BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, PUNE
ORIGINAL APPLICATION NO. 57/2021(WZ)

IN THE MATTER OF:

Nileshbhai Babubhai Rathod & Ors. .....APPLICANT

Vs

Gujarat Pollution Control Board & Ors. .....RESPONDENTS

NDOH: 21.12.2022

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Place: Pune
Date:19.12.2022

Filed By:-

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Serial No. 28255/2022
20/12/2022

JAYPALSINH R. JADEJA
NOTARY, BHAVNAGAR.

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

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Vs

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REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANTS TO THE REPLY OF RESPONDENT NO.3-GUJARAT COASTAL ZONE MANAGEMENT AUTHORITY

I, Nileshbhai Babubhai Rathod, Aged about 30 years, S/o Babubhai Thogadbhai Rathod R/o Darbarsheri. Village Narmad, Po: Sanesh, Ta and Dist Bhavnagar Gujarat-364313, do hereby solemnly affirm and state as under: -

1. That I am the applicant no.1 in the above-mentioned matter and authorised on behalf of all the applicants and as such am competent to depose the present affidavit.

PARAWISE REJOINDER

1. That the contents of the para 1 need no reply and the answering respondent is put to strict proof of the same.
2. That the contents of para 2 are denied as wrong and false.

NOTARY
J. R. JADEJA
BHAVNAGAR DIST.
GUJARAT STATE
REGD. NO. 821
GOVT. OF GUJARAT

GUJARAT

3. That the contents of para 3 are denied to the extent wherein it is stated that the prayers in OA are misconceived and deserves to be dismissed in limine. The primary grievance of the applicants is that the earthen bunds constructed by the salt manufacturing companies have blocked the natural flow and drainage of the six rivers namely Keri, Ghelo, Kalubhar, Rangholi, Vagad and Maleshwari that are part of the major river system of the Shetrunji River and flow through the Critically Vulnerable Coastal Area (CVCA) and CRZ area of the Bhavnagar District, Gujarat pursuant to the allotment of leases for salt and marine chemical manufacturing. There is a need for conducting a cumulative impact assessment of all the constructed earthen bunds/embankments for salt manufacturing approx 100 km in length along the CRZ area of Bhavnagar that have impacted the coastal ecology of the area. The maps and superimposed Google Earth Image shows that the creeks have been blocked cumulative effect of the construction is evident. The true copy of the Google Earth images and superimposed CRZMP is annexed herewith and marked as **Annexure A/1(Colly).**

4. That the contents of the para 4 and 4a are denied as wrong and false. The Ld. NGT has the power to cancel the lease deeds granted by the State Government if the same are in violation to the environmental statutes in exercise of its powers to enforce environmental rights. The overriding power of the Ld. Tribunal emanates from Section 33 of the NGT, 2010. The Hon'ble Supreme Court in Mantri Techzone Pvt. Ltd. Vs Forward Foundation & Ors

IV (2019) SLT 516 has outlined the jurisdiction of the Ld. NGT. The true copy of the judgment is annexed herewith and marked as **Annexure A/2.** The Constitution of India lays down the duty of the state to 'protect and improve the environment and to safeguard the forests and wildlife of the country'. It imposes a duty on every citizen 'to protect and improve the natural environment including forests, lakes, rivers, and wildlife'. Reference to the environment has also been made in the Directive Principles of State Policy as well as the Fundamental Rights. These constitutional provisions are backed by a number of laws which the Ld. NGT seeks to enforce. The R-3 has stated that the lease granted to R-9/M/s Admiral Salt private Limited and R-10/Seabrime Salt Industries falls outside the approved CZMP, but it has not placed on record any superimposed map to buttress this aspect. It is submitted by the applicants that the leased area of R-9 and R-10 falls within the CVCA area. CRZ, 2011 prescribes special protection to areas classified as CVCA requiring preparation of Integrated Management Plan which has not been done in the present case. A part of the lease of R-6/H.A Salt falls within CRZ 1A as per the approved CZMP Map for Bhavnagar which is in the public domain. The approved CZMP Map was prepared following the procedure prescribed in CRZ, 2011 including public consultation. It is submitted in the present reply that the area that was classified as CRZ 1A in the approved CZMP Map has been re-classified as CRZ1B as per the decision taken by National Coastal Zone Management Authority (NCZMA) held on 22nd February, 2022. The applicant became aware of this aspect for the first time

by way of the present reply as in public domain the CZMP maps of Bhavnagar, shows the classification of the area as CRZ1A. It is submitted that the decision of NCZMA is dehors provision of CRZ, 2011 and CRZ, 2019 as there is no provision for re-classification of CRZ area except as per the provision of CRZ, 2011 and CRZ, 2019 which involves public consultation and the same has not been followed in the present case. The MoEF&CC has issued guidelines for updation of CZMP Maps as per the provisions of CRZ Notification, 2019 and even those provide for public consultation as was done before the CZMP Maps of Bhavnagar were approved under CRZ Notification, 2011. It is submitted by the applicants that with the coming in of CRZ Notification, 2019 there cannot be any re-classification of CRZ areas except to update the existing CZMP as per the CRZ Notification, 2019. The true copy of the Minutes of 44th Meeting of NCZMA, approved CRZM Plan, order dated 28.02.2019 approving the CZMP for Bhavnagar, guidelines of MoEF&CC for updation of CZMP is annexed herewith and marked as **Annexure A/3 (Colly)**. The area of JH Salt/R-6 and R-8/Saline Salt has comes within the CVCA area in addition to CRZ 1B area and as per CRZ Notification, 2011 and CRZ Notification, 2019 an integrated management plan has to be prepared and in the absence of preparation of such plan in consultation with the community, any activity that is detrimental to the coastal environment should not be allowed otherwise the entire purpose of designating an area as CVCA would be lost and is contrary to the CRZ Notification that aims at preservation and conservation of the coastal stretches of the country.

5&6. That the contents of the para 5 are denied as wrong and false. The Ld. NGT has the power to cancel the lease deeds granted by the State Government if the same are in violation to the environmental statutes in exercise of its powers to enforce environmental rights. The overriding power of the Ld. Tribunal emanates from Section 33 of the NGT, 2010. The NGT Act being a beneficial legislation, the power and jurisdiction bestowed upon the Tribunal would not be read in a narrow sense and a broader reading has to be given to it. The jurisdiction of Ld. NGT is wide and under Sections 15(1)(b) and 15(1)(c), the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas. Sections 15(1)(b) and 15(1)(c) have not been made relatable to enactment specified in Schedule I of the Act. Section 15(1)(c) is an entire gamut of power and jurisdiction read with Section 21 of the Act. If the grant of leases looked and assessed as cumulatively which is affecting the coastal ecology as is the present case that is evident from the yearly waterlogging of the farmland, and coastal common lands, the Ld. Tribunal can apply Section 20 for taking restorative measures in the interest of environment. The Limitation to initiate actions for section 15 is 5 years so in actions invoking both Section 14 and 15, the limitation of 5 years is applicable and the present OA is within the period of limitation. The limitation to initiate action affecting the environment are when after the grant of leases, bunds were prepared by the leaseholders that led to blocking of rivers and creeks in the area and their effect upon the coastal ecology was evident. At the first instance, the applicants

approached the respondent authorities for resolution of the issues and only after that approached the Ld. Tribunal. At the time of grant of leases, draft CZMP was there and public consultation were going on and document to that effect is on record. It was after the approval of the CZMP Maps that the classification of CRZ areas was evident. All have to be viewed in conjunction with each other and not in isolation.

7&8. That the contents of the para 7 and 8 are denied as wrong and false. The reply to the averments of para 4 are reiterated in reply t the contents of the present para. It is submitted that revision of the CRZMP as presently undertaken is de-hors the CRZ, 2011 and CRZ, 2019. The answering respondent has not placed on record the approved CZMP with superimposed image of the lease areas.

9-12. That the contents of the para 9-12 are denied as wrong and false. The CRZ clearance granted to R-7/JH Salt is challenged in Appeal No. 47/2022- Shardulbhai Devjibhai Chudasama and Anr. Vs State Level Environment Impact Assessment Authority, Gujarat and Ors and CRZ clearance granted to R-8/Saline Salt is challenged in Appeal No. 46/2022- Shardulbhai Devjibhai Chudasama and Anr. Vs State Level Environment Impact Assessment Authority, Gujarat and Ors and as presently CRZ clearance has not been granted to R-6/H A Salt as per the averments in the present reply.

13. That the Ld. Tribunal has to adjudicate upon the substantial question of law relating to environment arising in the present OA.

14-15. That the contents of the para 14-16 are denied as wrong and false. There is no document placed on record to show that action has been taken or any environment compensation has been levied or action under EPA initiated for initiating construction of bunds in the absence of CRZ clearance. These are just vague and bald statements.

16. In view of the submissions made herein-above, no reliance can be placed on the reply of the R-3/GCZMA and the contentions raised therein need to be rejected.

DEPONENT

VERIFICATION:

Verified at Bhavnagar on 20th day of December, 2022 that the contents of above affidavit is true and correct to the best of my knowledge and understanding and nothing material has been concealed there from.



DEPONENT

SOLEMNLY AFFIRMED & SIGNED
BEFORE ME
JAYPALSINH R. JADEJA
NOTARY, BHAVNAGAR

NOTARY J. R. JADEJA BHAVNAGAR DIST. GUJARAT STATE REGD. NO. 821 GOVT. OF GUJARAT

NOTARY J. R. JADEJA BHAVNAGAR DIST. GUJARAT STATE REGD. NO. 821 GOVT. OF GUJARAT

NOTARY J. R. JADEJA BHAVNAGAR DIST. GUJARAT STATE REGD. NO. 821 GOVT. OF GUJARAT (INDIA)

ADEJA
AGAR DIST.
ARAT STATE
GD. NO. 82
OF GUJARAT

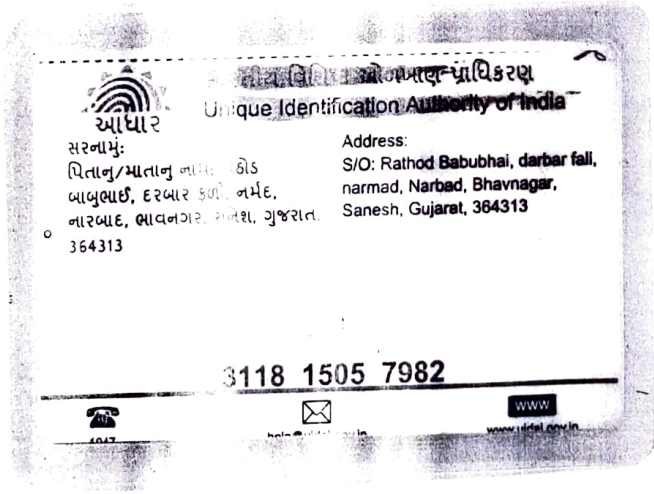


ભારત સરકાર
Government of India

Rathod Nirmalsinh Babubhai
DOB : 10/04/1991
Male

3118 1505 7982

મારો આધાર, મારી ઓળખ



આધાર
Unique Identification Authority of India

સરનામું:
પિતાનુ/માતાનુ નામ: ઠોડ
બાબુભાઈ, દરબાર ફળી, નર્મદ,
નારબાદ, ભાવનગર, સનેશ, ગુજરાત,
364313

