nd Respondent that permission was given to blacktop all the approach roads, as the Kaccha road was not blacktopped. If the Kaccha road was already blacktopped,

such direction would not have been given by the SEIAA – Karnataka. Therefore, all the approach roads can be blacktopped, including the existing Kaccha road which is a gravel / mud top road for use at the construction stage.

- 34.** The learned Senior Advocate also further referred to the issues raised during the public hearing regarding the anticipated potential impact due to the proposed road alignment and the respective mitigation measures. He further pointed out that the proposed connectivity starts from NH 17 at Kasarkod. This road will then run southeast for some distance and then aligns parallel to the shoreline till it reaches the proposed project site. This will be parallel to the existing single lane road at an offset distance of 100 M. The total length of this road from NH 17 to the proposed site is 4 Km. This road connectivity will have a width of 25 M.
- 35.** The next objection of the applicant that the impugned 4 Km long road constructed on the CRZ area is violative of the CRZ Notification, 2011 is assailed by the 2nd Respondent by stating that there is no CRZ violation, as the said Kaccha road was formed even prior to the issuance of the Environmental Clearance in the year 2012. Besides, the said Kaccha road falls in the CRZ III as per the CRZ Map which is within the port limits and as per the CRZ Regulation 8 (I) (III) (j), the NDZ shall not be applicable in such areas falling within the notified port limits.
- 36.** It is also specifically stated that the NCSCM report which superimposes the Kaccha road on the CRZ Map clearly shows that the Kaccha road falls within the CRZ III NDZ which is not applicable to any notified port area. Hence, the objection raised by the applicant is not sustainable.

Turtle Nesting Zone:

- 37.** The objection of the applicant is that the impugned road is without prior approval under the Wildlife Protection Act, 1972, leading to the destruction of the habitat and nesting ground of the Olive Ridley Turtle at Kasarkod Beach. According to the applicant, the coastal development and the construction of ports,

jetties, resorts, industries, etc. are a threat and disturbance that attribute to the loss of nesting beaches.

38. In response to the said objection, the learned Senior Advocate for the 2nd respondent would submit that as already a seawall was constructed and there is a Kaccha road in place, the Kaccha road cannot be said to be a turtle nesting ground. The alternative alignment of 4 Laning of Hannavar Port connectivity road from 0.00 Km of Kasarkod side to 2.580 Km connecting Honnavar port with NH 66 under the Bharatmala Phase - I is already coming on the landward side, there is no threat to the turtle nesting grounds even if there exists the Olive Ridley turtle nesting. It is also pointed out that in Karnataka, there is sporadic nesting only. The Kasarkod beach is only a potential or occasional nesting site and not a turtle nesting ground.
39. The entire stretch of the beach is not an ecologically sensitive area under the CRZ Notification except the area of 0.76 Ha. notified as an ecologically sensitive area coming under the CRZ I A, in which, there is no road. The said Kaccha road is only in CRZ III NDZ between the HTL to 200 M on the landward side. Therefore, the absence of any ecologically sensitive area indicates the scope for improvement. In this regard, it was vehemently opposed by the 2nd Respondent that the applicant is re-agitating the same issue which has already reached the finality before the Hon'ble High Court of Karnataka.
40. Before the Hon'ble High Court of Karnataka, the Honnavar Taluk Hasimeenu Vyparastara Sangha had filed a writ petition as **W.P. No.4039 of 2021 (GM-POL) PIL [Honnavar Taluk Hasimeenu Vyparastara Sangha Rep. by its President Vs. M/s. Honnavar Port Pvt. Ltd. and Ors.]** seeking a direction to the respondents therein not to continue with the construction of the port on the beaches of Kasarkod, Malukurva, Pavinkurve, Karki and Honnavar in Honnavar Taluk, Uttar Kannada District and also to quash the Environmental Clearance granted dated 21.09.2012 and the further extensions for the same. The said writ petition was disposed of on 24.11.2021 by the First Division Bench, as it was filed in the public interest.

- 41.** The challenge in the writ petition was to the location and the construction of the port on the beaches of Kasarkod, Honnavar, etc. contending that certain forest lands in the said beaches, for which, no approval from the MoEF&CC was obtained by the 2nd Respondent herein. Secondly, it was contended that the construction is carried out in CRZ I area and the beach is a turtle nesting ground.
- 42.** Regarding the site which has been leased for development of the port which is alleged to be a nesting area of turtles, the Hon'ble High Court had perused the survey report of the NCSCM and found that no nest, turtle or dead carcass was found during the survey of the entire 45 Hectare of the proposed site and directed the concerned authorities to ensure that no damage is caused to the nesting turtles or any other endangered species found in the area.
- 43.** The Hon'ble High Court had specifically directed the Project Proponent to obtain approval from the MoEF&CC and other necessary approvals / sanctions/ permissions from the concerned authorities. The above said writ petition was disposed of giving liberty to the petitioner therein to approach the Principal Secretary – Department of Public Works, Ports and Inland Water Transport Department, Government of Karnataka to consider the grievance of the petitioner therein, if approached and pass appropriate orders. In view of the above directions given by the Hon'ble High Court, the Karnataka Forest Department is actively ensuring that there is no damage to the turtle nesting grounds caused.
- 44.** A letter dated 28.06.2023 issued by the Deputy Conservator of Forest, Honnavar Division to the Karnataka Biodiversity Board was pressed into service by the 2nd Respondent stating that the area does not fall under the jurisdiction of the Forest Department. However, the Forest Department has undertaken the work of in-situ conservation of turtle eggs and release of hatchlings into the sea since 2012 – 2013 till date. This area is being used by the local fishermen for fishing activities and therefore, in case this area is declared as a Heritage Biodiversity area, the local people may likely oppose the same. Stating so,

the Deputy Conservator of Forest has specifically stated that the area is not suitable for declaring as a Heritage Biodiversity area.

45. From the above facts, it is made clear that the allegation of the applicant that the 2nd Respondent is proceeding with the dedicated road corridor is not correct and it is only the existing Kaccha road which is being strengthened by the 2nd Respondent for transporting the construction materials. The Karnataka SCZMA has permitted the 2nd Respondent to use the Kaccha road on 'as is where is basis' only.
46. Regarding the Olive Ridley Turtle nesting grounds, already the Hon'ble High Court of Karnataka in **W.P. No.4039 of 2021 (GM-POL) PIL** held that the concerned authority to ensure that no damage is caused for the same. Accordingly, the NCSCM as well as the Forest Department are concerned about the same and granted necessary permission to the 2nd Respondent.
47. It is already made clear that the dedicated road corridor for the port connectivity under the 'Bharatmala Pariyojana Scheme' is still pending clearance from the Expert Appraisal Committee (EAC) of the MoEF&CC and that is a different road from the Kaccha road which is now being considered by MoEF&CC.
48. From the records, it is seen that the original Environmental Clearance granted was extended and is said to be valid till 20.09.2023. Therefore, necessarily, the 2nd Respondent has to get the same renewed for proceeding with further. While considering the renewal of the Environmental Clearance, the SEIAA - Karnataka and the Karnataka SCZMA have to consider the question of using the Kaccha Road which was permitted by the Karnataka SCZMA for usage of the 2nd Respondent in 'as is where is basis', as per rules in vogue.

