

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703

Tel/Fax No. : 0832-2407700



Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary GSPCB: ms-gspcb.goa@nic.in
Environment Engineer, GSPCB: ee-gspcb.goa.nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

No. 1/25/19-PCB/legal/21378

By Email

16/03/2020

To:

The Consultant (Judicial)
NGT (PB) New Delhi.

Sub: Report in OA-No. 482/2018 (Earlier O.A. No. 37/2014(WZ)).
Ref: Your email dated 02/03/2020.

Sir,

With regards to your email as referred to above, please find enclosed herewith the following documents in compliance order of Hon. NGT passed in the matter of OA-No. 482/2018 (Earlier O.A. No. 37/2014(WZ));

1. Letter bearing no. 1/25/18-PCB/Tech/15223 dated 07/01/2020 issued by the Goa State Pollution Control Board to the Collector (North) and the Member Secretary, GSEIAA.
2. Reminder letter bearing no. 1/25/18-PCB/Tech/21054 dated 11/03/2020 issued by the Goa State Pollution Control Board to the Collector (North) and the Member Secretary, GSEIAA.
3. Inspection report dated 11/11/2019 conducted by the Board Official.
4. Directions bearing no. 1/25/19-PCB/Leg/15352 dated 08/01/2020 issued to Pundalik Matro Gaonkar & ors levying fine under the Polluter Pays Principal.

Thanking You,

Yours faithfully,

(Dr. Shamila Monteiro)
Member Secretary
Goa State Pollution Control Board

Copy to:

1. Office file
2. Guard file

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Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

MOST URGENT NGT MATTER

No. 1/25/18-PCB/ Tech/15223

Date: 07/01/2020

To,

The Collector and District Magistrate (North), Collectorate Bldg, Panaji Goa	The Member Secretary, Goa State Environment Impact Assessment Authority C/o/ Department of Environment, 1 st flr, Deendayal Upadhye Bldg, Porvorim Goa
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Ref:1) Office letter no. 20/2/2014-MAG/NGT/4222 dt. 06/11/2019 from the District Magistrate, North Goa.

2) Order dt. 22/10/2019 passed in OA no. 48/28 (Jayashri Rajebhosle v/s. State of Goa and others.)

Madam/Sir,

Vide Order referred to sr. no. (2) above the Hon'ble Principal Bench of the National Tribunal was pleased to direct the Committee comprising of SEIAA Goa, Goa State Pollution Control Board, and District Magistrate, North Goa to inspect the area in question and file a report on the present status at site in respect of impugned mining.

The Board was thereafter in receipt of your office letter dt. 06/11/2019 from the District Magistrate, North Goa, as referred to at sr. no. (1) above.

Accordingly officials of the Board had jointly inspected the site in question on 11/11/2019 along with the Dy. Collector & SDM, Bicholim, Talathi, Office of the Mamaladar Bicholim and Circle Inspector, Office of the Mamlatdar, Bicholim.

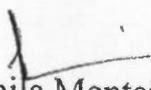
The official of the Goa State Pollution Control Board has prepared an independent report in respect of his observations made during the said inspection. **Copy of the same is enclosed.**

The Board will initiate necessary action at its end in terms of the conclusion and recommendation as contained in the said report under the provisions of the Air Act and the Water Act.

In this regard to you are kindly requested to submit a copy of the Joint Report of inspection carried out by the Committee appointed by the Hon. National Green Tribunal vide Order dt. 22/10/2019, to this office.

Further in terms of the directions of the Hon National Green Tribunal contained in the said order, you are required to submit a copy of this Joint Report of Inspection to the Hon. National Green Tribunal on the next date of hearing of the matter.