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S/O: Rathod Babubhai, darbar fali,
narmad, Narbad, Bhavnagar,
Sanesh, Gujarat, 364313

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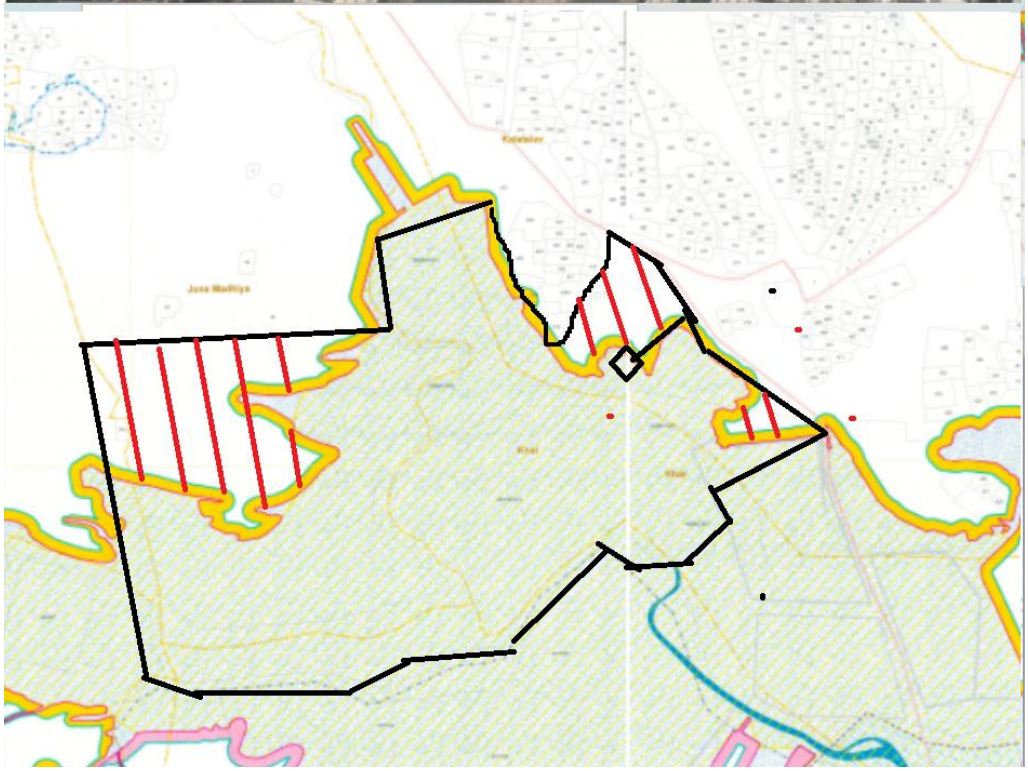
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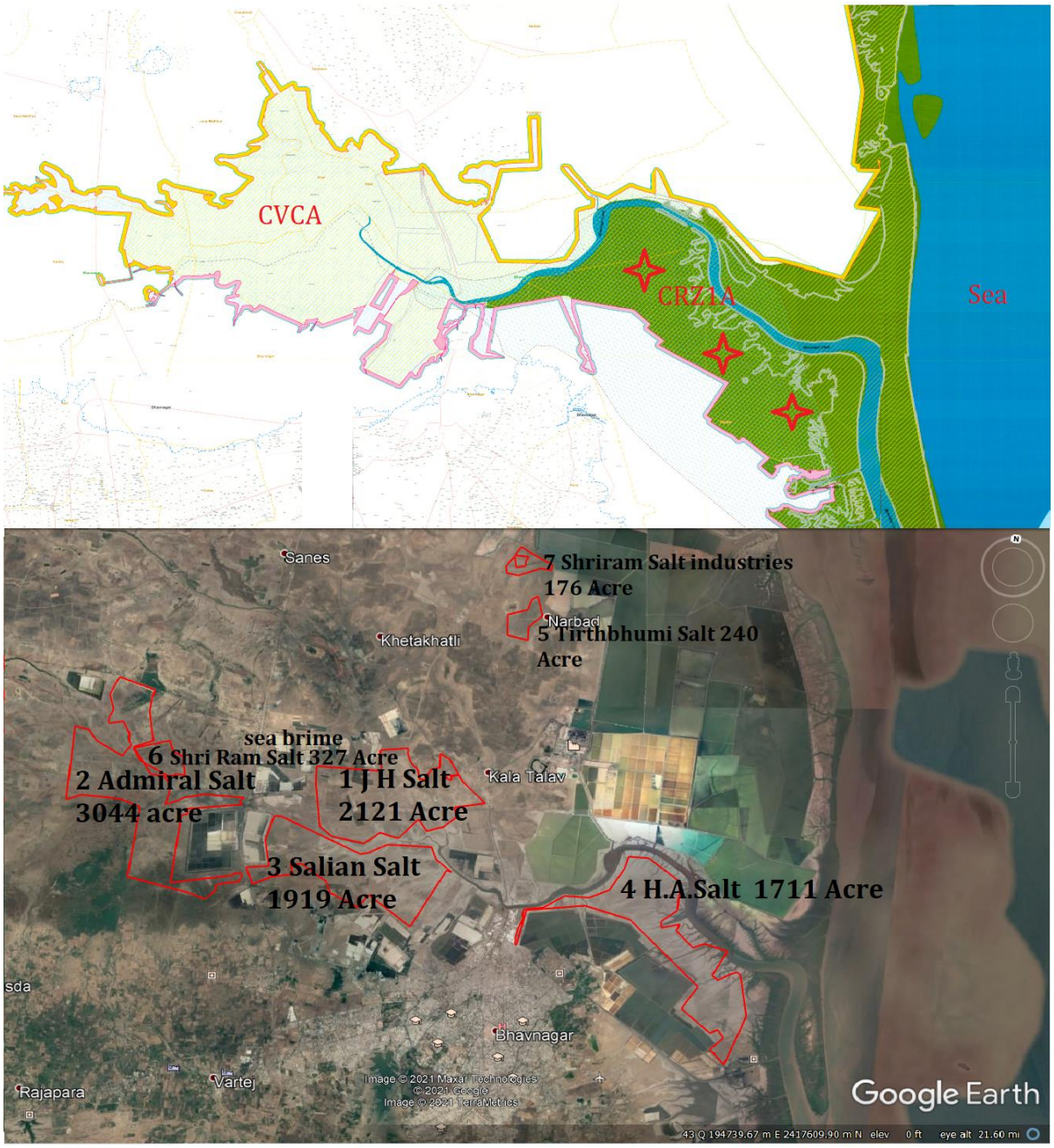
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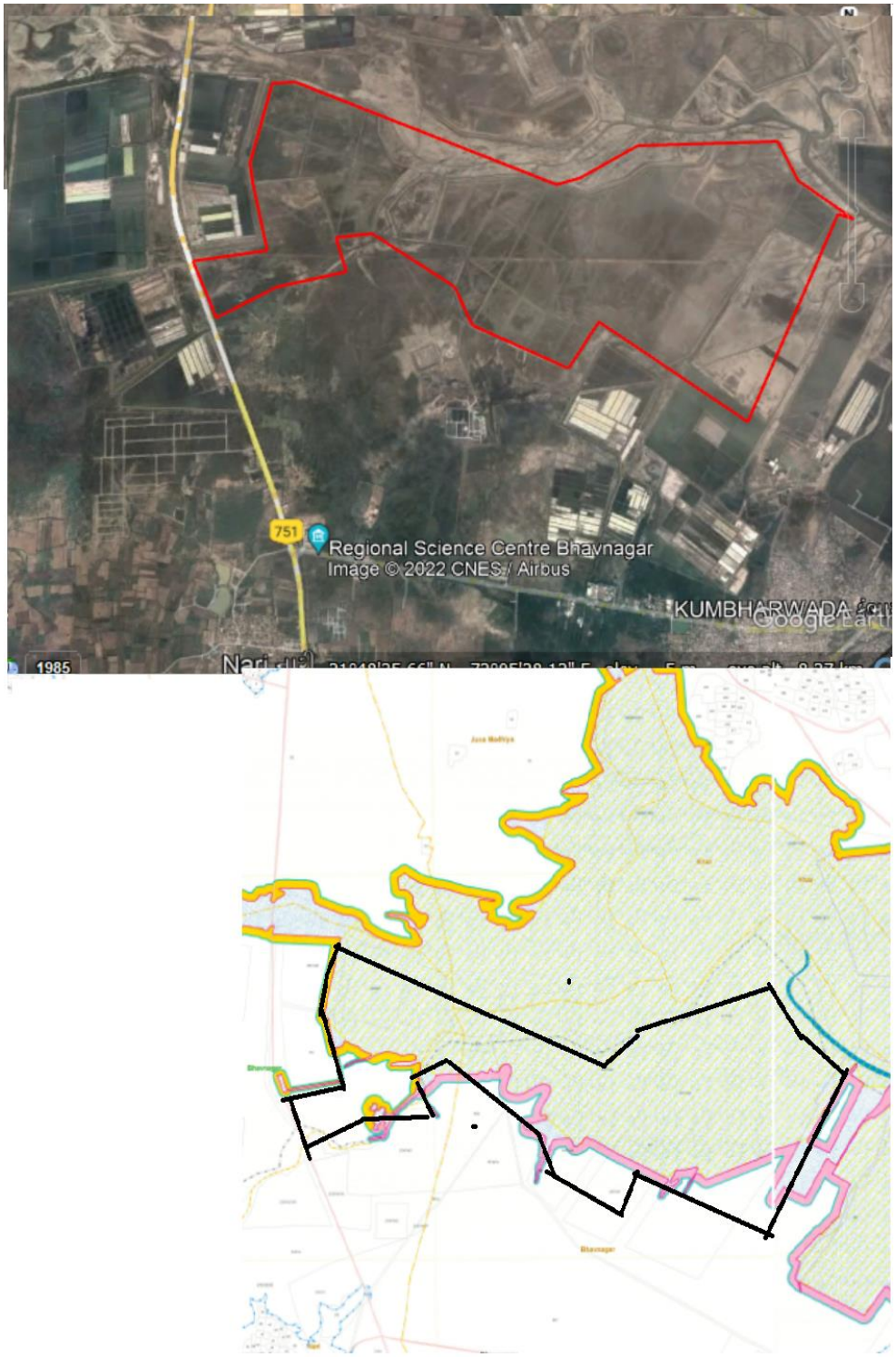




JH Salt Lease area superimposed upon approved CZMP of Bhavnagar



Salt lease allotted compared with Google Earth and Approved CZMP of Bhavnagar Dist.



Saline Salt lease area imposed upon approved CZMP of Bhavnagar





R-7 JH Salt huge embarkment diverts the flow of water on the edges of salt pans.





Embrakments preventing tidal water flow inside salt pan areas and divides the entire coastal zone in Bhavnagar Creek Region.





J H SAlt R-7 Embarkements has diverted water flow

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IV (2019) SLT 516

SUPREME COURT OF INDIA

A.K. Sikri, J., S. Abdul Nazeer, J. & M.R. Shah, J.