49. In such circumstances, we have left with no other alternative, excepting to reject the application, however, with the following directions:-

(I) While considering the renewal of the Environmental Clearance, the State Environmental Impact Assessment Authority (SEIAA) – Karnataka and the Karnataka State Coastal Zone Management Authority (SCZMA) are directed to consider the question of using the Kaccha Road which was permitted by the Karnataka SCZMA for usage of Respondent No.2 (M/s. Honnavar Port Private Limited) in *as is where is basis*, as per rules in vogue.

(II) The Expert Appraisal Committee of MoEF&CC to consider the issues of turtle nesting sites, nature of CRZ category etc., if the project is likely to impact the same.

50. As a corollary, the interlocutory applications [I.A. Nos.116, 144 and 146 of 2022 (SZ)] are also disposed of.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Internet – Yes/No
All India NGT Reporter – Yes/No

**O.A. No.76/2022 (SZ)
I.A. Nos.116, 144, 146/2022 (SZ)
26th September 2023. Mn.**



State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 22 IND 2011

Date: 20.09.2023.

EXTENSION OF VALIDITY OF ENVIRONMENTAL CLEARANCE

Preamble:

Attention is invited to this Authority's letter No. SEIAA 22 IND 2011 dated 21.09.2012 regarding grant of Environmental Clearance for development of Barge/vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand spit, Kasarkod Tonka village, Honnavar taluk, Uttara Kannada district of M/s Honnavar Port Pvt. Ltd. Earlier Extension of EC was issued for a period of 3 years through this authority's letter dated 01.07.2019.

Request has been made by M/s Honnavar Port Pvt. Ltd vide letter dated 08.03.2023 for extension of validity of the Environmental Clearance issued by another three more years.

The State Level Environment Impact Assessment Authority, Karnataka considered the above request made during the meeting held on 4th September 2023 in the light of provision under para 9 of the Notification No. S.O. 1533(E) dated 14th September 2006. The Authority have decided to extend the validity of the Environmental Clearance issued vide letter No. SEIAA 22 IND 2011 dated 21.09.2012 for further period of one year from the date of expiry of validity of the said E.C, in accordance with MoEF&CC Notification No. S.O. 221(E) dated 18.01.2021 and OM NO. F.No.1A3-22/28/2022-1A.111 [E181584] dated 13.12.2022, subject to strict implementation of the conditions of the Environmental Clearance dated 21.09.2012.

Hence the order.

ORDER

Pursuant to the facts and circumstances in the preamble, the validity of the Environmental Clearance issued in favour of M/s Honnavar Port Pvt. Ltd, #103, Lalehzar Apartments, 45/1-2, Palace Road, Bangalore - 560 001 vide letter No. SEIAA

..2

- 2 -

22 IND 2011 dated 21.09.2012 by the State Level Environment Impact Assessment Authority, Karnataka for the development of Barge/vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand spit, Kasarkod Tonka village, Honnavar taluk, Uttara Kannada district stands extended for a further period of one year from the date of expiry of validity of the said Environmental Clearance i.e upto 20th September 2024 subject to condition that all other terms and conditions of the Environmental Clearance issued on 21.09.2012 shall be adhered to.

B. P. Ravi
20.9.2023
(B. P. Ravi)
Member Secretary,
SEIAA.

To

M/s Honnavar Port Pvt. Ltd,
#103, Lalehzar Apartments,
45/1-2, Palace Road,
Bangalore - 560 001

Copy to:

1. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, JorBagh Road, Aliganj, New Delhi- 110003.
2. The Member Secretary, Karnataka State Pollution Control Board, Bangalore.
3. The APCCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E & F wings, 17th Main Road, Koramangala II Block, Bangalore-560 034.
4. Guard File.



KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY
 (Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

No. FEE 264 ENV 2022.

dated: 05.12.2023.

Sir,

Sub: Request for exempting from obtaining CRZ clearance for black topping of the Kaccha road along the sea shore at Kasarkod village for Development of Honnavara Port by HPPL.

- Ref:**
1. Application dated 16.11.2022 of Director of Ports and member 8marine & IWT operations) Karnataka Maritime Board.
 2. This office letter no. FEE 264 ENV 2023, dated: 04.03.2023.
 3. Executive Director, Honnavar Port Pvt Ltd, letter no. HPPL/PORT/2023/0011, dated: 07.10.2023.
 4. Proceedings of the 43rd Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 18.11.2023.

Earlier, the Director of Ports and Member (Maritime & IWT Operations) Karnataka Maritime Board vide ref (1) had submitted an application for Usage of Kaccha road along the sea shore at Kasarkod village.

The subject was placed in the KSCZMA meeting held on 27.02.2023. The operating Para of the directions issued by the Hon'ble NGT in O.A No. 76/2022 vide Order dated 21.10.2022, reads as:

2.

-2-

"14. Therefore, the 2nd respondent is given the liberty to approach the authorities for the usage of the existing road by making an application to the SCZMA-Karnataka and followed by an application before the SEIAA-Karnataka and let the same be examined by the authorities and pass appropriate orders as per law".

The submissions made by the Project Proponent and the Petitioner through his legal counsel were heard. Upon perusal of the 1:4000 map prepared by NCSCM, Chennai and other materials on record and averments made there under, KSCZMA discussed and decided to exempt the use of the existing Kacha Road in "as is where is" basis only, as the proposed area falls in notified port limits where NDZ is not applicable in such areas as per the provision in Para 4 (i) (a) of CRZ notification 2011.

Further, Hon'ble NGT, South Zone, Chennai in the final order dated 26.09.2023 in the matter of OA 76/2022 has stated that:

"While considering the renewal of the Environmental Clearance, the State Environmental Impact Assessment Authority (SEIAA) - Karnataka and the Karnataka State Coastal Zone Management Authority (SCZMA) are directed to consider the question of using the Kacha Road which was permitted by the Karnataka SCZMA for usage of Respondent No.2 (M/s. Honnavar Port Private Limited) in 'as is where is basis', as per rules in vogue.