Yours faithfully,


(Dr. Shamila Monteiro)
Member Secretary

Copy for information to :

1	P.A. to Chairman, GSPCB
2	P.A. to Chief Secretary, Govt. of Goa, Secretariat, Porvorim Goa
3	The Director, Department of Environment, 1 st flr, Deendayal Upadhye Bldg, Porvorim Goa
4	The Director, Directorate of Mines and Geology, Institute Menezes Braganza Bldg, Panaji Goa

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Environment Engineer, GSPCB: ee-gspcb.goa.nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

REMINDER - I

MOST URGENT

NGT MATTER

No. 1/25/18-PCB Tech/21054 By Email/Hand Delivery

Date: 11/03/2020

To,

The Collector and District Magistrate (North), Collectorate Bldg, Panaji Goa	The Member Secretary, Goa State Environment Impact Assessment Authority C/o/ Department of Environment, 1 st flr, Deendayal Upadhye Bldg, Porvorim Goa
--	---

- Ref: 1) Office letter no. 20/2/2014-MAG/NGT/4222 dt. 06/11/2019 from the District Magistrate, North Goa.
2) Order dt. 22/10/2019 passed in OA no. 48/28 (Jayashri Rajebhosle v/s. State of Goa and others.)
3) This office letter bearing no. 1/25/18-PCB/Tech/15223 dated 07/01/2020
4) Email from Consultant Judicial – NGT(P.B) dated 02/03/2020.

Madam/Sir,

Vide Order referred to sr. no. (2) above the Hon'ble Principal Bench of the National Tribunal was pleased to direct the Committee comprising of SEIAA Goa, Goa State Pollution Control Board, and District Magistrate, North Goa to inspect the area in question and file a report on the present status at site in respect of impugned mining.

The Board was thereafter in receipt of your office letter dt. 06/11/2019 from the District Magistrate, North Goa, as referred to at sr. no. (1) above.

Accordingly officials of the Board had jointly inspected the site in question on 11/11/2019 along with the Dy. Collector & SDM, Bicholim, Talathi, Office of the Mamaladar Bicholim. and Circle Inspector, Office of the Mamlatdar, Bicholim.

The official of the Goa State Pollution Control Board has prepared an independent report in respect of his observations made during the said inspection. Copy of the same is enclosed.

The Board has initiated necessary action at its end in terms of the conclusion and recommendation as contained in the said report under the provisions of the Air Act and the Water Act.

In this regard vide letter referred to (3) above you were requested to submit a copy of the Joint Report of inspection carried out by the Committee appointed by the Hon. National Green Tribunal vide Order dt. 22/10/2019, to this office. However, upon perusal of the records it has been observed that you have failed to reply to the letter.

Further, the Board is in receipt of an email from the Consultant Judicial- NGT (P.B.) referred to at (4) above, requesting to file a report in compliance to the NGT order as referred to above at the earliest.

Hence, in terms of the directions of the Hon National Green Tribunal contained in the said order, you are required to submit a copy of this Joint Report of Inspection to the Hon. National Green Tribunal on the next date of hearing of the matter, with a copy to this office.

Yours faithfully,



(Dr. Shamila Monteiro)

Member Secretary

Goa State Pollution Control Board

Copy for information to :

1. P.A. to Chairman, GSPCB
2. P.A. to Chief Secretary, Govt. of Goa, Secretariat, Porvorim Goa
3. The Director, Department of Environment, 1st flr, Deendayal Upadhye Bldg. Porvorim Goa
4. The Director, Directorate of Mines and Geology, Institute Menezes Braganza Bldg, Panaji Goa

Email

ms-gspcb.goa@nic.in

Reminder Mail for Report in OA-No. 482/2018 (Earlier O.A. No. 37/2014 (WZ))

From : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Mon, Mar 02, 2020 12:51 PM
Subject : Reminder Mail for Report in OA-No. 482/2018 (Earlier O.A. No. 37/2014 (WZ))
To : Member Secretary GSPCB <ms-gspcb.goa@nic.in>, goaseac@gmail.com, Collector North Goa <coln.goa@nic.in>

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2/3

Reminder Mail

Vide order dated 22/10/19 passed in OA-No. 482/2018 (M.A. No. 181/2018) (Earlier O.A. No. 37/2014 (WZ)) Jayashri Rajebhosale Versus State of Goa & Ors. Hon'ble Tribunal directed the concerned authorities to file a compliance report. However, it has not been filed so far.