MANTRI TECHZONE PVT. LTD. —Appellant

versus

FORWARD FOUNDATION & ORS. —Respondents

Civil Appeal No. 5016 of 2016 with Civil Appeal Nos. 8002-8003 of 2016, Civil Appeal No. 12326 of 2016, Civil Appeal No. 9227 of 2016, Civil Appeal No. 1343 of 2017, Civil Appeal No. 10995 of 2016, Civil Appeal No. 10993 of 2016, Civil Appeal No. 10994 of 2016, Civil Appeal No. 2246 of 2018, Civil Appeal No. 10992 of 2016, Civil Appeal No. 12157 of 2016, Civil Appeal No. 12152 of 2016, Civil Appeal No. 12156 of 2016, Civil Appeal No. 12158 of 2016, Civil Appeal No. 12160 of 2016, Civil Appeal No. 12159 of 2016, Civil Appeal Nos. 4923-4924 of 2017 and Civil Appeal No. 14966 of 2017—Decided on 5.3.2019

(i) National Green Tribunal Act, 2010 — Section 22 — Civil Procedure Code, 1908 — Section 100 — Appeal to Supreme Court — Enquiry — Scope of — There is no vested right of appeal unless statute so provides — If statute provides for condition subject to which appropriate Appellate Court can exercise jurisdiction, Court is under obligation to satisfy itself whether condition prescribed is fulfilled — Exercise of appellate jurisdiction without fulfillment of statutory mandate would be without jurisdiction — Section 22 provides for appeal to Supreme Court on grounds specified in Section 100 of CPC — Scope of appeal under Section 22, is restricted to substantial question of law arising from judgment of Tribunal — Merely because remedy of appeal is provided against decision of Tribunal on substantial question of law alone that does not *ipso facto* permit appellants to agitate their appeal to seek re-appreciation of factual matrix of entire matter — Appellants cannot seek to re-argue their entire case to seek wholesale re-appreciation of evidence and factual matrix that has been considered by Tribunal is *ex facie* impermissible under Section 22.

[Paras 36, 37, 38]

(ii) National Green Tribunal Act, 2010 — Sections 14, 15, 16, 20, 33 — Constitution of India, 1950 — Article 21, Entry 13 of List I Schedule VII — Karnataka Municipal Corporations Act, 1976 — Revised Master Plan of Bengaluru, 2015 — Overriding effect — NGT Act *vis-a-vis* State legislations — Jurisdiction of Tribunal — Right to healthy environment has been construed as part of right to life under Article 21 — Tribunal has special jurisdiction for enforcement of environmental rights — Jurisdiction of Tribunal is provided under Sections 14, 15 and 16 of Act — NGT Act being beneficial legislation, power bestowed upon Tribunal would not be read narrowly — An interpretation which furthers interests of environment must be given broader reading — Existence of Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of Act, would render it ineffective and toothless, and shall betray legislative intent in setting up specialized Tribunal specifically to address environmental concerns — Tribunal, specially constituted with Judicial Members as well as with Experts in field of environment, has legal obligation to provide for preventive and restorative measures in interest of environment — Section 33 of NGT Act provides overriding effect to provisions of Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act — This gives Tribunal overriding powers over anything inconsistent contained in KIAD Act, Planning Act, KMC Act and Master Plan — Central legislation enacted under Entry 13 of List I Schedule VII of Constitution will have overriding effect over State legislations — Tribunal while providing for restoration of environment in area, can

specify buffer zones around specific lakes & water bodies in contradiction with zoning regulations under these statutes or Master Plan. *[Paras 40, 41, 44, 47]*

(iii) National Green Tribunal Act, 2010 — Section 15 — Limitation — Petition barred by time — Environmental degradation as established from documents would give rise to independent cause of action — This was petition under Section 15 of Act — Same could be filed within 5 years from date on which cause for such compensation or relief first arose — In original application before Tribunal there was no mention of provision under which it was being filed — Non-mention of or erroneous mention of provision of law would not be of any relevance, if Court had requisite jurisdiction to pass order — It would be mere irregularity and would not vitiate application or judicial order of Tribunal — Findings arrived at by Tribunal are not only based on documents that were available on record but also on pleadings that were made by parties buttressed by Committee's report and inspection note of Expert Members — Directions passed penalty imposed by Tribunal on both project proponents are valid and sustainable. *[Paras 49, 50, 54, 55]*

Result: Appeal disposed of.

Cases referred:

1. ***Sir Chunilal V. Mehta and Sons, Ltd.*** v. ***Century Spinning and Manufacturing,*** 1962 (SLT SOFT) 127. *(Relied)* *[Para 37]*
2. ***Kishsore Lal*** v. ***Chairman, Employees' State Insurance Corpn.,*** I (2008) CPJ 13 (SC). *(Relied)* *[Para 44]*

JUDGMENT

S. Abdul Nazeer, J.—These appeals have been preferred under Section 22 of the National Green Tribunal Act, 2010 (for brevity 'NGT Act') challenging the judgment and order dated 7.5.2015 and 4.5.2016 respectively passed by the Principal Bench of the National Green Tribunal, New Delhi (for short 'the Tribunal').

2. The appellants in Civil Appeal Nos. 5016 of 2016 and 8002-8003 of 2016 are respondent Nos. 9 and 10 in the Original Application No. 222 of 2014 (hereinafter referred to as 'the respondent Nos. 9 and 10'). The said Application was filed by respondent Nos. 1 to 3 herein (hereinafter referred to as 'the applicants'). Respondent Nos. 4 to 7 in these appeals are the State of Karnataka and other authorities. They were arrayed as respondent Nos. 1 to 4 in the application. Respondent Nos. 12 and 13 herein were subsequently impleaded in the application (for short 'the impleaded respondents').

3. The State of Karnataka has filed Civil Appeal Nos. 4923-4924 of 2017, challenging the general condition and direction No. (1) contained in the order of the Tribunal dated 4.5.2016. The other appeals have been filed by different entities, who were not parties before the Tribunal challenging the order of the Tribunal dated 4.5.2016 insofar as it directs a buffer / green zone of 75 meters in respect of lakes, 50 meters in respect of primary Rajakaluves, 35 meters in case of secondary Rajakaluves and 25 meters in case of tertiary Rajakaluves with retrospective effect. According to them, they are adversely affected by the aforesaid condition in the impugned order.

4. The applicants filed O.A. No. 222 of 2014 by contending that ecologically sensitive land was allotted by the Karnataka Industrial Area Development Board (for short 'the KIADB') to respondent Nos. 9 and 10 *vide* Notifications dated 23.4.2004 and 7.5.2004 respectively for setting up of Software Technology Park, Commercial and Residential Complex, hotel and Multi Level Car Parks. The Master Plan formulated by the Bangalore Development Authority (for short the 'BDA'), identifies the allotted land as 'Residential Sensitive', though the same land was identified in the Draft Master Plan as 'Protected Zone'. It was further contended that the Revenue Map in respect of properties as referred in the Land Lease Agreements has multiple Rajakaluves (Storm Water Drains). The development projects in question sit right on the catchment and wetland area which feeds the Rajakaluves, which in turn drains rain water into Bellandur Lake. The project

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will thus encroach two Rajakaluves of 1.38 acres and 1.23 acres each.

5. The Satellite Digital Images of the area from the year 2000 to 2012 show encroachment upon these Rajakaluves, as well as the manner in which they are covered by the construction. The State Level Expert Appraisal Committee (for short 'SEAC'), which was to assist the State Level Environment Impact Assessment Authority (for short 'SEIAA'), held its meetings on various dates to examine the project. It had required the appellant No. 9 to submit a revised NOC from the Bangalore Water Supply and Sewerage Board (for short 'BWSSB') for the project in question. It was also observed that the project lies between the Bellandur Lake and the Agara Lake. Respondent No. 9 was also directed to take protective measures to spare the buffer zone around Rajakaluves and also to commit that no construction would be carried out in the buffer zone. In the meeting of 11.11.2011, it was recorded that the project proposes car parking facility for 14,438 cars in that environmentally sensitive area.

6. It was alleged that NOC was issued covering an area of 17,404 sq. mtrs. whereas the built up area, as noted by SEAC, is 13,50,454.98 sq. mtrs. Respondent No. 9 obtained NOC from BWSSB by concealing material facts and by misrepresenting that NOC is required only for residential units which form a very minuscule part of the total project. Respondent No. 9 had approached the Karnataka State Pollution Control Board (for short 'the KSPCB') for obtaining clearance, which was granted on 4.9.2012 subject to the fulfillment of the conditions stated in the consent order which included leaving the buffer zone all along the valley and towards the lake. It is further contended that the grant of consent by the KSPCB to respondent No. 9 also contained a condition with regard to obtaining Environmental Clearance from the Competent Authority and no construction was to commence until such clearance was granted.

7. Applicants further contended that respondent No. 9 violated the conditions and commenced construction of the project. There was also violation of the stipulations stated in the approval of SEAC in relation to buffer zone and construction over Rajakaluves. The construction had been commenced over the ecologically sensitive area of the lake catchment area and valley, with utter disregard to the statutory compliances. Referring to these blatant irregularities, the applicant submitted that the conversion of land from 'Protected Zone' to 'Residential Sensitive Area' is violative of the law. The project is right in the midst of a fragile wetland area which ought not to have been disturbed by the development activity. The fragile environment of the catchment area has been exposed to grave and irreparable damage. It has severely disturbed and damaged the Rajakaluves. Respondent Nos. 9 and 10 started to level the land by filling it with debris, thus causing damage to the drains. The conditions with regard to no-disturbance to the Storm Water Drains, natural valleys and buffer area in and around the Rajakaluves have been violated. It has in turn, affected the ground water table and bore wells which are the only source of water for thousands of households. Fishing and agriculture which depends on Bellandur Lake are also severely affected. The construction over the wetland between the two lakes is in violation of Wetlands (Conservation of Management) Rules, 2010 (for short 'Rules of 2010').

8. It was submitted that SEIAA in its meeting dated 29.9.2012, decided to close the file pertaining to respondent No. 10 due to non-submission of requisite information and the application thereof was rejected in November, 2012. Despite the rejection, respondent No. 10 commenced construction on the project in full swing.

9. The applicants also relied upon the findings of the Joint Legislative Committee, constituted under the Chairmanship of Shri A.T. Ramaswamy in the month of July 2005, which stated that there were 262 water bodies in the Bangalore city in 1961 which drastically came down because of trespass and encroachments. It was also affirmed that about 840 kms. of Rajakaluves have been encroached upon in several places and have become sewage channels.

The applicants also relied on the Report of the Committee under the Chairmanship of Hon'ble Mr. Justice N.K. Patil suggesting immediate remedial action in order to remove encroachments on the lake area and the Rajakaluves and preservation of the lakes in and around Bangalore city. It was further contended that other Expert Committees, including Lakshman Rau Expert Committee had also submitted proposals for preservation, restoration or otherwise of the existing tanks in Bangalore Metropolitan Area which recommended to maintain good water surface in Bellandur tank and to ensure that the water in the tank is not polluted. The Central Government in August 2013 had issued an advisory on conservation and restoration of water bodies in the urban areas. The applicants claim to have obtained monitoring report of the project by respondent No. 5, Ministry of Environment and Forests, through RTI on 21.8.2013. The report dated 14.8.2013 revealed that the project proponents are in clear breach of their undertaking to carry out all precautionary measures to ensure that the Bellandur lake is not affected by the construction and operational phase of the project. This approach is particularly with regard to the major alteration in natural sloping pattern of the project site and natural hydrology of the area.