Executive Director, Honnavar Port Pvt Ltd Vide ref (3), has stated that the specific condition no. 39 of the Environmental Clearance stipulates that all approach roads shall be black topped and internal roads and major overhaul roads shall be black topped or concreted and swept regularly with mechanical sweepers and hence requested to exempt them from obtaining CRZ clearance for black

-3-

topping of the said kaccha road which is a part of the EIA report submitted to SEIAA and as the kaccha road is in notified Port limits where NDZ is not applicable as per Para 2.3.3 note of CRZ Notification 2019. Also, the Proponent has submitted that as per CZMP 2019 map (25) though the kaccha road does not fall within Turtle nesting areas they have provided the mitigation plan approved by competent Authority, i.e PCCE, Wild Life, Government of Karnataka.

The subject was placed in the KSCZMA meeting held on 18.11.2023. The following is the decision taken in the said meeting:

"The Authority after discussion and deliberation decided to exempt the proponent from CRZ clearance for black topping of the said kaccha road falling within CRZ IIIB and port limit, wherein NDZ is not applicable as per Para 2.3.3 of CRZ Notification, 2019"

Accordingly, as per the decision of KSCZMA, the project proponent is exempted from obtaining CRZ clearance for black topping of the Kaccha road along the sea shore at Kasarkod village within CRZ III NDZ area.

Yours faithfully,


(R.Gokul IFS.)

Member Secretary,

Karnataka State Coastal Zone Management
Authority.

To:

The Director of Ports and member
(Maritime & IWT Operations)
Karnataka Maritime Board.

Your (Environment Clearance) application has been Submitted with following details

Proposal No	SIA/KA/NCP/298423/2023
Compliance ID	68404720
Compliance Number(For Tracking)	EC/M/COMPLIANCE/68404720/2024
Reporting Year	2024
Reporting Period	01 Jun(01 Oct - 31 Mar)
Submission Date	16-05-2024
IRO Name	V Geroge Jenner
IRO Email	tr025@ifs.nic.in
State	KARNATAKA
IRO Office Address	Integrated Regional Offices, Bengaluru
Note:- SMS and E-Mail has been sent to V Geroge Jenner, KARNATAKA with Notification to Project Proponent.	



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

क्षेत्रीय कार्यालय (दक्षिण वलय)

Regional Office (Southern Zone)

केन्द्रीय सदन, चौथा तल, ई और एफ विंग, 17 वां मेन रोड, दूसरा ब्लॉक, कोरमंगला, बेंगलूरु - 560 034
Kendriya Sadan, IVth Floor, E & F Wings, 17th Main Road, II Block, Koramangala, Bengaluru - 560 034.

फैक्स Fax : 080-25537184 ई मेल E-mail : ros.z.bng-mef@nic.in



No: EP/12.1/SEIAA/2012-13/144/KAR /43

Date: 29-5-2024

To

Shri G. Raghavendra Reddy,
Executive Director,
M/s Honnavar Port Pvt Ltd., No. 103, Lalehzar Apartment, 45/1-2,
Palace Road, Bengaluru - 560 001

Sub: Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District by M/s Honnavar Port Pvt Ltd - Issue of Environmental Clearance - Reg

Ref: (1) EC No. SEIAA: 22: IND:2011 dated 21-09-2012, (2) EC No. SEIAA: 22: IND:2011 dated 01-07-2019 (3) EC No. SEIAA: 22: IND:2011 dated 20-09-2023

Sir,

This has reference to your letter dated 24-04-2024 requesting for the certified compliance report from this office for applying for EC extension.

In this regard, the aforementioned project was monitored on 08-05-2024 by this office to review the compliance status of conditions stipulated in the Environmental Clearance. Based on the observations made during the site visit and documents made available, the Certified Compliance Report (monitoring report) is enclosed for your information and taking necessary action.

(Dr. R. Sridhar)

Joint Director/ Scientist 'D'

डॉ. आर. श्रीधर / Dr. R. Sridhar

संयुक्त निदेशक/ वैज्ञानिक 'डी' / Joint Director / Scientist 'D'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Government of India

क्षेत्रीय कार्यालय (दक्षिण वलय)

Regional Office (Southern Zone)

केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034

Building, Bengaluru - 560 001 Email: msseiaakarnataka@gmail.com

Regional Office (Southern Zone)

केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034

Building, Bengaluru - 560 001 Email: ms@kspcb.gov.in

Copy for information to:

1. The Member Secretary, State Level Environment Impact Assessment Authority (SEIAA)- Karnataka, Room No. 709, 7th Floor, Gate M 5 Building, Bengaluru- 560 001 Email: msseiaakarnataka@gmail.com
2. The Member Secretary, Karnataka State Pollution Control Board, "Parisara Bhavana", No #49, Church Street, Bengaluru - 560 001 Email: ms@kspcb.gov.in
3. Deputy Commissioner, Uttara Kannada District, Karwar, Pin- 581 301

Government of India
Ministry of Environment, Forest and Climate Change
Regional Office (SZ), Bengaluru – 34

MONITORING REPORT

PART - I

Name of the Project:	Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District by M/s Honnavar Port Pvt Ltd – Issue of Environmental Clearance - Reg
Clearance letter No. & date:	1) Environmental Clearance: No. SEIAA: 22: IND:2011 dated 21-09-2012 2) Validity Extension for three years: No. SEIAA: 22: IND:2011 dated 01-07-2019 3) Validity Extension up to 20th September 2024: No. SEIAA: 22: IND:2011 dated 20-09-2023
Location: District & State /UT	Kasarkod Tonka Village, Honnavar Taluk, Uttar Kannada District
Address for correspondence:	Shri G. Raghavendra Reddy, Executive Director, M/s Honnavar Port Pvt Ltd., No. 103, Lalehzar Apartment, 45/1-2, Palace Road, Bengaluru. Email: reddy.poria@gmail.com
Date of site visit for this project:	08-05-2024
Date of previous visit (s) if any	-
Present Status of the Project:	The project was monitored on 08-05-2024. Environmental Clearance: EC was granted by SEIAA Karnataka vide letter No. SEIAA:22: IND:2011 dated 21-09-2012 for Development of Barge/Vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand Spit, Kasarkod Tonka village, Honnavar Taluk, Uttar Kannada District. The PA has obtained EC validity extension up to 20th September 2024 from SEIAA Karnataka vide letter No. SEIAA: 22: IND:2011 dated 20-09-2023. Consent for Operation (CFO): The PA has obtained CFE from KSPCB, Bengaluru vide Order No. KSPCB/SEO (Non-EIA)/Honnavar Port/EIA/2012-13/1381 dated 06-02-2013, CFE obtained for the Ready-Mix Concrete (RMC) plant vide Order



No. CTE-123047 dt 23/03/2023 is valid up to 22-03-2028. CFE extension was obtained vide Order No. PCB 185/Infra 2020/4003 dt. 25-10-2023 is valid up to 20-09-2024 i.e., up to validity of EC.