You are, therefore, requested to file the report immediately in compliance with the aforesaid order. Please note that no further intimation in this regard will be given now. The matter is listed for hearing on **01/04/2020**.

In further please send all the documents on the new mail-id i.e.

judicial-ngt@gov.in

Kindly acknowledge the same.

Regards

Consultant(Judicial)
NGT (PB) New Delhi



Inspection Report

Sub: Illegal extraction of Laterite stones.

Ref: 1) No. 20/2/2014-MAG/NGT.4222 dated 06/11/2019

2) office order No. 10/1/19-PCB/Tech/11642 dated 11/11/2019

As directed, the undersigned Mr. Devesh Gholkar (JEE) jointly inspected the site located at Curchirem and Ona Village of Bicholim Taluka on 11/11/2019 with regards to verify the present status of the Laterite stone quarries.

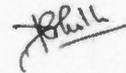
Mr. Sachin Dessai (Dy. Collector, Bicholim), Mr. Sapresh Verekar (Talathi, Office of Mamlatdar, Bicholim) and Mr. Sahadev Mote (Circle Inspector, Office of Mamlatdar, Bicholim) were present at the time of inspection.

During inspection the following was observed:

1. At the time of inspection the laterite stone quarries at Curchirem Village in survey no. 146/4 was not in operation, however there was evidence of fresh laterite stones cutting within the quarry and also vehicles tyre marks on the soil within the quarry was observed, it appears that the said quarry was operated recently. As per board record, the said laterite quarry is owned by 1) Shri. Pundalik Matro Gaonkar, 2) Shri. Namdev Matro Gaonkar, 3) Shri. Surya Matro Gaonkar, 4) Shri. Kishor H. Gaonkar & 5) Shri. Nitin H. Gaonkar all are resident of Deulwada, Curchirem Bicholim Goa.
2. The other laterite stone quarry at Curchirem Village in survey no. 129/0, 130/1 and 141/3 was not in operation. The said quarry was partially filled with rain water.
3. The roadway towards the extraction of laterite stones quarries at Ona village was not accessible. As informed by representative of the Mamlatdar, Bicholim that at present the said site is not in operational.
4. The above mentioned survey nos. details were provided by the representative of the Mamlatdar, Bicholim.
5. From the office record, it was found that the quarry is operating without consent of the Board.

Conclusion and Recommendation:

1. From the office record, it was found that the quarry is operating without consent of the Board.
2. Since there is an evidence of laterite stone extraction and no permission has been obtained from GSPCB, it is proposed to issue directions under **Polluter Pay Principle** for operating without consent of the board.
3. This inspection report may be forwarded to the Office of the Dy. Collector, Bicholim Goa for reference and for taking necessary action.
4. This inspection report may be forwarded to the Directorate of Mines and Geology to take necessary action against the laterite stone quarries located at Ona Village and Curchirem Village of Bicholim Taluka.



Devesh Gholkar
Junior Environmental Engineer

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Environment Engineer, GSPCB: ee-gspcb.goa.nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

No.1/25/19-PCB/ Leg/15352

Date: 08/01/2020

DIRECTIONS UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

WHEREAS, the Principal Bench of the National Green Tribunal at New Delhi vide orders passed in '*Paryavaran Suraksha Samiti and Anr. Vs. Union of India & Ors. 7 , Parveen Kakar & Ors. Vs. Ministry of Environment & Forests & Ors. and in News Item published in "The Asian Age" Authored by Sanjay Kaw titled "CPCB to rank industrial units on pollution levels"*' has held that it will be open to the SPCBs/Committees and CPCB to take coercive measures including recovery of compensation for the damage to the environment on 'Polluter Pays' principle as well as also to direct taking of such precautionary measures as may be necessary on the basis of 'Precautionary principle'.

WHEREAS, the Principal Bench of the National Green Tribunal at New Delhi vide orders passed in '*Threat to life arising out of coal mining in south Garo Hills district v. State of Meghalaya & Ors O.A. No. 110(THC)/2012*' has held that 'Polluter Pays' principle can be applied by every regulatory authority and compensation can be and must be recovered from every polluter and the amount which is to be recovered spent for the restoration of the environment.