10. The Lake Development Authority (for short 'the LDA'), after inspection in the catchment area of the Bellandur Lake submitted its report dated 12.6.2013 which confirms that the project will have disastrous impact, including deleterious effect on the Bellandur Lake. This report was brought to the notice of KIADB. The LDA has also opined that the land should be classified and maintained as sensitive area. The KIADB called upon respondent No. 9 to comply with the rules of Ecology and Environment Department and to obtain necessary approval from KSPCB and LDA. Despite all this, respondent Nos. 9 and 10 have continued with their illegal constructions and have caused damage to the ecology and the environment by irreparably jeopardizing the ecological balance in this sensitive area. The applicants rely upon the Revised Master Plan, 2013 issued by BDA which specifically provides that 30 meters buffer zone is to be created around the lakes and 50 meters buffer zone to be created on either side of the Rajakaluves. It was also pleaded that respondent No. 9 had obtained the NOC from BWSSB only with regard to residential units and not for the entire project and that the Environmental Clearance obtained by respondent No. 9 is based upon the partial NOC issued by BWSSB which itself is a misrepresentation. It was contended that the projects are bound to create water scarcity as the requirement of the project of respondent No. 9 alone is approximately 4.5 million liters per day, *i.e.* 135 million liters per month, which is more than what the BWSSB supplies to the entire Agaram Ward. The construction of respective projects by respondent Nos. 9 and 10 respectively, besides having commenced without permission from the authorities and being in violation of the conditions imposed for grant of permission / consent, is bound to damage the environment, resulting in change in the topography of the area, posing potential threat of extinction of the Bellandur lake, causing traffic congestion, shortening and wiping out the wetlands, extinction of Rajakaluves and causing serious and potential threat of flooding and massive scarcity of water in the city of Bangalore, particularly the areas located near the water bodies.

11. Respondent No. 9 in its objections contended that it was incorporated with the objective of establishing an Information Technology Park and R & D Centre with facilities such as residential complexes, parks, education centres and other allied infrastructure within a single compound. It had submitted the proposal to establish such Information Technology Park and other facilities to the State Government and requested for allotment of land for the project. Its proposal was considered in 78th High Level Committee meeting held on 21.6.2000 and after examining the proposal, it was approved by the Government on 6.7.2000. Before the State High Level Committee, it had informed that its requirement was 110 acres of land, 25 MW of power from the Karnataka Power Transmission Corporation Limited (for short the 'KPTCL'), and

four lakh litres of water per day from BWSSB. The lands for the project were initially notified *vide* Notification dated 10.2.2004. Subsequently, the lands were allotted *vide* letter dated 28.6.2007 for which Lease-cum-Sale Agreement was signed on 30.6.2007. Considering the overall development of the State of Bangalore, this respondent proposed a Mixed Use Development Project consisting of an Information Technology Park, residential apartments, retail, hotel and office buildings with a total built up area of 13,50,454.98 sq mtrs. The Project was conceived as a zero waste discharge project. The project is located one and a half kms. away from the southern-side of the Bellandur Lake. Towards the North, adjacent to the Project, lies vast stretches of lands belonging to the Defence and towards the East, lies the Project of respondent No. 10 and another developer is also developing a project on the western side. It has obtained sanction plan on 4.7.2007 which was renewed from time to time.

12. Respondent No. 9 claims that it has obtained NOC from Airport Authority of India on 9.4.2010. Bharat Sanchar Nigam Ltd, *vide* its communication dated 16.4.2010, granted clearance for the project construction. BWSSB, *vide* its communication dated 26.4.2011 issued NOC for portion of the proposed construction to be built. The Bangalore Electricity Supply Company Ltd. also granted NOC for arranging power supply to the proposed residential and commercial building in its favour. Environmental Clearance was granted by SEIAA *vide* communication dated 17.4.2012. The Director General of Police has issued NOC and KSPCB *vide* order dated 4.9.2012 accorded its consent for construction of the said project subject to the conditions stated therein. It was further stated that after grant of the Environmental Clearance on 17.9.2012, the same was published in the leading newspapers "Kannada Prabha" and "The Indian Express" on 12.3.2012 and 14.3.2014 respectively.

13. It submitted a modified the building plan which was approved by KIADB *vide* its letter dated 30.8.2012, which was valid up to 10.8.2014. It started the construction of the project in November 2012, taking all precautions as per terms and conditions of the orders issued by the competent authorities. It was also submitted that it has raised the constructions in accordance with the plans and conditions of the Environmental Clearance and consent orders and that it has not violated any of the conditions and has not caused any adverse impact on the ecology and environment of the area. It has denied the contention that its construction activity has blocked the Rajakaluves and has adversely affected the lake. It has already spent a sum of Rs. 306.73 crores on the project towards procurement of men and materials, machinery, infrastructure, medical and sanitary facilities, etc. and that it has availed financial assistance from various banks and financial institutions towards the construction and execution of the project and that various contracts have been signed with the third parties. It is specifically pleaded that the petition is barred by time and suffers from defects and laches.

14. Respondent No. 10 pleaded that the applicants raised multifarious proceedings against it which is an abuse of the process of law and *mala fide*. It had submitted a revised proposal in respect of its project in question and to obtain fresh clearance on 31.8.2007 with an investment of Rs. 179.22 crores. The State High Level Committee had cleared the project which was communicated to it on 25.1.2008. Its properties are located in between Bellandur Lake and Agara Lake but there are no primary storm water drains and secondary storm water drains that exist in its properties. It has clearances from various authorities, including Environmental Clearance and consent for establishment.

15. KIADB stated that after possession of the land was handed over to respondent Nos. 9 and 10, one year time was granted for the implementation of the project which was extended from time to time. The building drawings were approved on 4.7.2007, and the modified building drawings were approved on 26.4.2011 and 30.8.2012 with specific conditions. In its meeting held on 16.7.2013, it was resolved to inform respondent No. 9 to fully comply with the Ecology and Environment Rules and to obtain approvals

from the LDA and KSPCB. LDA *vide* its letter dated 24.9.2013, had informed KIADB that the construction activity in the catchment area in the Bellandur Lake could drastically impact the Lake with deleterious effects and asked it to stop construction activity of respondent Nos. 9 and 10. However, the validity of the building drawings was again extended up to 10.8.2014. The Lokayukta on 17.12.2013 had written a letter in respect of complaint filed by the South East Forum for Sustainable Development where it had been averred that the decision had been taken by the Board on 21.12.2013 to keep in abeyance the approval accorded and even the re-validations of plans. This was also informed to respondent No. 9. The Board took a decision which was communicated to respondent No. 9 on 2.1.2014, wherein it asked the respondent No. 9 to stop all construction activities on the allotted lands. The said communication was challenged by respondent No. 9 and on the stop-work notice, stay was granted by the High Court of Karnataka. The stop-work notice dated 23.12.2013 issued by Bruhat Bengaluru Mahanagara Palike (for short 'BBMP') was also stayed *vide* order dated 21.1.2014. The proposal submitted by respondent Nos. 9 and 10 had been approved by the State Government. The land allotted to respondent Nos. 9 and 10 does not consist of any Rajakaluves.

16. The LDA took a stand that it was not at all aware of the project initiated by KIADB. It came to know about the entire project only when certain newspaper reports surfaced during the month of June 2013 and till that time it was in the dark. After the complaints, it inspected the Bellandur Lake and the Agara Lake on 12.6.2013 and prepared an inspection report. In the report, it was noticed that large scale construction activities were going on in the catchment area of Bellandur Lake and that there was a change in the land use, which in turn has directly affected the catchment of Bellandur Lake. The wetland area of Agara Lake had also shrunk, which originally formed the irrigation area for the adjoining agricultural lands. Therefore, it had questioned the decision of KIADB *vide* letter dated 6.7.2013 and even requested it to stop the construction activity and to re-classify the land as non-SEZ area. It was thereafter on 31.8.2013, that respondent No. 9 wrote a letter for according approval for the proposed development projects. However, *vide* its letter dated 23.9.2013, LDA informed KIADB that it had no authority to grant or deny construction projects, but it also communicated its objections to KIADB mentioning that construction activity would be in contravention of the directions of the Supreme Court. Despite these warnings, KIADB granted approval to the extension of the building drawings of the project in favour of the project proponents with certain conditions, like ensuring that all natural valleys, valley zone, irrigation tanks and existing roads leading to villages in the said land should not be disturbed. Further, the natural sloping pattern of the project site was not to be altered and the lakes and other water bodies within and/or at the vicinity of the project area should be protected and conserved. Despite the objections, the plans were approved and approvals were extended from time to time. It has taken a categorical stand that the projects as approved by the KIADB would have adverse impact on Bellandur and Agara Lakes.

17. On the basis of the pleadings of the parties, the Tribunal framed the following questions for consideration and determination:

1. Whether the application filed by the applicants and supported by respondent Nos. 11 and 12, is barred by time and thus, not maintainable?
2. Whether the petition as framed and reliefs claimed therein, disclose a cause of action over which this Tribunal has jurisdiction to entertain and decide the application under the provisions of the NGT Act, 2010?
3. Whether the present application is barred by the principle of *res judicata* and/or constructive res judicata?
4. Whether the application filed by

the applicants should not be entertained or it is not maintainable before the Tribunal, in view of the pendency of the Writ Petitions 36567-74 of 2013, before the Hon'ble High Court of Karnataka? and

5. What relief, if any, are the applicants entitled to? Should or not the Tribunal, in the interest of environment and ecology issue any directions and if so, to what effect?

18. The Tribunal by its order dated 7.5.2015 at Annexure A-2, disposed of the applications with the following directions:

(1) We decline to pass any direction or order to stop further progress and/or demolition of the project or any part thereof at this stage. However, we constitute the following Committee to inspect the projects in question and submit a report to the Tribunal *inter alia* but specifically on the issues stated hereinafter:

(a) Advisor in the Ministry of Environment and Forest dealing with the subject of wetlands.

(b) CEO of the Lake Development Authority, Karnataka State.

(c) Chief Town Planner of BBMP, Bangalore.

(d) Chairman of SEAC which recommended the grant of Environmental Clearance to the projects in question.

(e) Sr. Scientist (Ecology) from the Indian Institute of Sciences, Bangalore.

(f) Dr. Siddharth Kaul, former Advisor to MoEF.

(g) A Senior Officer from the National Institute of Hydrology, Roorkee.

(2) Member Secretary of the Karnataka State Pollution Control Board shall act as the Convener of the Committee and would submit the final report to the Tribunal.

(3) The Committee shall inspect not only the sites where the projects in question are located but even other areas of Bangalore which the Committee in its wisdom may consider appropriate, in order to examine the interconnectivity of lakes and impact of such activities upon the water bodies with particular reference to lakes.

(4) The Committee shall submit whether the projects in question have encroached upon or are constructed on the wetlands and Rajakaluves. If so, are there any adverse environmental and ecological impact of these projects on the lake, particularly Bellandur Lake and Agara Lake, as well the Rajakaluves. The report should specify, if any Rajakaluves have been covered by the construction activities of respondent Nos. 9 and 10 or by any of the projects in the area in question.

(5) Committee should submit in its report, if these projects have any adverse impacts upon the surrounding ecology and environment, with particular reference to lakes and wetlands. If yes, then whether any part of the project is required to be

demolished. If so, details thereof along with reasons.

