

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

Inward No. NGT/WZ/Pune/479/2023

E-mail dated 05.07.2023

(Complaint dated 18.06.2023)

**KRISHNA KANKONKAR
BLDG.RAVINDRA C, BABLO NAIK.
COLONY, ST.INEZ PANAJI GOA COMPLAINANT**

V/S.

**THE GOA-SEAC
4TH FLOOR DEMPO TOWER
PATTO PANAJI GOARESPONDENTS**

Report in compliance to the order dated 5/07/2023

MAY IT PLEASE YOUR HONOUR

1. The Answering Respondent in compliance to the order passed by this Hon`ble Court is filing a short synopsis of the project which is in question before this Authority so as to ascertain whether any environmental damage is caused or not due to the construction of a structure located in the property bearing Survey No. 110/1 & 111/1 of village Calapor, Tiswadi Goa.
2. The Answering Respondent was in receipt of an email complaint filed by one Jose Vincent Gomes on 20th October 2021 which stated that illegal hill cutting was being done



without taking any permissions from the competent Authorities. Hereto annexed is the copy of the email complaint marked as **Annexure "A"**

3. The Answering Respondent forwarded the said complaint to the Chief Engineer of the PWD on 01/11/2021 to examine the alleged illegal hill cutting. The copy of the said letter is at annexed as **Annexure "B"**
4. The Answering Respondent had also carried out the site inspection on 06/01/2023. The said site inspection report is annexed herein as **Annexure "C"**.
5. The Answering Respondent submits that on the basis of the said site inspection report it came to a conclusion that for the purpose of carrying out of cutting of hill to facilitate construction of any project the approval of TCP Department is required and hence it deemed it fit to refer the said complaint to the Town & Country Department.
6. The Answering Respondent submits that the TCP department has granted the Technical Clearance for construction of the said project which is at **Annexure "D"**
7. The Answering Respondent further submits that the PWD VII (NH) has also granted relaxation of setbacks which is annexed herein as **Annexure "E"**
8. The Answering Respondent submits that the Environmental Clearance would be required only if the built-up area of any construction project is above 20,000m² and in the instant case



the built-up area of the project is less than 20,000m² and thus the requirement of EC from the Goa-SEAC is not a pre requisite.

The answering respondent submits this compliance report in furtherance to the order passed by this court on 5/07/2023.


30/7/23
Member Secretary, Goa-SEIAA
DEPONENT



EIA Goa State Secretariat Patto, Panaji <goaseac@gmail.com>

Fwd:

1 message

Jose Vincent Gomes <joegomes999@gmail.com>
To: goaseac@gmail.com

Wed, Oct 20, 2021 at 12:52 PM

To,
The Member Secretary
Goa State Environment Impact Assessment Authority
Goa.

Member Secretary
S. E. I. A. A. / SEAC
Inward No... 367.....
Date... 21/10/2021...

[Handwritten signature]
21/10/2021

Subject : Illegal Hill Cutting at Bambolim

Dear Sir,

I hereby bring to your notice that illegal hill cutting has been done without taking any permission from the relevant authorities and there has been no proper levels maintained while excavating the said hill ssituated on the slopes of Bambolim (Before Cafe Coffee Day while coming from Panaji).

The mud was excavated in huge quantities and used elsewhere, The site poses danger to human life. It has also been noticed that the site now has been filled partially with garbage (Waste). It may be noted that it is illegal to use waste as a landfill and iis directly in violation to the environment rules. The contractor responsible has flouted all laws and has caused a great damage to the environment and has put lives at risk.

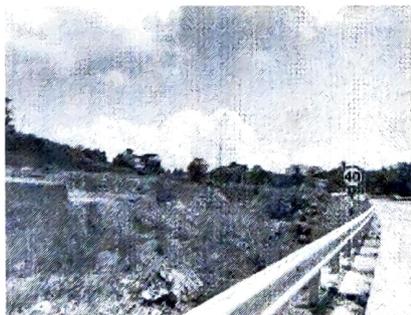
Please find attached herewith some photographs of the said site for your perusal. Kindly take strict action against those responsible.