WHEREAS, the Principal Bench of the National Green Tribunal at New Delhi vide orders passed in '*Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors (O.A.*

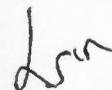
No.95/2018) order dated 11.01.2019 reiterated that 'Polluter Pays' principle is ingrained in the environmental jurisprudence of the country as well as statutory mandate under Section 20 of the NGT Act, 2010

WHEREAS, the Board at its 138th meeting held on 29/03/2019 has adopted Guidelines for implementation of the Polluter Pays Principal in terms of the directions of the Principal Bench of the National Green Tribunal. (A copy of the said Guidelines is enclosed).

WHEREAS, during an inspection of your unit on 08/03/2019 it was observed that your quarry is operating without obtaining the Consent of the Board. (A copy of the inspection report is enclosed herewith).

WHEREAS, in light of the above and in terms of the Guidelines adopted by the Board at its 138th meetings held on 29/03/2019 and on application of the 'Polluter Pays Principal' the Board has assessed that compensation of the amount of Rs. Twenty Five Thousand only is required to be recovered from the quarry of Mr. Pundalik Matro Gaonkar, Shri. Namdev Matro Gaonkar, Shri. Surya Matro Gaonkar, Shri. Kishor H. Gaonkar, Shri. Nitin H. Gaonkar, located at Survey No 146/4, Churchirem Village, Bicholim Taluka, Goa. by the Board as compensation for the damage to the environment and that will subsequently be spent by the Board for the restoration of the environment.

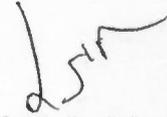
NOW THEREFORE in light of the above, in term of the 'Polluter Pays' principle, in terms of the aforestated directions of the Principal Bench of the National Green Tribunal at New Delhi and in exercise of the powers vested in the undersigned under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31(A) of the Air Prevention and Control of Pollution) Act, 1981, (vide decision taken by the Board at its 138th meetings held on 29/03/2019) the management of quarry of Mr. Pundalik Matro Gaonkar, Shri. Namdev Matro Gaonkar, Shri. Surya Matro Gaonkar, Shri. Kishor H. Gaonkar. Shri.



Nitin H. Gaonkar, located at Survey No 146/4, Churchirem Village, Bicholim Taluka, Goa is hereby directed to deposit an amount of Rs.25000/- (Rupees Twenty Five Thousand only) to the Board by way of penalty as compensation for the damage to the environment and that will subsequently be spent by the Board for the restoration of the environment; within a period of 7 days from the date of receipt of these directions.

TAKE NOTE that failure to comply with the aforesaid directions within the stipulated time period will compel the Board to initiate stringent legal action against you in terms of the provisions of the Water Act, Air Act and directions of the Principal Bench of the National Green Tribunal at New Delhi without any further notice.

Issued on this 08 day of January, 2020.



(Sanjeev Joglekar)
Environmental Engineer
Goa State Pollution Control Board

To,
Mr. Pundalik Matro Gaonkar & Others,
located at Survey No 146/4,
Churchirem Village,
Bicholim Taluka, Goa

Encl: Inspection Report & copy of Guidelines
Copy to:

- 1) Office copy
- 2) Guard file

Inspection Report

Sub: Illegal extraction of Laterite stones.

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2) office order No. 10/1/19-PCB/Tech/11642 dated 11/11/2019

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5. From the office record, it was found that the quarry is operating without consent of the Board.

Conclusion and Recommendation:

1. From the office record, it was found that the quarry is operating without consent of the Board.
2. Since there is an evidence of laterite stone extraction and no permission has been obtained from GSPCB, it is proposed to issue directions under Polluter Pay Principle for operating without consent of the board.
3. This inspection report may be forwarded to the Office of the Dy. Collector, Bicholim Goa for reference and for taking necessary action.
4. This inspection report may be forwarded to the Directorate of Mines and Geology to take necessary action against the laterite stone quarries located at Ona Village and Curchirem Village of Bicholim Taluka.



Devesh Gholkar
Junior Environmental Engineer