(6) The Committee shall substantially notice if any of the conditions of the Environmental Clearance order in each case of respondent Nos. 9 and 10 have been violated. If so, to what extent and suggest remedial measures in that behalf to restore the ecology of the area.

(7) The Committee would also recommend what should be the buffer zone around the lake(s) and interconnecting passages and wetlands. The Committee shall also report, whether activities of multipurpose projects which have serious repercussions on traffic, air pollution, environment and allied subjects should be permitted any further or not, particularly, in wetlands and catchment areas of water bodies.

(8) Recommendations should be made with regard to the steps and measures that should be taken for restoration of lakes, particularly in the city of Bangalore.

(9) The Committee shall also find out that whether the construction of the projects is in accordance with the sanctioned drawings and bye-laws in accordance with the letters dated 4th July, 2007 and 22nd April, 2008 respectively. Further, the Committee would also report whether both respondent Nos. 9 and 10 have installed ETP/STP and have taken full measures for recycling of used water for washing and flushing, etc. in terms of letters dated 11th October, 2013 and 3rd January, 2013, issued by the Karnataka Industrial Area Development Board to respondent Nos. 9 and 10 respectively.

(10) In the event, the Committee is of the opinion that the adverse impacts noticed are redeemable, then what directions need to be issued in that behalf and the cost involved for achieving the said conservation and restoration of lakes and water bodies.

(11) Till the submission of the report by the Committee and directions passed by the Tribunal in that regard, both respondent Nos. 9 and 10 are hereby restrained from creating any 3rd party interests or part with the possession of the property in question or any part thereof, in favour of any person.

(12) The Committee shall submit its report to MoEF and to this Tribunal as expeditiously as possible and in any case not later than three months from today. During that period we restrain MoEF, SEIAA and/or any public authority from sanctioning any construction project on the wetlands and catchment areas of the water bodies in the city of Bangalore.

(13) The Committee shall report if the project proponents are proposing to discharge their trade or domestic effluents into the lake or any of the water bodies in and around of the area in question.

(14) For the reasons stated in the judgment, respondent No. 9 is liable and shall pay a sum of Rs. 117.35 crores, while respondent No. 10 shall pay a sum of Rs. 22.5

crores respectively being 5 per cent of the project value, within two weeks from today. The said amount would be paid to the KSPCB, which shall maintain a separate account for the same and would spend this amount for environmental and ecological restoration, restitution and other measures to be taken to rectify the damage resulting from default and non–compliance to law by the Project Proponent in that area, after taking approval of the Tribunal.

(15) We make it clear that the said respondents would not be entitled to pass on the amount in terms of direction 14, on to the purchasers because this liability accrues as a result of their own intentional defaults, disobedience of law in force and carrying on project activities and construction illegally and unauthorizedly.

19. Feeling aggrieved by the said order, respondent Nos. 9 and 10 filed Civil Appeal Nos. 4829 and 4823 of 2015 before this Court. This Court by its Order dated 20th May, 2015 passed the following order:

> "One of the main contentions raised by the Appellants in these Appeals is that though the Tribunal had heard the matter only on preliminary issues and no arguments on merit were advanced, final judgment decides the merits of the disputes as well and above all a penalty of Rs. 117.35 crores against the original Respondent No. 9 (the Appellant in C.A. No. 4832 of 2015) and Rs. 22.5 crores against Original Respondent No. 10 (the appellant in C.A. No. 4829/ 2015) is imposed.
>
> On the aforesaid averment, we feel that it would be more appropriate for the appellant to file an application before the Tribunal with the prayer to recall the order on merits and decide the matter afresh after hearing the Counsel for the parties, as the Tribunal knows better as to what transpired at the time of hearing.
>
> With the aforesaid liberty granted to the petitioners, the appeals are disposed of. Certain preliminary issues are decided against the appellants which are also the subject matter of challenge. However, it is not necessary to deal with the same this stage. We make it clear that in case the said application is decided against the appellants or if ultimately on merits, it would be open to the appellants to challenge those orders by filing the appeal and in that appeal all the issues which are decided in the impugned judgment can also be raised.
>
> The Counsel for the appellants state that they would file the requisite application within one week. Till the said application is decided by the Tribunal, there shall be stay of the direction pertaining the payment of aforesaid penalty. Mr. Raj Panjwani points out that the Tribunal has allowed the appellants to proceed with the construction only on the payment of the aforesaid fine/ penalty. We leave it to the Tribunal to pass whatever orders it deems fit in this behalf, after hearing the parties."

20. In relation to Issue No. 5, an opportunity of hearing was granted to the respondents. The Tribunal passed order dated 6.4.2016 on these applications as under:

> "*M.A. No. 603 of 2015 and M.A. No. 596 of 2015*
>
> These Applications have been filed on behalf of the Respondent 9 & 10 respectively. It is not necessary for us to refer to any details in view of the

directions that we propose to issue in this case.

Without prejudice to the rights and contentions of the parties and subject to just exception we would hear the parties in terms of the order of the Hon'ble Supreme Court of India primarily on the question of imposition of Environmental Compensation and merits attached in relation thereto. Parties are given liberty to address their submissions on that behalf.

With the above directions the M.A. No. 603 of 2015 and M.A. No. 596 of 2015 stand disposed of without any order as to cost."

21. It is evident from the above orders that the Tribunal had granted opportunity to the parties to address it "limited question", as aforementioned. The Tribunal after hearing the parties passed an order dated 4.5.2016 as under:

"*General Conditions or directions:*

1. In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkalewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP-2015 provides 50m from middle of the Rajkalewas as buffer zone in the case of primary Rajkalewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body / wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:

(i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies *i.e.* lakes / wetlands.

(ii) 50m from the edge of the primary Rajkulewas.

(iii) 35m from the edges in the case of secondary Rajkulewas

(iv) 25m from the edges in the case of tertiary Rajkulewas.

This buffer / green zone would be treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in question.

All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and / or wetlands. Not only the existing construction would be removed but also none of these Respondents-Project Proponent would be permitted to raise any construction in this zone.

All authorities particularly Lake Development Authority shall carry out this operation in respect of all the water bodies / lakes of Bangalore.

2. The capacity of the existing STPs to treat sewage is 729 MLD, whereas another 500 MLD sewage is proposed to be treated in 10 upcoming STPs. In this context, all the STPs operating in the area whether Government or privately owned, should meet the revised standards notified by CPCB / MoEF.

3. Bangalore city receives treated potable water of 1360 MLD from river Cauvery whereas the requirement is

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for another 750 MLD and the entire area falls in critical zone in terms of ground water exploitation. Information reveals that only one million litre per month of STP treated water is used by builders for construction purposes. For this reason, the BWSSB issues partial NOC to various residential and commercial projects in respect of supply of potable water. In this context, following directions need to be issued:

(i) At the time of grant of EC, the water requirement for the construction phase and operation phase should be considered separately. Due consideration should also be given for identification of source of supply of water and this should be a pre-requisite for grant of EC.

(ii) All the project proponents should necessarily use only treated sewage water for construction purpose and this should be reflected in EC as a condition for construction phase.

(iii) Wherever the quality of treated sewage water does not conform to the quality needed for construction, necessary upgradation in STP should be undertaken immediately.

Specific Conditions/Directions for Respondent 9:

In addition to the above directions which should be equally part of EC condition in respect of respondents Nos. 9 & 10, following specific conditions shall apply to respondent No. 9:

(i) Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey No. 43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.

(ii) In the remaining area, where primary Rajkalewa is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the rajkalewa should be maintained as green belt.

(iii) Several irrigation canals or tertiary Rajkalewas taking off from the Agara tank were passing through the area of respondent No. 9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of storm runoff from the entire area falling between the Agara lake and the Belandur Lake, respondent No. 9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15 m on either bank maintained as green belt.

(iv) The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meters in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing

the natural flow pattern of surface runoff from Agara Lake side to Balendur Lake side or primary Rajkalewas. For this purpose, during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the Rajkalewas.

For the disposal of excavated material, a proper muck disposal plan duly approved by SIEAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into Rajkalewas and/or Belandur lake.

(v) The Kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.

(vi) The entire green belt created under the directions of this Tribunal should not to be considered as part of green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.

(vii) In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc., a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3 months.

10. Though, at the time of hearing prior to passing the Judgment, we had heard the parties on all aspects but still we have provided re-hearing to the parties on all issues with emphasis on imposition of environmental compensation including the quantum. Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs. 117.35 crores determined under the Judgment prior to commencement of any project activity at the site. Respondent No. 10 has not commenced any actual construction activity but has carried out various preparatory steps including excavation and deposition of huge earth by creating a hillock at the premises in question and a site office.

Thus, considering cumulative effect on environment and ecology due to various breaches in that behalf by Respondent No. 10 and the fact that the remedial measures can more effectively be taken by the Respondent No. 10, we reduce environmental compensation payable by Respondent No. 10 to Rs. 13.5 crores (3% of the stated project cost instead of 5% as imposed in the original judgment).

General Directions:

1. We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.

2. SEIAA Karnataka and MoEF shall ensure regular supervision and

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monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.

3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes / wetlands in the city of Bengluru.

4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.

5. Both the Respondents Nos. 9 and 10 shall ensure that debris or any construction material that has been dumped into the Rajkulewas, or on their Banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents.

6. There is a serious discrepancy even in regard to the measurement of land as far as Respondent No. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 sq. meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent No. 9 to submit a fresh layout plant and the entire project may be revised in accordance with law.

7. Both the Respondents (Project Proponents) shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environmental Clearance that would be issued.

8. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance.

With the above directions, the Original Application No. 222 of 2014 and Misc. Applications Nos. 596/2016 and 603/2016 are finally disposed of while leaving the parties to bear their own costs."

22. Appearing for the appellants in C.A. No. 5016 of 2016, Mr. Mukul Rohatgi, learned Senior Counsel, has submitted that the State Government in exercise of the power conferred under the Karnataka Industrial Areas Development Act (for short 'KIAD Act') declared the land in question as an industrial area. Thereafter, the land in question has been acquired by the State Government in the year 2004. Following the acquisition, on 28.6.2007, the land was allotted to the appellant by the KIADB. The SEIAA granted environmental clearance which

was followed by public notice concerning clearance on 14.3.2012. Neither the allotment of land nor the environmental clearance was challenged before the Tribunal. Thus, none of the statutory decisions or processes, are the cause of action for the purpose of the application. The averments made in the original application does not satisfy or meet the requirements of Section 14(1) and (3) of the NGT Act and the original application does not spell out the cause of action relevant for the purpose of said provision. Since the statutory processes and clearances could not have been challenged for being hit by Section 14(3), the construction activities which were the alleged cause of action could not have been challenged. Therefore, the Tribunal ought to have held that the application was not maintainable.

23. Further the application is barred by limitation. Though environmental clearance was granted on 17.2.2012 and it was published in two leading newspapers on 12.3.2012 and 14.3.2012, modified plan was approved by the KIADB on 30.8.2012, the application ought to have been filed within six months from the date on which cause of action for the dispute first arose in terms of Section 14 of the NGT Act. The present application has been filed in March 2014 which was much beyond the prescribed period of limitation. No application seeking condonation of delay has been filed accompanying the application. Hence, the Tribunal ought to have dismissed the application on the ground that as it is barred by time.