Thanking you,

yours truly,

Joe Gomes

4 attachments



IMG-20211001-WA0004.jpg
126K



IMG-20211001-WA0003.jpg
181K

IMG-20211001-WA0006.jpg

GOA STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
Constituted by the Ministry of Environment, Forest and Climate Change,
Government of India
C/o Department of Environment and Climate Change
4th Floor, Dempo Towers, Patto Panaji Goa - 403001.
e-mail: goaseac@gmail.com

No.1-2-2021/GSEIAA/Complaint/104

Date: 01/10/2021
11

To,
The Chief Engineer,
National Highway & Road & Building
PWD Head Office
Althino - Panaji Goa.

Sub: Examination of illegal hill cutting at Bambolim Goa.

It has been brought to our notice that hill cutting has been done in Bambolim area adjacent to the National Highway before Cafe Coffee Day while coming from Panaji.

It is observed that a huge quantity of mud has been excavated. In response to email received from Shri Joe Gomes dated 20/10/2021 regarding illegal hill cutting at Bambolim.

You are kindly requested to give clarification on the same.

Yours faithfully


(Dasharath M Redkar)
**Director (Environment) &
Member Secretary, Goa-SEIAA**

Received
C/o The Chief Engineer (NH, Road)
PWD, Althino
Signature : 
11/10/2021

Encl: As Above.

SITE INSPECTION REPORT

The inspection was carried out on 06/01/2023 at 4 pm by Goa State Expert Appraisal Committee at the site adjacent to Coffee Cafe Day at St. Cruz along the Nation Highway 66 in property bearing Survey No. 111/1 and 110/1 the following member attended the site inspection

1. Shri Gautam Vikas Desai Chairman (Goa –SEAC)
2. Dr. Dipak C.S. Gaitonde Expert Member (Goa –SEAC)
3. Dr. Subhash H. Bhosale Expert Member (Goa –SEAC)

The following observation were made by the Expert Members.

- a) The site boundary was barricaded using metal sheets.
- b) Cutting / excavation at the site was being carried out using heavy earth moving equipment's.
- c) Large amount of excavated material including murrum/ laterite rubble Stones were lying on the site.
- d) Trucks were being loaded with the excavated materials using wheel loaders.
- e) Murrum / laterite stones were being transported out of the site using trucks.

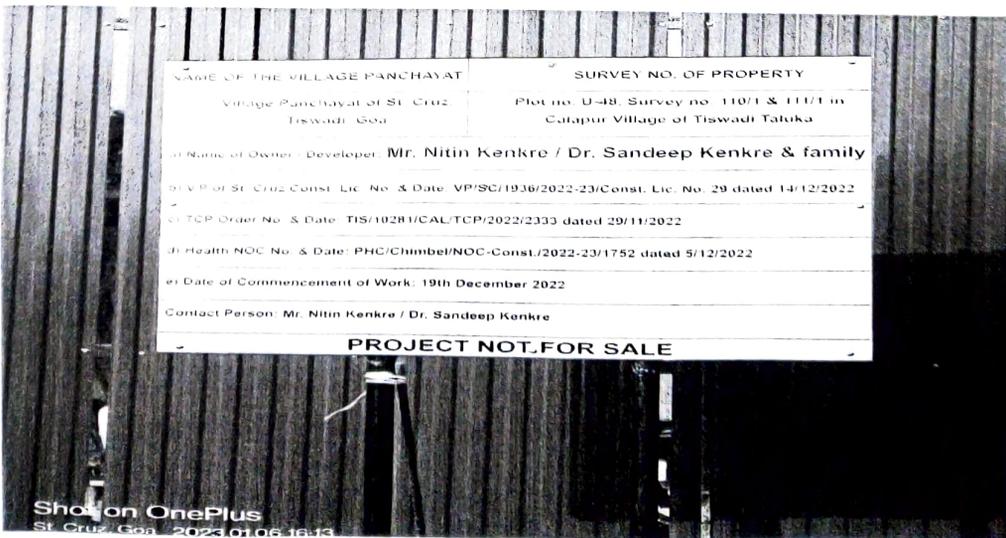
Upon inquiry it was informed by the personal on the site that the hill was cut / levelled to construct a shopping center along the highway. Further the personal on the site was asked to visit the Department of Environment and Climate Change 4th Floor Dempo Tower Patto Panaji Goa along with all permissions and documents.