Activity proposed as per the EC dt 21-09-2012

In accordance with the EC granted, the PA has inter-alia proposed to develop the following activities:

1. Development of all weather barge/vessel loading facility at Coastal sand spit, Kasarkod Tonka Village, Honnavar Taluk, Uttara Kannada Dist.
2. Total land area requirement is 44 Ha
3. Coal stockyard area (7 ha)
4. Iron ore stockyard area (1.80 ha)
5. General cargo storage open area (4 ha)
6. General cargo storage closed area (2 ha)
7. Liquid cargo storage area (0.10 ha)
8. Roads and circulation area (8.15 ha)
9. Operation building area (0.05 ha)
10. Canteen area (0.02 ha)
11. Vehicle parking area (0.09 ha)
12. Substation area (0.02 ha)
13. Gate house/security/weigh bridge area (1.50ha)
14. Truck parking area (5.40 ha)
15. Fuel station area (0.02 ha)
16. Control tower area (0.01 ha)
17. Green belt area (3.10 ha)
18. Other operations area and future expansion are (6.72 ha)
19. Rock armour area approx. (4 ha)

Proposed Cargo handling capacity: In accordance with the EC granted, the PA has proposed the total capacity of cargo handling is 4.9 MTPA of which 2.70 MTPA of Coal; 1.00 MTPA of iron ore; General Cargo 1.20 MTPA i.e., Granite 0.16 MTPA; Fertilizer-0.2 MTPA; Molasses with agro products-0.15 MTPA; Steel Products -0.40 MTPA and Sugar -0.29 MTPA.

Proposed Break Water and Dredging: In order to maintain tranquillity in the harbour basin, the following activities were proposed by the PA:

1. Two break waters (Sothern Break water: 865 m and Northern Break water 820 m).

2. Berth of 440 m long and 30 m wide with back area of 44 ha. Dredging approach channel 100 m and depth of the channel inner (-) 10m), Turning circle (diameter of the turning circle -250 m, dredged to be depth of (-) 10 m). Estimated dredging quantity 3.9 million cum, estimated quantity proposed to be used for reclamation 1 million cum.

Activities completed by the PA and present status of the project as on 08-05-2024:

As per the information submitted by the PA, construction work started in Feb 2019 only, after obtaining EC in 2012. The project authority completed the following works so far and the port activity has not yet commenced. The construction work was stopped from the year 2022.

- 1) Approach Trestle No. 1 – Completed and Approach Trestle No.2-Completed 5 out of 17 piles(partially).
- 2) RMC plant setup.
- 3) Internal road work completed.
- 4) Installation of one weighbridge with a capacity of 100 tons

During the visit also, it was observed that no construction activity or dredging work was taking place.

The PA has submitted that due to court cases/litigations in the Hon'ble High Court of Karnataka (WP No. 4039 of 2021) and Hon'ble NGT (OA 76 of 2022) and public agitations, the project activities were stopped. The WP No. 4039 of 2021 was disposed of vide order dated 24th Nov 2021 and OA 76 of 2022 along with all IAs have also been disposed of vide order dt 26th Sep 2023.

The PA is now applying to SEIAA Karnataka for extension of EC validity as the EC validity is up to 20-9-2024. In this regard, the PA has requested a certified compliance report from the Regional Office to apply to the SEIAA Karnataka for EC validity extension. Based on this, the project was monitored on 08-05-2024 by this office. The compliance status of the conditions stipulated in the EC is outlined in Part II.

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PART II

Based on the documents provided by the PA and observations made during the site visit, it was observed that currently no construction activity or dredging work was taking place. The port activity has not yet commenced. Construction work started in Feb 2019 only, after obtaining EC in 2012 and the construction work was stopped from the year 2022. The project authority completed the following works so far.

- 1) Approach Trestle No. 1 – Completed
- 2) Approach Trestle No.2-Completed 5 out of 17 piles(partially).
- 3) RMC plant setup.
- 4) Internal road work completed.
- 5) Installation of one weighbridge with a capacity of 100 tons

Since the PA has undertaken only around 5% of the total project work and project activity was stopped in 2022 with no dredging work started so far, the compliance status of most of the specific and general conditions relevant during the construction and operation phases of the project cannot be assessed at present.

The compliance status of some of the applicable conditions mentioned in the EC is given below.

Conditions No. (as per EC)	Conditions	Compliance Status
	Specific Conditions	
1	Consent for Establishment from the Karnataka State Pollution Control Board should be obtained before initiating the project.	<p>Complied</p> <p>The PA has obtained CFE from KSPCB, Bengaluru vide Order No. KSPCB/SEO (Non-EIA)/Honnavar Port/EIA/2012-13/1381 dated 06/02/2013. CFE obtained for the Ready-Mix Concrete (RMC) plant vide Order No. CTE-123047 dt 23/03/2023 is valid up to 22/03/2028.</p> <p>CFE extension was obtained vide Order No. PCB 185/Infra 2020/1003 dt. 25/10/2023 is valid up to 20/09/2024 i.e., up to validity of EC.</p>

Conditions No. (as per EC)	Conditions	Compliance Status
21	<p>All construction design/drawings relating to construction activities must have the approval of the concerned Departments/Agencies. Ground water should not be tapped for construction activities as the drawl of ground water for industrial use from the CRZ area is a prohibited activity. It should also be ensured that as a result of the proposed constructions, ingress of saline water into ground water does not take place.</p>	<p>Refer below</p> <p>The PA has noted this condition for compliance once construction work commences. Currently, no construction activity was taking place.</p> <p><u>During the visit, the PA has submitted the following details:</u></p> <p>The construction design/ drawings relating to two numbers of berths each of 220m length and 30m width has been approved by Director, Ports & IWT Karwar vide letter No. PIWT-62/LND-II/2010, Dated: 30/04/2015.</p> <p>However, approval to the design/drawings relating to Breakwater construction, dredging, reclamation, shore protection work, river bank protection works, cement concrete road, storage sheds, buildings etc will be taken from the competent authority of the Karnataka Maritime Board, Karwar.</p>
40	<p>A 3-tier avenue plantation using local species shall be developed along the main roads, and approach roads. In addition, green belt shall be developed using local species all along the periphery of the site, along the stockyards, which shall be properly maintained. Water sprinkling arrangements shall be established and functional</p>	<p>Being complied</p> <p>The green belt is being developed along the completed approach road.</p> <p>The PA has noted this condition for compliance. Currently, no construction/port activity was taking place. Port operation has not yet commenced.</p>