24. It was also argued that buffer zone laid down by the NGT is substantially higher as compared to buffer zone which is required to be maintained as per the Revised Master Plan, 2015 issued on 22.6.2007. This is contrary to the Karnataka Town and Country Planning Act, 1961 (for short 'the Planning Act').

25. Mr. Neeraj Kishan Kaul and Mr. R. Venkataramani, learned Senior Counsel appearing for the appellants, in this case have also made similar submissions. It was argued that the direction imposing penalty/ compensation is illegal on the ground that the applicants did not allege that the construction work of the project has caused environmental wrong. No wrong or injury either to Bellandur lake water body or to Bellandur lake area, has been alleged and established. As such, there is no question of any enquiry relating to imposition of penalty or any compensation.

26. Mr. Maninder Singh, learned Senior Counsel appearing for the appellants, in C.A. Nos. 5016 and 10995 of 2016, while supporting the submissions made by Mr. Rohatgi, has submitted that the appellant has obtained sanction and approvals for the project from the competent authorities. It could not start construction despite grant of all the permissions, including environmental clearance as early as possible *i.e.* 30.9.2013. Hence, imposing penalty/ compensation is entirely unsustainable.

27. Learned Advocate General, Mr. Udaya Holla, appearing for the appellant-State of Karnataka in C.A. Nos. 4923-4924 of 2017, has submitted that the State of Karnataka is also aggrieved by the order of the NGT to the extent of setting aside the buffer zone in respect of water bodies and drains specified in the Revised Master Plan, 2015, and enlargement of the buffer zone in respect of lakes and Rajakaluves. It is also aggrieved by the order of the NGT directing the authorities to demolish all the offending constructions raised/built in the buffer zone, which will result in demolition of 95% of the buildings in Bengaluru. It is submitted that the Revised Master Plan is statutory in nature and NGT has no power, competence or jurisdiction to consider the validity or vires of any statutory provision/regulation. Therefore, the order of the NGT to that extent is liable to be set aside.

28. Learned Senior Counsel appearing for the appellants in other cases, have also supported the arguments of the learned Advocate General. It was contended that the Revised Master Plan provides for a 30 meters buffer zone around the lakes and a buffer zone of 50 meters, 25 meters and 15 meters from the primary, secondary and tertiary drains, respectively to be measured from the centre of the drain. *vide* the impugned

judgment, the NGT has revised these buffer zones and has directed that the buffer zone be maintained for 75 meters around the lake and 50, 35 and 25 meters respectively from the primary, secondary and tertiary drain, respectively. Variation of buffer zone, as directed by the NGT is without any legal and scientific basis and has the effect of amending the Revised Master Plan, 2015, without there being any challenge to the same or any relief sought with respect to the said Revised Master Plan.

29. On the other hand, Mr. Sajan Poovayya, learned Senior Counsel, appearing for the applicants, has fairly submitted that the applications were filed only against the appellants in C.A Nos. 5016 of 2016 and 8002-8003 of 2016 (respondent Nos. 9 & 10). He has no objection to set aside the order in so far as the appellants in other appeals including the State of Karnataka are concerned. He has also no objection to set aside the general conditions and directions of the NGT in paragraph (1) of the order dated 4.5.2016 except the directions issued against respondent Nos. 9 and 10. In view of the above, it is not necessary to examine the contentions of the learned Advocate General in Civil Appeal Nos. 4923-4924 of 2017. It is also not necessary to consider the contentions urged in the other civil appeals except the appeals filed by respondents Nos. 9 and 10.

30. Mr. Poovayya has strongly opposed the submissions made by the learned Senior Counsel appearing for the appellants in C.A. No. 5016 of 2016 and C.A. Nos. 8002-8003 of 2016. It is submitted that the Tribunal is a specialized body for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment. The jurisdiction of the Tribunal is provided under Sections 14, 15 and 16 of the NGT Act. Section 14 provides for the jurisdiction over all civil cases where a substantial question relating to environment is involved. However, such question should arise out of implementation of the enactments specified in Schedule I. The Tribunal has the jurisdiction under Section 15(1)(a) of the NGT Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Under Sections 15(1)(b) and 15(1)(c), the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas, as the Tribunal may think fit. Sections 15(1)(b) and 15(1)(c) have not been made relatable to enactment specified in Schedule I of the Act. Section 15(1)(c) is an entire island of power and jurisdiction read with Section 21 of the Act. He submits that whenever ecology is being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of environment. The limitation provided in Section 14 is period of six months from the date on which cause of action first arose whereas in Section 15 it is five years. Therefore, the petition is not barred by time.

31. He has further submitted that the provisions of Section 33 shall have the effect notwithstanding anything inconsistent contained in any other law for the time being in force. This gives the Tribunal overriding powers over anything inconsistently contained in KIAD Act, Planning Act, Revised Master Plan of Bangalore, 2015 and Karnataka Municipal Corporation Act, 1976 (for short 'KMC Act'). Therefore, the Tribunal while providing for restoration of environment in an area can specify buffer zone around specific lakes and water bodies in contravention with zoning regulation.

32. Regarding limitation, he has submitted that the application filed by respondents 1 to 3 was not an application simplicitor under Section 14 of the Act. It was an application where a specific prayer has been made with reference to Lake Development Authority's report dated 12.6.2013 and the Ministry of Environment Forest and Climate Change Monitoring Committee report dated 14.8.2013 for restoration of ecologically sensitive land and for maintaining sensitive area in its natural condition so that ecological balance of the area is not disturbed. Therefore, the petition was under Section 15 of the Act and it can be filed within five years from

the date on which the cause for such compensation or relief first arose.

33. It was further submitted that right to appeal under Section 22 is not a vested right unless provided by statute. Exercise of Appellate Jurisdiction without the fulfillment of statutory mandate would be without jurisdiction. Section 22 of the Act provides for an appeal on the ground specified in Section 100 of the Code of Civil Procedure, 1908 (for short 'the CPC'). Under Section 100 of the CPC, an appeal can be filed only on the ground that the case involves a substantial question of law as may be framed by the Appellate Court. In the instant case, the appeal does not involve any substantial question of law hence it has to be dismissed in limine. He has taken us through various materials placed on record in order to substantiate that the direction passed and penalty imposed by the Tribunal upon to project proponents are sustainable. He prays for dismissal of the appeals.

34. We have carefully considered the submissions of the learned Counsel of the parties and perused the materials placed on record.

35. Before considering the other contentions of the learned Counsel for the parties, let us first consider the scope of enquiry in appeals filed under Section 22, which is as under:

> "22. *Appeal to Supreme Court*—Any person aggrieved by any award, decision or order of the Tribunal, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the award, decision or order of the Tribunal, to him, on any one or more of the grounds specified in Section 100 of the Code of Civil Procedure, 1908 (5 of 1908):
>
> Provided that the Supreme Court may, entertain any appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficience cause from preferring the appeal."

36. It is settled that there is no vested right of appeal unless the statute so provides. Further, if a statute provides for a condition subject to which the appropriate Appellate Court can exercise jurisdiction, the Court is under an obligation to satisfy itself whether the condition prescribed is fulfilled. Exercise of appellate jurisdiction without the fulfillment of statutory mandate would be without jurisdiction. Therefore, the right of appeal provided under Section 22 is to be read subject to the conditions provided therein.

37. Section 22 provides for an appeal to the Supreme Court on the grounds specified in Section 100 of the CPC. Under Section 100, CPC, an appeal can be filed only on the ground that the case involves a substantial question of law as may be framed by the Appellate Court. The scope of appeal under Section 22, therefore, is restricted to substantial question of law arising from the judgment of the Tribunal. The test to determine whether the question is substantial question of law or not was laid down by a Constitution Bench of this Court in ***Sir Chunilal V. Mehta and Sons, Ltd.*** v. ***Century Spinning and Manufacturing,*** 1962 (SLT SOFT) 127=1962 Supp. (3) SCR 549. This Court has laid down the test as under:

> "The proper test for determining whether a question of law raised in the case is substantial would, in our opinion, be whether it is of general public importance or whether it directly and substantially affects the rights of the parties and if so whether it is either an open question in the sense that it is not finally settled by this Court or by the Privy Council or by the Federal Court or is not free from difficulty or calls for discussion of alternative views. If the question is settled by the highest Court or the general principles to be applied in determining the question are well settled and there is a mere question of applying those principles or that the plea raised is palpably absurd the question would not be a substantial question of law."

38. It is equally settled that merely because the remedy of appeal is provided against the decision of the Tribunal on a substantial question of law alone, that does not *ipso facto* permit the appellants to agitate their appeal to seek re-appreciation of the factual matrix of the entire matter. The appellants cannot seek to re-argue their entire case to seek wholesale re-appreciation of evidence and the factual matrix that has been considered by the Tribunal is *ex facie* impermissible under Section 22. There cannot be fresh appreciation or re-appreciation of facts and evidence in a statutory appeal under this provision.

39. The first question raised by the learned Counsel is in relation to the maintainability of the application before the Tribunal.

40. The Tribunal has been established under a constitutional mandate provided in Schedule VII List I Entry 13 of the Constitution of India, to implement the decision taken at the United Nations Conference on Environment and Development. The Tribunal is a specialized judicial body for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment. The right to healthy environment has been construed as a part of the right to life under Article 21 by way of judicial pronouncements. Therefore, the Tribunal has special jurisdiction for enforcement of environmental rights.

41. The jurisdiction of the Tribunal is provided under Sections 14, 15 and 16 of the Act. Section 14 provides the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment) is involved. However, such question should arise out of implementation of the enactments specified in Schedule I.

42. The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Sections 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment.

43. Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment.

44. The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See ***Kishsore Lal*** v. ***Chairman, Employees' State Insurance Corpn.,*** I (2008) CPJ 13 (SC)=(2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment.

45. Section 15 of the Act provides power & jurisdiction, independent of Section 14 thereof. Further, Section 14(3) juxtaposed with Section 15(3) of the Act, are separate provisions for filing distinct applications before the Tribunal with distinct periods of limitation, thereby amply

demonstrating that jurisdiction of the Tribunal flows from these Sections (*i.e.* Sections 14 and 15 of the Act) independently. The limitation provided in Section 14 is a period of 6 months from the date on which the cause of action first arose and whereas in Section 15 it is 5 years. Therefore, the legislative intent is clear to keep Sections 14 and 15 as self contained jurisdictions.

46. Further, Section 18 of the Act recognizes the right to file applications each under Sections 14 as well as 15. Therefore, it cannot be argued that Section 14 provides jurisdiction to the Tribunal while Section 15 merely supplements the same with powers. As stated supra, the typical nature of the Tribunal, its breadth of powers as provided under the statutory provisions of the Act as well as the Scheduled enactments, cumulatively, leaves no manner of doubt that the only tenable interpretation to these provisions would be to read the provisions broadly in favour of cloaking the Tribunal with effective authority. An interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction.

47. Section 33 of the Act provides an overriding effect to the provisions of the Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act. This gives the Tribunal overriding powers over anything inconsistent contained in the KIAD Act, Planning Act, Karnataka Municipal Corporations Act, 1976 ("KMC Act"); and the Revised Master Plan of Bengaluru, 2015 ("RMP"). A Central legislation enacted under Entry 13 of List I Schedule VII of the Constitution of India will have the overriding effect over State legislations. The corollary is that the Tribunal while providing for restoration of environment in an area, can specify buffer zones around specific lakes & water bodies in contradiction with zoning regulations under these statutes or the RMP.