In support of the above photographs are enclosed in the report.



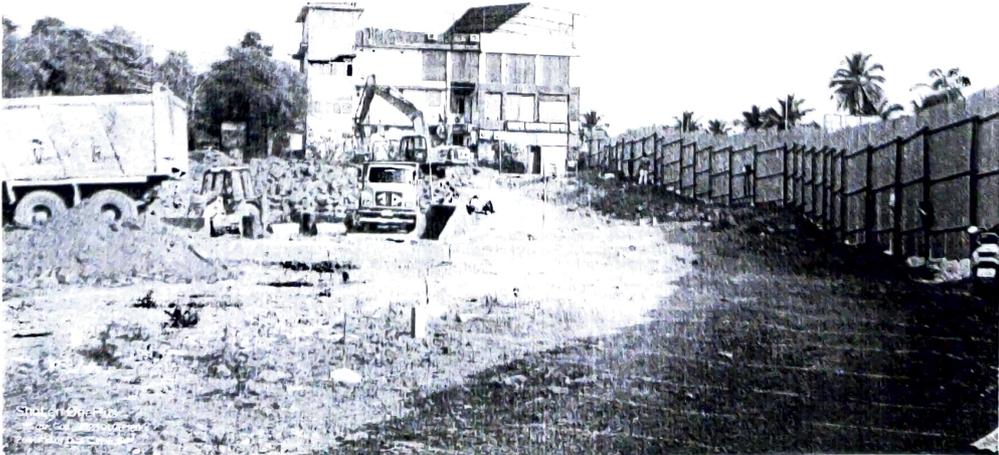


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St. Cruz, Goa 2023.01.05 16:20
Powered by Dual Camera



NAME OF THE VILLAGE PANCHAYAT	SURVEY NO. OF PROPERTY
Village Panchayat St. St. Cruz Tiswadi, Goa	Plot no. U-48, Survey no. 110/1 & 111/1 in Catapur Village of Tiswadi Taluka
Name of Owner / Developer: Mr. Nitin Kenkre / Dr. Sandeep Kenkre & family	
V.P. of St. Cruz Const. Lic. No. & Date: VP/SC/1936/2022-23/Const. Lic. No. 29 dated 14/12/2022	
TCP Order No. & Date: TIS/1028/CAL/TCP/2022/2333 dated 29/11/2022	
Health NOC No. & Date: PHC/Chimbel/NOC-Const./2022-23/1752 dated 5/12/2022	
Date of Commencement of Work: 19th December 2022	
Contact Person: Mr. Nitin Kenkre / Dr. Sandeep Kenkre	
PROJECT NOT FOR SALE	

Shot on OnePlus
St. Cruz, Goa 2023.01.05 16:13



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[Handwritten initials]

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1. Shri Gautam Vikas Desai

2. Dr. Dipak C.S. Gaitonde

3. Dr. Subhash H. Bhosale



OFFICE OF THE TOWN PLANNER
TOWN & COUNTRY PLANNING DEPARTMENT
TISWADI TALUKA OFFICE, 5th FLOOR, KAMAT TOWER
PATTO- PANAJI-GOA.
Email: tis-tcp.goa@gov.in

Ref No.: TIS/10281/CAL /TCP/2022/2333

Dated: 29/11/2022

TECHNICAL CLEARANCE ORDER

Technical Clearance is hereby granted for carrying out the **construction of Commercial Building Blocks A, B, C, D, E-1, E-2 and revised existing building block 'F' by Mr. Nitin Katre**, as per the enclosed approved plans in the property Zoned as 'Settlement Zone' in Regional Plan for Goa 2021 situated at Village **Calapor**, Tiswadi – Taluka bearing Sy. No. **110/1 & 111/1, Plot No.U-48** , with the following conditions:-