Conditions No. (as per EC)	Conditions	Compliance Status
	during transfer and loading of coal/iron ore.	
41	The Project authorities shall earmark at least 5% of the total cost of the project towards the future corporate social responsibility, including activities such as providing treated drinking water to Kasarkod, Tonka and Apsarakonda Villages by installing RO plants, provide educational and health facilities and undertake community development programs committed vide letter dated 27.08.2012 which are to be implemented with a budget not less than Rs. 1.5 Crores. Item-wise details along with time bound action plan shall be prepared and submitted to the Authority.	<p>Not complied</p> <p>No CSR activities have been undertaken by the PA.</p> <p>As stipulated, item-wise details along with time bound action plan have not been submitted to this office.</p> <p>Currently, no construction/port activity was taking place. Port operation has not yet commenced.</p>
	General Conditions	
1	A separate Environment Management Cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.	<p>Complied</p> <p>Environment Management Cell is in place for implementation of the stipulated environmental safeguards. Additionally, third party laboratory is doing the monitoring.</p>
9	Ambient air quality (RPM, SPM, SO ₂ , NO _x) should be regularly monitored as per the National Ambient Air Quality Emission Standards/Limits prescribed by the Ministry of Environment and Forests, Government of India, vide G.S.R. No. 826(E) dated 16th	<p>Complied</p> <p>Ambient air quality is monitored (through M/s Vision labs, Hyderabad recognized by MoEF&CC). Monitoring report for the period from July 2019 to March 2024 is submitted to SIEAA Karnataka and Regional Office of MoEF&CC</p>

Conditions No. (as per EC)	Conditions	Compliance Status
	November, 2009 and data submitted to the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka, Regional Director (Environment), Department of Environment and Ecology, Government of Karnataka, Karwar and the Regional Office, MoEF, Bangalore and the State Pollution Control Board / Central Pollution Control Board once in six months.	Bangalore.
14	The implementation of the project vis-à-vis environmental action plans shall be monitored by MoEF, Regional Office at Bangalore / KSPCB/ CPCB, the Department of Environment & Ecology, Bangalore and the Regional Director (Environment), Department of Ecology and Environment, Karwar. A six-monthly compliance status report shall be submitted to monitoring agencies.	Complied. Six months' compliance report by the Vision Labs Hyderabad is submitted to SEIAA Karnataka once in six months. Copy of the report for period from July 2019 to March 2024 is submitted to SEIAA Karnataka, Regional Office, MoEF&CC Bangalore.
15	The project proponent shall inform the public that the project has been accorded environmental clearance by the SEIAA and copies of the clearance letter are available with the KSPCB and may also be seen at Website of the State Ecology and Environment department at http://www.seiaa.kar.nic.in . This shall be advertised within	Refer below Copy of the newspaper advertisement for EC is not made available. Copy of the public hearing advertisement was shared by the PA during the visit.

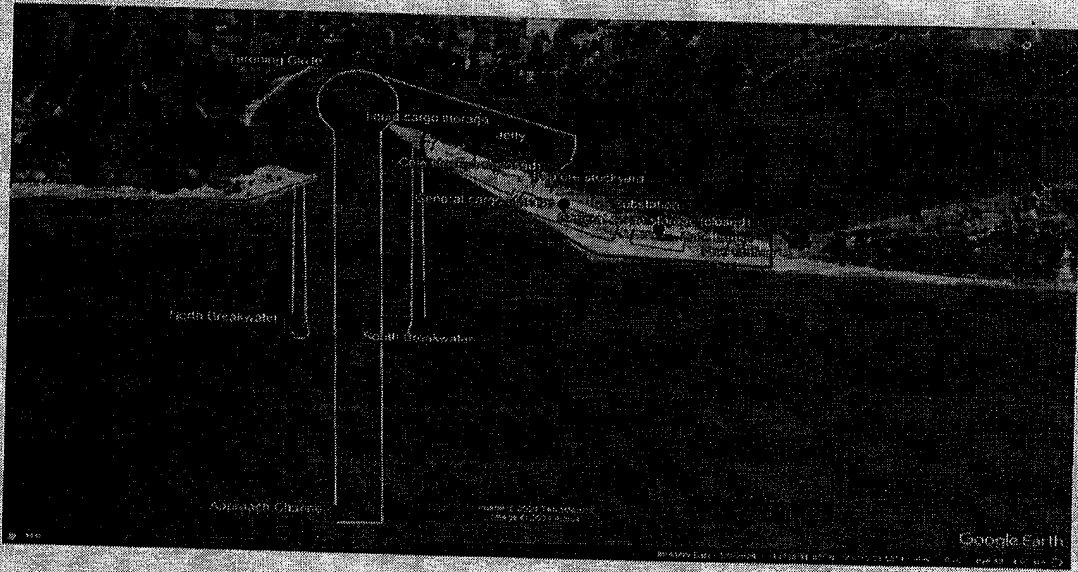
Conditions No. (as per EC)	Conditions	Compliance Status
	seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the Regional Office of MoEF at Bangalore / KSPCB/ CPCB/ the Department of Ecology & Environment, Government of Karnataka, Bangalore.	

Other conditions could not be reviewed as no dredging work has started and port activity has not yet commenced. Site visit photos showing project development are attached.


(Dr. R. Sridhar)

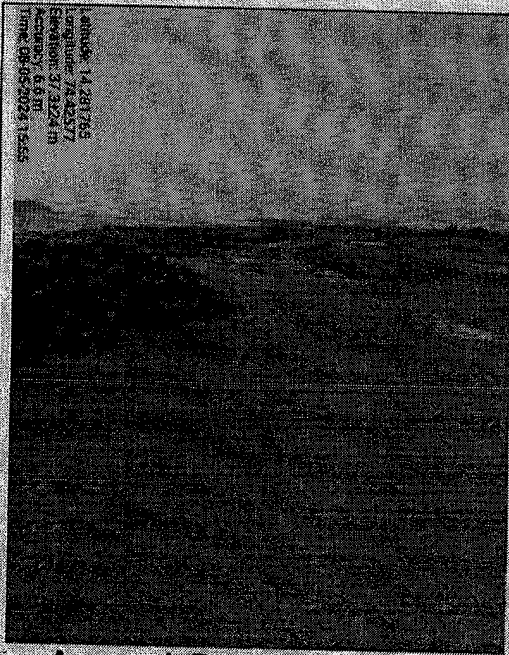
डॉ. आर. श्रीधर / Dr. R. Sridhar
 संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
 भारत सरकार / Government of India
 क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
 Regional Office (Southern Zone)
 केन्द्रीय सदन, कागमल्ला, बेंगलूरु - 560034
 Kendriya Sadan, Kagamallu, Bangalore - 560034.