48. The second question raised by the appellants is that the petition is barred by time. According to appellants, environmental clearance was granted to the respondent No. 9 on 17.2.2012 for which notice was published in the leading newspaper on 12.3.2012 and 14.3.2012. Modified building plan was approved on 30.8.2012, which was followed up to 10.8.2014. Similar events had taken place in regard to the project of respondent No. 10 who had been granted environmental clearance on 30.9.2013. The application had to be filed within a period of six months from the date on which cause of action for such dispute has first arisen in terms of Section 14 of the NGT Act. Admittedly, the present application has been filed in March 2014 and according to them, it is much beyond the prescribed period of limitation. Also, there is no application for condonation of delay accompanying the main application. Therefore, the Tribunal will not have jurisdiction to condone the delay.

49. The OA No. 222 of 2014 was not an application simpliciter under Section 14 of the Act. It was an application where a specific prayer has been made with reference to Lake Development Authority's ("LDA") Report dated 12.6.2013 and the Ministry of Environment, Forest and Climate Change ("MoEF") Monitoring Committee Report dated 14.8.2013 for restoration of ecologically sensitive land and for maintaining the sensitive in its natural condition so that the ecological balance of the area is not disturbed. It is clear from the documentary evidence supported by data, that the project proponents have committed breaches and the implementation of the project is bound to have serious adverse impact on the ecology, hydrology and the environment in the catchment area of Bellandur Lake. The environmental degradation as established from the documents would give rise to an independent cause of action. Therefore, this was a petition under Section 15 of the Act and thus it could be filed within 5 years from the date on which the cause for such compensation or relief first arose.

50. In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principle of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite

jurisdiction to pass an order. It would be a mere irregularity and would not vitiate the application or the judicial order of the Tribunal.

51. Mr. R. Venkataramani, learned Senior Counsel, appearing for the appellant in CA No. 5016 of 2016 has submitted that the constructions had not commenced before the grant of environment clearance. The inspection report dated 11.1.2012 of the Chairman of the KSPCB observes that "no construction" had commenced on the date of inspection. This report cannot be overlooked on the basis of some dumping of debris which could not be attributed to the appellant. He has pointed out the report of the Committee appointed by the Tribunal in the month of August 2015, wherein it was stated that "it started construction after obtaining clearance". In this regard he has also taken us through various documents placed on record and submits that there is absolutely no justification in imposing monitoring penalty/compensation without assessment of impact.

52. The Tribunal has pointed out on the basis of the Committee report of August 2015, that the appellant had encroached 3 acres 10 guntas of Bellandur Lake and a boundary wall has been raised around the said land. The Tribunal has also found that the project proponents have violated the Master Plan. They have not obtained the mandatory clearance from the Sensitive Zone Committee constituted by the Government of Karnataka. It is also clear from the materials on record that there are several other violations by the project proponents. The Tribunal has discussed all these issues from para 52 onwards. It is also clear from the materials on record that there is a definite possibility of environment, ecology, lakes, and wetland being adversely affected by these projects. That is why, the Tribunal has observed as under:

> "72. In light of the above scope of the project and records before the Tribunal and the defaults on the part of the Project Proponents, the cumulative adverse effects of the activities undertaken by the respondents before us can be summed up as under:
>
> (1) The construction of both the projects had started prior to the grant to Environmental Clearance.
>
> (2) The EIA Notification of 2006 requires that without grant of Environmental Clearance, no project can commence its activity. This restriction applies not only to operationalization of the project but even for the purposes of establishment.
>
> (3) Revenue Map images shows multiple Rajakaluves flowing through the project(s) in question. The images further show encroachment on Rajakaluves.
>
> (4) Digital images of the land available on Google satellite images showing encroachment on two major Rajakaluves.
>
> (5) Google Satellite images retrieved from Google archives clearly reflect two distinct features. Firstly, change in the wetland area between the period of 13th November, 2000 and 23rd November, 2010. Secondly, it reveals the excavation work carried out by Respondent Nos. 9 and 10 commenced prior to obtaining Environmental Clearance.
>
> (6) Restriction in regard to extraction of ground water was not strictly complied with as permission of Central Ground Water Authority was not obtained before construction.
>
> (7) The conditions with regard to the natural slopping pattern of the project site to remain unaltered

and natural hydrology of the area to be maintained as it is, to ensure natural flow of storm water as well as in relation to Lakes and other water bodies within and/or at the vicinity of the project area to be protected and conserved: The inspection report by the MoEF clearly notes that condition Nos. (xxxix) and (xl) in the Environmental Clearance of respondent No. 9 cannot be complied with as it will necessarily result in some alteration of the natural slopping pattern of the project site and the natural hydrology of the area. It noted that the project area is located in the catchment area of the Bellandur Lake and the project authorities have informed that they will take all precautionary measures to ensure that the lake will not be affected by project activities either during construction or operation phase."

53. In paragraph 81, the Tribunal has observed as under:

"81. .....Another very important aspect which cannot be overlooked by the Tribunal is with regard to the respondent Nos. 9 & 10 carrying on their project activity fully knowing that they were incapable of or it was not possible for them to comply with condition No. xxxix and xl (or alike conditions) in the order granting the Environmental Clearance. This has even been noticed by the MoEF in its monitoring report dated 14th August, 2013. These respondents never applied for variation or amendment of these conditions and continued with their construction activities. This renders these respondents entirely liable for environmental and ecological damage and the restoration and restitution thereof."

54. In our view, the findings arrived at by the Tribunal are not only based on the documents that were available on record but also on the pleadings that were made by the parties buttressed by the Committee's report and the inspection note of the Expert Members. Therefore, the directions passed and the penalty imposed by the Tribunal on both project proponents are valid and sustainable and do not suffer from any perversity.

55. We are also of the view that it is impermissible for the appellants to seek a factual review through the methodology of re-appreciation of factual matrix by this Court under Section 22 of the NGT Act.

56. Mr. R.Venkataramani, learned Senior Counsel has also raised a subsidiary issue relating to res judicata. According to him, respondent Nos. 12 and 13 filed Writ Petition Nos. 3656-57/2013 seeking similar reliefs in a representative capacity. The issues raised therein are same as those canvassed in the application before the Tribunal. The reliefs sought for are essentially the same. Hence, the applications are barred by the principle of *res judicata*.

57. The Tribunal has answered this issue in paragraphs 47 to 51 of the order. There was no dispute in so far as filing of the writ petitions is concerned. However, the parties are not common nor the issues in application and the writ petitions are directly and substantially the same. After examination of the pleadings, the Tribunal has recorded a finding of fact that there is no commonality of a cause of action or likelihood of a conflict between the judgments. The prayers and the geneses of the respective proceedings are entirely distinct and different in their scope and relief. The issues before the Tribunal would essentially relate to environment ecology and its restoration while the proceedings before the High Court relate to entirely different issues with acquisition of land, its allotment and transfer to the third party. These issues in both the

proceedings are neither substantial nor materially identical.

58. After elaborately considering this question, the Tribunal has concluded as under:

> "51. ….For these reasons, we find no merit in this contention of respondent Nos. 9 and 10. The purpose of the doctrine of *res judicata* is to provide finality and conclusiveness to the judicial decisions as well as to avoid multiplicity of litigation. In the present case, the question of re-agitating the issues or agitating similar issues in two different proceedings does not arise. The ambit and scope of jurisdiction is clearly decipherable. The jurisdictions of the Hon'ble High Court of Karnataka and this Tribunal are operating in distinct fields and have no commonality in so far as the issues which are raised directly and substantially in these petitions, as well as the reliefs that have been prayed for before the Hon'ble High Court and the Tribunal are concerned.
>
> There is no commonality in parties before the Tribunal and the High Court. The 'cause of action' in both proceedings is different and distinct. The matters substantially and materially in issue in one proceedings are not the same in the other proceeding. There is hardly any likelihood of conflicting judgments being pronounced by the Tribunal on the one hand and the High Court on the other. Therefore, we are of the considered view that the present applications are neither hit by the principles of res judicata nor constructive res judicata. We also hold that culmination of proceedings before the Tribunal into a final judgment would not offend the principle of 'judicial propriety', because of the Writ Petitions pending before the Hon'ble High Court of Karnataka."

59. We do not find any error in the aforesaid conclusion of the Tribunal. We are of the view that the Tribunal was justified in holding that the objections taken by the respondent Nos. 9 and 10 do not satisfy the basic ingredients to attract the application of *res judicata* or constructive *res judicata.*

60. The State of Karnataka is aggrieved by the following offending portion of the order dated 4.5.2016:

> "1. In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkalewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP-2015 provides 50m from middle of the Rajkalewas as buffer zone in the case of primary Rajkalewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body / wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:
>
> (i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies *i.e.* lakes / wetlands.
>
> (ii) 50m from the edge of the primary Rajkulewas.
>
> (iii) 35m from the edges in the case of secondary Rajkulewas
>
> (iv) 25m from the edges in the case of tertiary Rajkulewas.
>
> This buffer / green zone would be

treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in question.

All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents-Project Proponent would be permitted to raise any construction in this zone.

All authorities particularly Lake development Authority shall carry out this operation in respect of all the water bodies/lakes of Bangalore."

61. We have already noticed that Mr. Poovayya has no objection to set aside the aforesaid impugned portion of the order in so far as the appellants in all the appeals except the appeals filed by respondent Nos. 9 and 10. The aforesaid portion of the order contains not only general directions but also certain directions against respondent Nos. 9 and 10. Therefore, only that portion of the order which does not pertain to respondent Nos. 9 and 10 needs to be quashed.

62. In the light of the above discussion, we pass the following order:

(i) Civil Appeal No. 5016 of 2016 and Civil Appeal Nos. 8002-8003 of 2016 filed by the appellants/respondent Nos. 9 and 10 are hereby dismissed. The impugned judgment and order in are concerned is sustained.

(ii) All the other appeals are hereby allowed and the direction/condition No. (1) in the order dated 4.5.2016 is hereby set aside except the direction issued against respondent Nos. 9 and 10.

63. There will be no order as to costs.

Appeal disposed of.

IV (2019) SLT 537

SUPREME COURT OF INDIA

Ashok Bhushan, J. & K.M. Joseph, J.