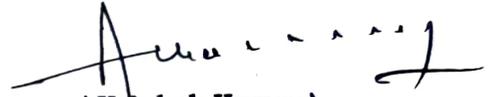
1. Construction shall be strictly as per the approved plans. No change shall be effected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked, if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the applicant will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00 Mts. X 0.50 Mts. with writing in black color on a white background at the site, as required under the Regulations.
5. The applicant shall obtain Conversion Sanad under the Goa Land Revenue Code, 1968, before the Commencement of any development/construction as per the permission granted by this order.
6. The Septic Tank, soak pit should not be located within a distance of 15.00 meters from any other existing well in the plot area/plan.
7. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
8. Completion Certificate has to be obtained from the Authority before applying for Occupancy Certificate from the licensing authority.
9. Storm water drain should be constructed along the boundary of the effected plot abutting to the road.
10. Adequate Utility space for the dustbin, transformer etc. should be reserved within the plot area.
11. In case of any cutting of sloppy land or filing of low-lying land, beyond permissible limits, prior permission of the Chief Town Planner shall be obtained before the commencement of the works per the provisions of Section 17(A) of the Goa Town & Country Planning Act, 1974.
12. In case of Compound Walls, the gates shall open inwards only and traditional access, if any passing through the property shall not be blocked.
13. The Ownership and tenancy of land if any of the property shall be verified by the licensing body before the issuing of the license.
14. Panchayat shall ensure the infrastructure requirements such as water supply and garbage before issuing license.
15. The adequate arrangement for collection and disposal of solid waste generated within the plot shall arrange to satisfaction of Village Panchayat.
16. Open parking area should be effectively developed.

17. Necessary Open spaces for this project/plot has been kept in finally approved sub-division layout by Chief Town Planner, Town & Country Planning Dept., vide letter ref. DE/PNJ/16/T/6119/TCP/93/5241 dtd 14/10/1993 and also village Panchayat of Santa-Cruz Panaji-Goa vide letter ref. no. VP/SE/13/1993-94 dtd 17/10/1993.
18. Applicant shall plant one tree for every 100.00m² of area developed, land scaping on open spaces/tree plantation along roads and in developed plots.
19. Adequate avenue greenery should be developed.
20. Basement floor parking area proposed in the building shall be used for the parking of vehicles only and it shall not be changed for any purpose at any point of time.
21. Gradient of the ramps to the basement floor parking should not be exceed 1:6.
22. Internal roads as shown in the site plan shall be developed at site.
23. The Village Panchayat shall ensure that Sewage Treatment Plant proposed for the project functions effectively at all the time.
24. Ramp and parking spaces for disable person shall be effectively developed at the entrance and maintained.
25. Adequate equipments and provisions as per prevailing rules shall be made in the complex so as to take care against any incidents of fire.
26. Applicant shall make required arrangement such that entry and exist of vehicles from the building is regulated so that traffic movement on the existing National Highway -17 (new NH-66) is not affected.
27. Necessary provision for rain water harvesting shall be made and rain water harvesting tank shall be constructed as shown on site plan.
28. Necessary arrangement for fire safety shall be made before applying for Occupancy.
29. The said Commercial building should be strictly used for Commercial purpose only.
30. No Compound wall shall be constructed at the front of shop which is located towards the Southern side of the property.
31. The height of the compound wall strictly maintained as per rules in force.
32. Solar water heating/solar energy capturing system shall be incorporated in the building as required under the Regulations.
33. The area under road widening shall not be encroached/enclosed.
34. The Village Panchayat shall take cognizance of any issue in case of any complaints/Court orders before issue of construction license.
35. This Technical Clearance order is issued based on NOC issued by Executive Engineer WD-VII(NH), P.W.D for relaxation of Highway setback line of 30.0 mtrs from the centerline of NH-17 (new NH 66) as per letter ref no, 22/10/2021-22/PWD/DVII(NH)/ADM/2374 dtd 30/03/2022 and letter ref. no. 22/10/2022-23/PWD/WDVII(NH)/ADM/1319 dtd 19/10/2022.
36. Applicant shall dispose the construction debris at his/her own level and/ or the same shall be taken to the designated site as per the disposal plan given by the applicant in the affidavit to be produced to the Village Panchayat.
37. Conversion Sanad for commercial purpose shall be obtained by the applicant under L.R.C. as the recommendation is for the construction of commercial building project which is for commercial use.
38. This Technical Clearance Order is issued as a partial modification to the earlier Technical Clearance Order granted by this office for construction of existing building block 'F' vide letter no. DE/5533/ATP/444/97 dtd 19/6/1997.
39. Necessary N.O.C. if required from any competent authority, if any for Commercial project may be obtained prior to construction work.
40. Building alignment relaxation line shall be verified by the applicant from PWD (NH) at the time of commencement of work.
41. If the proposal involves felling of trees, the project Proponent/Owner shall obtain the prior permission from tree Officer/Forest Department as mandated under Section 8 and 9 of Goa Preservation of Tree Act.
42. Necessary 1% cess on the total cost of construction project shall be levied by the village Panchayat before issue of completion order by this office.
43. This Technical Clearance Order issued with the approval of Government vide note no: TIS/10281/CAL/TCP/2022/2170 dtd 31/10/2022.

