

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE) AT  
CHENNAI**

**APPEAL NO. 7/2025**

BETWEEN

Janardhan P. Mesta & Another

. . . Appellants

AND

State Level Environment Impact Assessment

Authority, Karnataka & Another

. . . Respondents

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*H. K. Vasanth*

(H.K. VASANTH)

Advocate for Respondent No. 1

Place: Chennai

Date: 27/02/2025

MEMBER SECRETARY  
SEIAA, KARNATAKA

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**REPLY STATEMENT FILED BY STATE LEVEL ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY, KARNATAKA (RESPONDENT NO. 1)**

The Respondent No. 1 most respectfully submits as follows: -

1. That the Respondent Authority denies and disputes all the averments, contentions and allegations raised by the Petitioner in the present petition and except what has been specifically admitted herein under, in writing, any omission on the part of the answering Respondent to deal with any specific averment, contention or allegation of the Petitioner should not be construed as an admission on the part of Respondent Authority.
2. It is submitted that instead of parawise reply to the averments made in the petition, it is prayed that, allow the instant objections constituting an overall response to the petition filed by the

Petitioner herein. Therefore, it is humbly played to read the same in totality for assessing the facts and nature of the case.

3. At the outset, this Respondent submits that the above mentioned petition is liable to be dismissed in limine as being misconceived and not maintainable in law and fact.
4. It is relevant to mention that the present petition has been filed seeking to quash the impugned Prior Environment Clearance as per Annexure – 'A' of the Memorandum of Appeal issued by Respondent No. 1 (SEIAA) in favour of Respondent No. 2 (HPPL) for development of barge/vessel loading facility to handle 4.9 MTPA of cargo in an area measuring 44 Hectares at Coastal Sand Spit, Kasarkod Tonka Village, Honnavara Taluk, Uttara Kannada District.
5. It is relevant here to mention that earlier M/s Honnavara Port Private Limited was granted Prior Environment Clearance dated 21/09/2012 by SEIAA, Karnataka for development of barge/vessel loading facility to handle 4.9 MTPA of cargo in an area measuring 44 Hectares at Coastal Sand Spit, Kasarkod Tonka Village, Honnavara Taluk, Uttara Kannada District. Since the construction activities could not be completed within time, the Project Proponent requested for extension of validity of Environment

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Clearance by another 3 years which was granted by SEIAA vide order dated 01/07/2019. Further, the Project Proponent received an extension of one year during COVID 19 period. Subsequently upon the request of Project Proponent, SEIAA extended validity of Environment Clearance by another one year, which has also been expired on 20/09/2023.

6. It is submitted that before the expiry of Environment Clearance dated 21/09/2012, the 2<sup>nd</sup> Respondent applied for fresh EC under EIA Notification 2006 through PARIVESH Portal vide Application dated 26/04/2024. The proposal was considered by SEAC in its 310<sup>th</sup> meeting held on 09/05/2024 and the matter was deferred seeking further clarifications/information from the Project Proponent. Again on 06/06/2024, during its 312<sup>th</sup> meeting SEAC appraised the proposal and after detailed deliberations, decided to recommend the proposal to SEIAA for issue of Terms of Reference by giving exemption to Public Hearing. Subsequently, during its 252<sup>nd</sup> meeting held on 09/07/2024, the 1<sup>st</sup> Respondent accepted the recommendations of SEAC and issued ToR to the project Proponent by according exemption to conducting public hearing. It is further submitted that in the aforesaid meetings, SEAC/SEIAA have acted as per the law by considering a similar case wherein MoEF&CC had accorded EC to M/s Mumbai Port Trust by giving exemption to conducting Public Hearing vide letter

bearing F. No. 10-10-2017 -IA-III dated 11/07/2017 considering the earlier Public Hearing conducted in 2005. In view of the above it is duly submitted that SEAC/SEIAA have followed all due procedures of law and considering that the nature and objective of Public Hearing has not changed/alterd. Hence, the contention of the Appellant herein is not correct. The exemption of the public hearing requirement was granted in accordance with the EIA Notification, 2006 and reviewed by SEAC/SEIAA. The claim that SEIAA acted beyond its mandate is incorrect as the decision was based on prior assessments, provisions, similar precedents and environmental safeguards.

7. It is submitted that SEIAA/SEAC had considered the provisions for the expansion/modernization of projects, as per 7(ii) of EIA Notification 2006 which states as follows: -

*"All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior EC has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the schedule of this notification through change in process and or technology or involving a change in the product mix shall be made in Form I and they shall be considered by the Concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public*

*consultations and the application shall be appraised accordingly for grant of EC.”*

In the present case as proposal is for revalidation of earlier EC by considering the Public Hearing conducted on 27/01/2012 as it does not amount to expansion or change in scope of project in reference to the Environment Clearance issued on 21/09/2012.

8. It is submitted that the claim made by the Appellant that Karnataka State Coastal Zone Management Authority (KSCZMA) did not appraise the project before recommending CRZ clearance is incorrect. KSCZMA reviewed reports dated 20/09/2024 received in PARIVESH Portal in its 46<sup>th</sup> meeting held on 21/10/2024. Therefore, KSCZMA's decision is procedurally valid.
  