Fig. 1 Google earth image of project location of M/s. Honnavar Port, Uttara Kannada District, Karnataka.



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Site visit photos on 08-05-2024



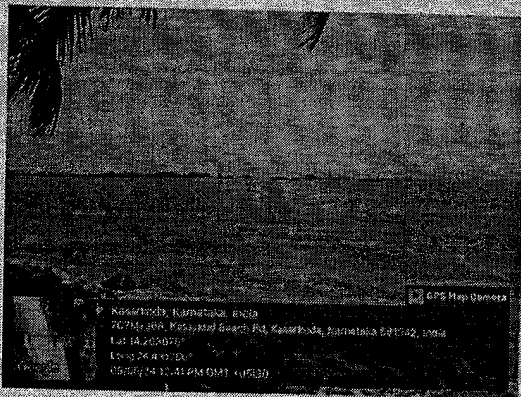
Altitude: 14.2817345
Longitude: 74.425277
Elevation: 27.327417
Accuracy: 5.61 m
Time: 08:05:02Z 15:55

Approach Road to the Port – not completed



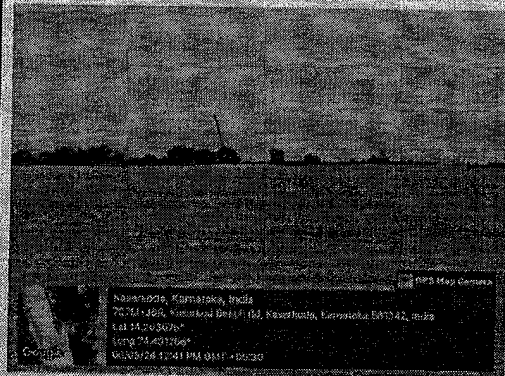
Altitude: 14.2817345
Longitude: 74.425277
Elevation: 27.327417
Accuracy: 5.61 m
Time: 08:05:02Z 15:56

Construction work - stopped



Kasaragod, Karnataka, India
20.754889, Kasaragod Beach Rd, Kasaragod, Karnataka 571342, India
Lat: 14.209075°
Long: 74.401109°
08:05:14 11:51 AM GMT +05:30

View of coastal sand spit for port development



Kasaragod, Karnataka, India
20.754889, Kasaragod Beach Rd, Kasaragod, Karnataka 571342, India
Lat: 14.209075°
Long: 74.401109°
08:05:28 11:51 AM GMT +05:30

View of coastal sand spit for port development

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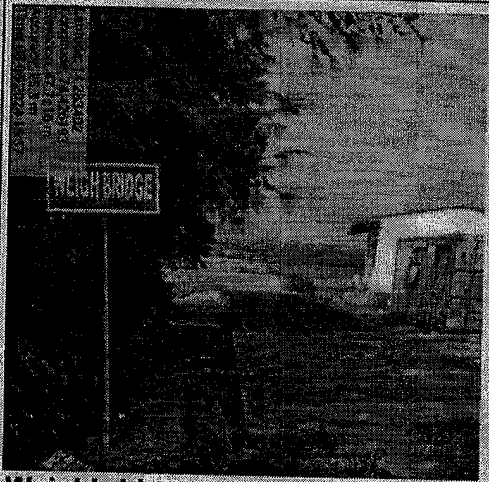
Few Plantations being developed



construction stopped



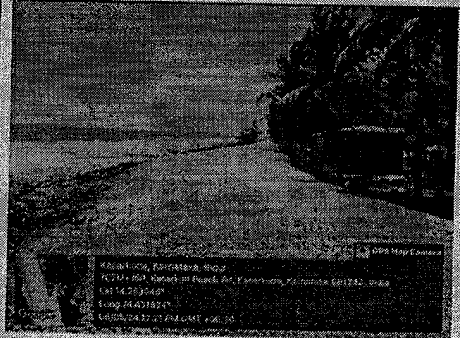
RMC plant setup



Weighbridge-completed



Approach Trestle- completed



Approach road -Village Kasarkod

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State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 03 MISC 2024

Date: 18.05.2024

To,

Mr. Raghavendra Reddy
Executive Director
103, Lalchzar Apartments,
45/1-2, Palace Road,
Bengaluru-560001

Sir,

Sub:- Construction of Four laning of Honnavar Port connectivity road from km 0.00 (Kasarkod side of Honnavar port) to Km 2.580 (towards NH - 66) connecting Honnavar Port with NH - 66 at Km 195.986 and to improve NH - 66 from Km 195.00 to Km 197.00 to integrate port connectivity on EPC Mode under Bharatmala Phase - I - reg.

Ref:-

- 1) EC No. SEIAA 22 IND 2012 dated: 21.09.2012
- 2) This office letter No. SEIAA 28 MISC 2023 dated: 28.03.2023
- 3) HPPL letter No. HPPL/SEIAA/2023-24
- 4) This office letter No. SEIAA 03 MISC 2024 dated: 22.01.2024.
- 5) HPPL letter No. HPPL/EC/2024/0043 dated 17.04.2024.
- 6) Proceedings of 250th SEIAA Meeting held on 6th May 2024.

This is with respect to your good office letter mentioned under ref (5), wherein it has been requested for clarification on the EC & CRZ clearance for the 4 lanning of Honnavar Port Connectivity Road under Bharathmala PM Gati Shakti.

The request has been placed before the 250th SEIAA meeting held on 6th May 2024 and it is concluded that ***“proposed Four lane connectivity is part of an earlier integrated EC+CRZ clearance granted for the project. The Project Proponent shall take necessary action by adhering to the conditions prescribed by KSCZMA/SEIAA and any other competent Authority within the validity period mentioned therein. This decision was made based on the details of the EIA and Specific Condition No. 39 prescribed in the EC issued for the Project.”***

Extract of the 250th SEIAA meeting proceedings enclosed herewith for your kind information and necessary action.

Yours faithfully

(B.P. Ravi.)