NOTE:

- a) This Technical Clearance Order is issued based on the order issued by the Secretary (TCP) vide no. **29/8/TCP/2018(Pt.File)/1672** dated **13/08/2018** pertaining to guide line for processing various application.
- b) An engineer who designs the RCC structure, of the project proponent is liable for structural designs and stability of the project, structural liability certificate issued by an Engineer **Mr. Paresh Gaitonde dtd. 06/04/2022** TCP Reg. No. **ER/0057/2010**.
- c) This Order is issued with reference to the application dated **11/04/2022** from Mr Nitin Kenkre.
- d) Applicant has paid infrastructure tax of **Rs. 1,17,05,040/- (Rupees One Crore Seventeen Lakhs Five Thousand and Forty Only)**. vide challan no. **227 dtd. 24/11/2022**.

THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE OF CONSTRUCTION LICENSE PROVIDED THE CONSTRUCTION LICENSE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.



(K. Ashok Kumar)
Dy. Town Planner

To,

Mr. Nitin Kenkre,
C/o Soares & Associates,
18th June Road, Panaji- Goa.

Copy to:
The Sarpanch/Secretary,
Village Panchayat St-Cuz,
Tiswadi- Goa.

The permission is granted subject to the provision of Town & Country Planning Act 1974 and the rules & Regulation framed there under.

No.22/10/2022-23/PWD/WDVII(NH)/ADM/ 1319
Government of Goa,
Office of the Executive Engineer,
Works Division VII(NH), P.W.D.,
Ground Floor, Junta House,
Panaji-Goa.
Dated: 19/10/2022.

✓ To,
Shri Nitin Kenkre,
C/o Soares & Associates,
G-1, Vikas Building,
18th June Road,
Panaji-Goa.

Sub: Relaxation of Setback line on NH-17 (New NH-66) at Calapur
Village, Tiswadi Taluka in S.No 110/1 & 111/1.

Ref: 1) Your letter No. 22/10/21-22/PWD/WDVII(NH)/ADM/2374
Dated 30/03/2022.
2) Your letter dated 03/10/2022.

Sir,

With reference your request it is to clarify that the relaxed setback of 30mt from centre of highway is a relaxed Building line. Moreover proper setback as per planning regulation/IRC guidelines are implicable wherever the setback is the Road Acquisition line as shown in plans annexed with the Government approval conveyed vide reference at Serial No 1 and conditions mentioned therein stands.

Yours faithfully,


Executive Engineer
WD-VII(NH), P.W.D.,
Panaji - Goa.

Copy to:

1. The Assistant Engineer, Sub Div-II, W. D. VII(NH), P.W.D., Mapusa
Goa.