9. It is submitted that the project does not fall in the prohibited area for Port development nor violate the CRZ Notification, 2019 or MoEF & CC's Official Memorandum dated 03/11/2009 as the site has been assessed for erosion risks and appropriate mitigation measures have been incorporated. KSCZMA has reviewed and approved the project after ensuring compliance with shoreline management guidelines prepared by National Center for Sustainable Coastal Management (NCSCM), confirming that the Port location is environmentally feasible for the development. Further, the EIA report includes comprehensive seasonal data

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collection and scientifically sound environmental assessments, ensuring compliance CRZ Notification, 2019. Accordingly, CRZ clearance was granted on 25/10/2024.

10. It is submitted that regarding turtle nesting, within the proposed project development area of 44 Hectares, as per the CZMP maps prepared based on the CRZ Notification 2019 by NCSCM, Chennai, there is no turtle nesting area marked. The Sporadic turtle nesting is observed in south of the Port in the approach road connecting the project site boundary from NH 66 for which PCCF (Wildlife) & Chief Wildlife Warden, Karnataka has approved wildlife mitigation measures for protection of the turtle nesting area and Proponent will be coordinating with forest department for necessary mitigation measures like:

- Monitoring and protection of nesting sites.
- Artificial hatchery programs in collaboration with the Forest Department.
- Lighting and activity restrictions during nesting seasons to prevent habitat disturbance. Etc.

All these have been examined and accordingly ensured compliance based on the CRZ clearance issued as per CRZ Notification 2019, confirming that the site is suitable of establishment of the project.



11. It is submitted that Socio-Economic Impact on Fishermen is addressed in the EIA Report. The EIA report includes a socio-economic impact assessment covering

- Impact of port activities on local fishing communities.
- Potential disruptions to traditional fishing zones and mitigation measures.
- Livelihood restoration programs and compensation plans.

Impact on the Estuary and Fragile Ecosystems Has Been Studied in the EIA report assesses estuarine ecology and its sensitivity to dredging, sediment transport, and port operations and Mitigation strategies include:

- Regulated dredging schedules to minimize impact on fish spawning grounds.
- Habitat protection measures, including conservation of mangroves and estuarine biodiversity.
- Water quality monitoring to prevent pollution from port activities.

12. It is submitted that the Form - 1 application was thoroughly reviewed by regulatory bodies, the clearance was issued with specific conditions, ensuring accountability and compliance. The clearance was granted based on expert evaluation, compliance with environmental regulations and due diligence by SEAC, SEIAA, and KSCZMA. The project was considered based on merits and conducted thorough environmental evaluations, ensuring

compliance with EIA Notification, 2006, and CRZ Notification, 2019.

13. The project was considered in Compliance with the EIA Notification, 2006 where in the Notification mandates a structured process for environmental assessment and clearance, which was duly followed including:

- Scoping and approval of Terms of Reference (ToRs) to guide environmental studies.
- Baseline environmental studies covering marine biodiversity, hydrodynamics, socio-economic impact, and pollution control (Sections 3.7, 4.4.2 & 9.2.3 of the EIA Report).
- Public consultation requirements, reviewed by SEAC and SEIAA.

Further, in reference to the Compliance to the CRZ Notification, 2019,

- The project was reviewed by the Karnataka State Coastal Zone Management Authority (KSCZMA) in its 46<sup>th</sup> meeting ensuring compliance with CRZ regulations.
- The EIA report analyzed impacts on coastal ecology, erosion and marine biodiversity and mitigation measures were incorporated to minimize environmental risks.
- The clearance was issued with conditions to ensure CRZ compliance, demonstrating that regulatory safeguards were upheld.

Further, Alignment with the Principle of Sustainable Development which requires balancing economic growth with environmental

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protection, which was ensured through environmental impact assessments and mitigation strategies and the project integrates environmental safeguards including:

- Turtle conservation plans in consultation with the Forest Department.
- Coastal erosion monitoring and mitigation measures.
- Biodiversity management plans and pollution control strategies.

Accordingly, the clearance was granted based on scientific evaluation and expert review, ensuring adherence to sustainable development principles. The Environmental Clearance was issued in full compliance with the EIA Notification, 2006 and the CRZ Notification, 2019 ensuring adherence to sustainable development and the precautionary principle.

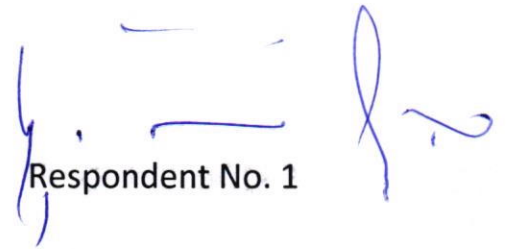
WHEREFORE, the answering respondent respectfully prays that this Tribunal be pleased to dismiss the above appeal with exemplary costs, in the interest of justice and equity.



Advocate for Respondent No. 1

Place: Chennai

Date: 27/02/2025



Respondent No. 1

**MEMBER SECRETARY  
SEIAA, KARNATAKA**