Member Secretary,
SEIAA, Karnataka

Copy to: Member Secretary, KSCZMA. Room No. 710, 7th Floor, 4th Gate, MS Building, Bangalore - 560001

250.1.4. Construction of Proposed Residential Apartment with office space, retail & MLCP at Plot No. R-4. Part-A & Part-B of Housing Area (Hardware Sector) Hitech, Defence and Aerospace Park, Bengaluru by M/s. WHITE OAK - SEIAA 111 CON 2022 dated 28.12.2022 - Request for transfer of EC in favour of M/s Provident White Oaks LLP. - (Online Proposal Number - SIA/KA/INFRA2/470875/2024)

Environmental Clearance has been issued to this project by this Authority vide letter No. SEIAA 111 CON 2022 dated 28.12.2022 for Construction of Proposed Residential Apartment with office space, retail & MLCP at Plot No. R-4. Part-A & Part-B of Housing Area (Hardware Sector) Hitech, Defence and Aerospace Park, Bengaluru by M/s. WHITE OAK.

M/s Provident White Oaks LLP vide letter have requested to transfer of EC in their name as company change their name from M/s. WHITE OAK to M/s Provident White Oaks LLP as they have done registration on conversion of "White Oaks" to "Provident White oaks LLP" with the LLP identification number ABC-1633 on 29.12.2022.

After discussion, Chairman and Member have requested Member Secretary for Physical Presentation of the proposal by the Project proponent in the next Meeting.

However, Member Secretary informed that, there is no requirement of the Physical Presentation of the proposal as proposal is only for changing the name.

Finally, after detailed discussion, as it is a first meeting, it is decided to defer the project and reconsider it after Physical Presentation by the Project Proponent to the Authority and receipt of the following documents:

- i) Notarised Copy of EC.
- ii) Original Approved Industrial Layout Plan and the conditions, compliances accordingly.
- iii) Certified Compliance Report and opinion of the monitoring agency on the earlier EC conditions.

250.1.5. Four laning of Honnavar Port connectivity road from km 0.00 (Kasarkod side of Honnavar port) to Km 2.580 (towards NH - 66) connecting Honnavar Port with NH - 66 at Km 195.986 and to improve NH - 66 from Km 195.00 to Km 197.00 to integrate port connectivity on EPC Mode under Bharatmala Phase - I - Legal Opinion.

Environmental Clearance has been issued to this project vide letter No. SEIAA 22 IND 2011 dated 21.09.2012 for development of Barge/vessel loading facility to handle 4.9 MTPA of cargo at Coastal sand spit, Kasarkod Tonka village, Honnavar Taluk, Uttara Kannada district to M/s Honnavar Port Pvt. Ltd.

Earlier Extension of EC was issued for a period of 3 years through this authority's letter dated 01.07.2019 as the proponent had some administrative reasons and the proponent did not complete the project earlier.

Proceedings of 250th SEIAA Meeting

dated 6th May 2024

The project proponent once again requested for extension of validity of EC. Accordingly, Authority extend the validity for one more year i.e upto 20.09.2024 vide letter dated 20.09.2023.

The Project proponent vide letter dated 17.04.2024 have requested the Authority that''

- The Karnataka Maritime Board Port Department had raised a request to KSCZA for issue of NOC for 4 lanning of Honnavar Port Connectivity road from 0 km to 2.58km connecting Honnavar Port with NH-66 at Km 195.986 and improve NH-66 from 195Km to 197Km to integrate Port Connectivity on EPC mode under Bharatmala Phase-1.
- The stibject was placed in the KSCZMA meeting held on 06/02/2023 and after detailed discussion and deliberations the authority deferred the subject for want of additional information.
- On submission of the information by the project proponent, the subject was placed in the KSCZMA meeting held on 27/02/2023.
- The authority after detailed discussion and deliberation and based on the submissions made by the project proponent decided to recommend the proposal to MoEF& CC, New Delhi as per para 4 (ii) (f) of CRZ Notification 2011, with a condition that adequate mitigation measures needs to be taken to protect the Olive Ridley Turtles Nesting within Port Limits and to provide adequate medical facilities to the local fishermen and villagers. As per the decision of the KSCZMA authority, the 4 lane road connectivity to Honnavar port proposal was recommended and submitted for needful to the Secretary, MoEF& CC, New Delhi by the Principal Secretary, Forest Ecology and Environment, Bengaluru vide letter No. FEE 78 CRZ 2023, Dated: 24/03/2023.
- The proposal seeking EC for four lanning of Honnavar Port connectivity road was considered in the 231st SEIAA meeting held on 10/03/2023 and the authority has concluded that it does not fall under the preview of the EIA Notification 2006. This has been clearly stated in the letter of the Member Secretary, SEIAA- Karnataka vide letter No. SEIAA 28 MISC 2023, Dated: 28/03/2023.
- EAC (CRZ), MoEF& CC, New Delhi considered the proposal in its 335th meeting held on 07/08/2023, 339th meeting held on 05/09/2023 and 340th meeting held on 26/09/2023. MoEF& CC considering the Orders of the National Green Tribunal (SZ), Chennai suggested the road alignment to be shifted within the port limit where NDZ is not applicable for the port activities and for the same the project proponent agreed and the road alignment has been shifted within port limit area from CRZ-IB to CRZ-III along the shore line and a same portion of the road passes through the Forest area where the Stage 1 approval is obtained from the Forest Department and for the portion of the sand dune a culvert is proposed which falls in CRZ-IA. For the same, KSCZMA in their recommendation it was agreed. MoEF& CC after considering the SEAC, EIA report where the road connectivity was well discussed in the public hearing and recorded in the EIA report as the proposed road for the port project. With the

information, MoEF& CC considered road project is now integrated part of Port for which EC CRZ was given on 21/09/2012 by SEIAA-Karnataka. MoEF& CC returned the project to KSCZMA/PP as the project falls under Category B.

- The subject was placed in the KSCZMA meeting held on 18/11/2023 and the authority after detailed discussion and deliberation decided to seek clarification from MoEF& CC, New Delhi regarding considering the project at SCZMA level, as the proposed four lane road connectivity road project would pass through CRZ -IA (Sand Dunes) even after the road alignment would be shifted from CRZ-IB to CRZ-III.
- In reply, MoEF& CC raised ADS in the Parivesh Portal stating that the level of approval subsequent to the CZMA recommendation shall be granted by Item No 3 (a) of the procedure for clearance for permissible activities as per the CRZ Notification 2011 vide Ministry OM 26/04/2022. Accordingly, necessary action may be taken by KSCZMA.
- Accordingly, when project proponent requested KSCZMA to issue desired amendment in the combined EC + CRZ clearance granted vide letter No. SEIAA 22 IND 2012, Dated: 21/09/2012 it was replied in the Parivesh Portal that "As there is no SEIAA at Present in Karnataka, you may submit the proposal under 3(a) to MoEF& CC.
- Further, the Member Secretary, SEIAA Karnataka has stated to obtain clearance from KSCZMA and then approach MoEF& CC for an amendment to the EC, as presently there is no SELAA in the state which is under the process of reconstitution, vide letter No. SEIAA 03 MISC 2024, Dated: 22/01/2024.
- As per the instruction of SEIAA-Karnataka, we approached MoEF& CC, New Delhi for the combined EC + CRZ clearance but we were informed that since it is a "Category B" project for which EC was already granted by SEIAA-Karnataka. Further, it was also informed that SEIAA-Karnataka has stated that EC is not required for the 4 lane road connectivity. For which we have already taken the NOC from the SEIAA-Karnataka vide letter No. SEIAA 28 MISC 2023, Dated: 28/03/2023.
- Therefore, we request KSCZMA to clarify whether we need to take further approval as the four lane road connectivity proposal was already recommended by the KSCZMA to the MoEF& CC vide letter No. FEE 78 CRZ 2023, Dated: 24/03/2023 and also we request SEIAA Karnataka to clarify whether we need to take further approval as SEIAA-Karnataka has stated that EC is not required for the 4 lane road connectivity. Please clarify.
- This project is monitored under Prime Minister GatiShakti which is integrated project of the Center & the State Government and they are awaiting for all the clarifications on the approvals. The funds are released for this project and the NHAI is awaiting for the execution. Any delay will also lead to the withdrawal of the project any time."

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Legal opinion was sought in this regard. The legal opinion received from Sri. H.K. Vasanth, Advocate, SEIAA is reproduced below,

"With respect to the above subject, I have gone through the above referred letter and also all the documents annexed therewith. The Project Proponent HPPL has sought clarification on: -

- i) *Whether Project Proponent need to take further approval from KSCZMA for four lane road connectivity in the light of letter bearing No. FEE 78 CRZ 2023 dated 24/03/2023*
- ii) *Whether Project Proponent need to take further approval from SEIAA for four lane road connectivity in the light of letter bearing No. SEIAA28 MISC 2023 dated 28/03/2023.*

On Point No. i)

As per the letter bearing No. FEE 78 CRZ 2023 dated 24/03/2023, KSCZMA decided to recommend the proposal for four lane road connectivity by HPPL to MoEF& CC as per Paragraph 4 (ii) (f) of CRZ Notification 2011. But EAC (CRZ) during its meeting held on 26/09/2023, after due deliberations, has concluded that four lane road connectivity proposal is no longer a road project only but the same is an integral part of the port for which EC + CRZ clearance has been granted by SEIAA on 21/09/2012 and in view of the above, KSCZMA was asked to take necessary action on the proposal as per item No. 3 (a) of the "Procedure for Clearance of permissible activities as per the CRZ Notification 2011" vide MoEF& CC OM dated 26/04/2022.

The KSCZMA does not need to grant any more clearance for the Four Lane Connectivity Road since it was already suggested during its 40th meeting, which was held on February 27, 2023 following careful consideration.

On Point No. ii)

As per the letter bearing No. SEIAA 28 MISC 2023 dated 28/03/2023, SEIAA had addressed a letter to The Director (Ports), Karnataka Maritime Board informing them that the proposed four lane road connectivity does not fall in the screening and scoping SEIAA as it is not covered under EIA Notification 2006.

EAC (CRZ) during its meeting held on 26/09/2023 has concluded that four lane road connectivity proposal is no longer a road project only but the same is an integral part of the port for which EC + CRZ clearance has been granted by SEIAA on 21/09/2012.

Since the road connectivity issue was covered in EIA Report and has already been appraised by SEAC and based on their recommendation, SEIAA has issued EC and Specific Condition No. 39 of EC mandates the Project Proponent to black

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top all approach roads, the proposal given by the Project Proponent is in consonance with EC conditions.

This is for your consideration and necessary action."

The Authority after detailed deliberation took note of the following:

1. Recommendation of Project proposal by KSCZMA by proposing adequate mitigation measures to protect Olive Ridely Turtle Nestle, fisherman and local villagers and subsequent letter addressed by the Principal Secretary, Forest, Ecology and Environment, Bengaluru to Secretary, MoEF&CC.
2. Proposed Road option was part of EIA which was presented during the appraisal of Project and EIA is unalienable part of EC issuing process.
3. Legal opinion of Advocate, SEIAA in the subject Proposal wherein it is stated that formation of Road is in consonance with the Specific Condition No.39 prescribed in the EC issued for the Project.
4. MoEF&CC reply to KSCZMA with respect to scope of appraisal.

After a thorough discussion, the Authority has come to conclusion that proposed Four lane connectivity is part of an earlier integrated EC+CRZ clearance granted for the project. The Project Proponent shall take necessary action by adhering to the conditions prescribed by KSCZMA/SEIAA and any other competent Authority within the validity period mentioned therein. This decision was made based on the details of the EIA and Specific Condition No. 39 prescribed in the EC issued for the Project.

250.2. Additional Agenda (With permission of Chair):

- 250.2.1. Construction of mixed-use development with residential, retail, hotel, office, SEZ & Non-SEZ at Sy. No. 9/1 P, 12P, 13/11P, 9/2, 9/3, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 10/P, 13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/12, 13/13, 13/14, 13/15, 13/16, 13/17, 13/18, 13/19, 13/20, 13/21, 14, 15/1A, 15/1B, 15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, 15/15, 15/16, 15/17, 15/18, 15/19, 15/20, 15/21, 15/22, 15/23, 15/24, 15/25, 16/1P, 17, 18/1, 18/2, 18/3, 19/1, 20/1, 20/2P, 20/3, 21/1A, 21/1B, 21/2, 21/3, 21/4, 22, 23, 24, 25, 27, 28/1, 28/2, 29/P, 30/1AP, 30/1BP, 30/2P, 30/3P, 33/P, 40/P, 41/P, 42/P, 44, 45, 46, 47, 48, 49, 50 & Sy. No. 16P, 19/2, 26, 7P, 32 of Agara Village & Sy. No. 7P of Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bangalore by M/s Mantri Techzone Private Limited (formerly called Manipal ETA P Ltd.) - Request for extension for validity of EC by Project Proponent.

The project proponent had obtained Environmental Clearance vide letter No. SEIAA 30 CON 2011 dated 17-02-2012 for construction mixed use development with