DIPAKBHAI JAGDISHCHANDRA PATEL —Appellant

versus

STATE OF GUJARAT AND ANOTHER —Respondents

Crl. Appeal No. 714 of 2019—Decided on 24.4.2019

(i) Criminal Procedure Code, 1973 — Section 227 — Framing of charge — At the stage of framing charge Court does not act as a mere post office — Court must indeed sift material before it — Material to be sifted would be material which is produced and relied upon by prosecution — Sifting is not to be meticulous in the sense that Court dons mantle of Trial Judge hearing arguments after entire evidence has been adduced after a full-fledged trial and question is not whether prosecution has made out case for conviction of accused — All that is required is, Court must be satisfied that with materials available, case is made out for accused to stand trial — Strong suspicion suffices — However, strong suspicion must be founded on some material — Material must be such as can be translated into evidence at stage of trial — Strong suspicion cannot be pure subjective satisfaction based on moral notions of Judge that here is a case where it is possible that accused has committed offence — Strong suspicion must be suspicion which is premised on some material which

ANNEXURE A/3(COLLY)

MINUTES OF THE 44th MEETING OF THE NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA) HELD ON 22nd FEBRUARY, 2022 AT NEW DELHI

The 44th meeting of the National Coastal Zone Management Authority (NCZMA) was held in the Ministry of Environment, Forest and Climate Change, New Delhi on 22nd February, 2022 through Video Conferencing (VC) considering the prevalent pandemic situation, under the Chairpersonship of Secretary, Ministry of Environment, Forest and Climate Change. The list of participants is at Annexure. The deliberations held and decisions taken in the meeting are as under: -

At the outset, Secretary (EF&CC) welcomed the Authority members and other participants. Thereafter, further deliberations were initiated on the agenda items.

(i) Details of Proposals and Agenda by the Member Secretary

Joint Secretary (CRZ), MoEF&CC and Member Secretary, NCZMA took up the Agenda items to be discussed during the meeting.

(ii) Confirmation of the Minutes of the 43rd Meeting of the National Coastal Zone Management Authority (NCZMA) held on 16th August, 2021 at MoEFCC, New Delhi through VC.

The NCZMA, noted that no comments have been received on the minutes of the 43rd Meeting of the National Coastal Zone Management Authority (NCZMA) held on 16th August, 2021 conducted through Video Conferencing (VC), confirmed the same.

(ii) Consideration of proposals:

With the permission of the Chairperson, discussion on each agenda items were taken up *ad-seriatim*.

Item No. 1: Draft CZMP 2011 of Goa State as per the CRZ Notification, 2011.

The Chairman, Goa Coastal Zone Management Authority (GCZMA) made a presentation on the draft Coastal Zone Management Plan (CZMP) of State of Goa prepared as per the provisions of the CRZ Notification, 2011. It was informed that the CZMP has been prepared both in 1:25000 scale and 1:4000 scale. The CZMP has been discussed in various stakeholder's meetings including public consultation and approved by the State Government with certain observations for further consideration by the NCZMA. It was also informed that objections / suggestions received from various stakeholders have been examined and suitably incorporated, as admissible.

JS, MoEFCC appraised the Authority that Hon'ble NGT (PB) in OA No.424 of 2016 and No.11 of 2014, *vide* order dated 22/11/2017, disposed of the case with directions not to grant any clearances in the coastal states until the Coastal Zone Management Plans (CZMPs) based on CRZ Notification, 2011 are finalised and approved by the Central Government, as per the CRZ Notification, 2011, all the State

Government and UT Coastal Zone Management Authorities (CZMA) are required to prepare Coastal Zone Management Plans (CZMP) as per provisions of the said notification. All the States have prepared the CZMP as per the CRZ Notification, 2011 except the State of Goa.

Further, the Hon'ble NGT in MA No. 65 of 2021 in OA No.424 of 2016, *vide* order dated 7/10/2021 directed that the State shall complete the CZMP by 31/12/2021. The MoEFCC received the draft CZMP proposal prepared under CRZ Notification 2011 by e-mail *vide* letter No. GCZMA/CZMP-2011/20-21/01/1688 dated 28/12/2021 and the same has been placed in the meeting.

The Chairman, GCZMA informed that the State have requested the NCZMA to make following revisions in the draft CZMP, 2011

i. Removal of depiction of Port limits in the CZMP maps.
ii. Non-depiction of structures.
iii. Removal of buffer zone for Mangroves in Khazan lands, as is already provided in CRZ Notification 2019.
iv. Permit other developmental activities in fishing wards.
v. The extent of the boundary of the CRZ area in the Khadepar river to be incorporated as per the recommendation of the Water Resources Department.
vi. The Survey nos and their sub divisions to be depicted on the final CZMP maps in the 4000 scale.

The Director, National Centre for Sustainable Coastal Management (NCSCM) informed the Authority that the structures were part of the Cadastral data (PT Sheets) provided by the Govt. of Goa and that the CZMP has been approved by the Technical Scrutiny Committee (TSC) in its meeting held on 04.12.2021 at NCSCM, Chennai. The Director, NCSCM informed that the sub-divisions of the survey numbers may not be accommodated in the 1:4000 scale maps, as there would be too many sub-divisions. The NCSCM has provided the revised Draft CZMP maps on 10.12.2021 as per decision taken at TSC meeting.

The NCZMA deliberated on the amendments proposed by the State of Goa in the draft CZMP. The Authority observed the following:

i. That demarcation of notified port limits in the CZMP is essential for regulation of various activities as per the CRZ Notification, 2011. Govt. of Goa needs to provide proper justification for their request of not depicting the same. However, in order to avoid any ambiguity, the major and minor ports shall be depicted separately and in different colour, if required.
ii. That existing structures shall be required to be depicted on 1:4000 scale. CZMP and the State Government through a separate order may clarify the legal position of the structures so depicted.
iii. The State can start preparing the CZMP as per the CRZ Notification, 2019 wherein the buffer zone for mangroves in private Khazan land is not required.
iv. Special provisions have been given in the CRZ notification for the State of Goa, including for various developmental activities for the fishing and fishery allied

activities and as such other developmental activities are not permitted in the fishing yards as per the notification.

v. The NCSCM shall incorporate the extent of the boundary of the CRZ area in the Khadepar river as per the State Government's recommendation, in accordance with the provisions of the notifications.

Further, the NCZMA after detailed deliberations is of the view that map of scale 1:25,000 is only required as per the CRZ Notification, 2011 for preparation of the CZMP which is already completed by the NCSCM and approved by the TSC. Map of 1:4000 scale is project/activity specific and required only at a later stage. The Authority pointed out that the draft CZMP (1:25,000) can be considered for approval after incorporating the observation and comments of the NCZMA. ***However, as the State has not agreed to the proposal and insisted for preparation and approval of both 1:25000 and 1:4000 scale map, the Authority decided to refer back the proposal to the State of Goa and desired to resubmit the final CZMP by 15th March, 2022 for consideration of the NCZMA****. The Committee also desired that the State of Goa shall certify that the CZMP has been prepared in accordance with the provisions of the CRZ Notification, 2011.*

It was also requested that the State of Goa shall provide the Shapefiles of the Cadastral data with the Survey Nos. and their sub divisions, the structures to be finally shown in the 1:4000 scale CZMP to NCSCM, to enable NCSCM to revise the maps on 1:4000 scale. In addition, the State of Goa may also separately issue an order clarifying the legal position of the structures finally shown in the CZMP, as indicated in the Minutes above. In any case, CRZ maps are required to be prepared separately for each project on 1:4000 scale, superimposing the project layout plans and other details, for the purpose of CRZ clearance.

Item No. 2: Reclassification of mudflats from CRZ 1A to CRZ 1B within port limit of Bhavnagar District, Gujarat.

The NCZMA was informed that the Coastal Zone Management Plans (CZMPs) of Bhavnagar District, Gujarat was approved on 28th February, 2019. The Government of Gujarat have requested for reclassification of mudflats from CRZ-1A to CRZ-IB in Bhavnagar Port limit due to tentative futuristic developmental projects or activities as under:

	Actual Area in the Database		Proposed Area To Be Converted to CRZ IB
	Area in Sq. Km		
	Total Area in the Sheet No. 93	Total Area within Port Limit	
Mangroves	10.97	3.84	0
50 m Mangroves Area	4.78	2.84	0
Mudflat	23.67	18.16	4.12 (22.68%)

The NCSCM have submitted their comments based on the approved CZMP as per CRZ Notification, 2011 and the same was considered by the NCZMA in its meeting held on 16th August, 2021, as under:

	Total area in sheet No. Gj 93 (sq. km.)	Total area within port limit (sq. km.)	Proposed area within port limit to be converted into CRZ-IB (sq. km.)	Areas outside port limit (sq. km.)
Mangroves	10.97	3.84	0	0.07
50 m mangrove areas (buffer)	4.78	2.84	0	0.04
Mudflat	23.67	18.16	5.95 (32.76%)	0.28

The representative of Government of Gujarat submitted that there is ambiguity in the mudflat area within the Bhavnagar port as per NCSCM report and informed NCZMA that the entire mudflat area proposed by Government of Gujarat is within the port limit.

The NCZMA in its meeting held on 16th August, 2021 decided that the ambiguity in area of mudflat within Bhavnagar port vis-a-vis the total intertidal area ~~shall~~ has be resolved between NCSCM and Government of Gujarat as per approved CZMP, 2011 and accordingly a revised proposal duly endorsed by Gujarat CZMA and Technical Scrutiny Committee may be submitted by the Government of Gujarat.

The representative of the Government of Gujarat/CCZMA have informed that they have requested NCSCM to change the Bhavnagar port limit provided in the approved CZMP, 2011. The Government of Gujarat provided the corrected port limits along with the notification and corresponding KML file. The mudflat area to be converted to CRZ IB within the revised port limit of sheet no GJ 93 is 6.19 Sq. km. As per the request, port limit of Bhavnagar port has been revised. The revised port limit falls in additional sheet no. GJ 94 (F 43M 5/SW). Mudflat area of 6.19 Sq. km which are within port limit and within the proposed boundary provided by Gujarat are converted into CRZ IB.

The NCSCM has informed that the proposal was placed before TSC in its 13th meeting held on 04/12/2021 and as per the revised draft CZMP sheet No. F43 M1/SE (Map No. GJ 93), the site within the boundary proposed for conversion to CRZ-IB, consists of the following areas.

Area	Total area in sheet No. GJ 93 (sq. km.)	Total area within port limit (sq. km.)	Proposed area within port limit to be converted into CRZ-IB (sq. km.)
Mangroves	10.97	7.56	0
50 m mangrove areas (buffer)	4.78	3.66	0
Mudflat	23.67	19.12	6.19 (32.37%)

The Technical Scrutiny Committee agreed to and recommended conversion of 6.19 sq. km. (32.37%) from earlier 5.95 (32.76%) of mudflat areas within Bhavnagar port limit, Gujarat, into CRZ-IB for development purposes, as requested by the Government of Gujarat.

The NCZMA deliberated on the proposal and noted that the revised proposal has been approved by the Technical Scrutiny Committee and is in accordance with the Authority's earlier consideration. ***The Authority, accordingly recommended the proposal for reclassification of mudflat area of 6.19 sq. km from CRZ 1A to CRZ 1B within the port limit of Bhavnagar District, Gujarat****.* The CZMPs may be revised accordingly as per the provisions in the CRZ Notification, through NCSCM, in view of the corrected port limit and the revised CZMPs may be submitted for approval/certification by MoEF&CC.

Item No. 3: Status of updation / revision of CZMPs of all Coastal States / UTs based on provisions of the CRZ Notification, 2019.

The Ministry of Environment, Forest and Climate Change have issued the Coastal Regulation Zone Notification, 2019 *vide* GSR 37(E), dated 18/01/2019. This notification prescribes that that all the Coastal States and Union Territory administrations shall revise or update their respective Coastal Zone Management Plan (CZMP) framed under the CRZ Notification, 2011 number S.O.19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest. All the project activities attracting the provisions of the CRZ Notification, 2019 shall be required to be appraised as per the updated CZMP and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.

The CZMP may be prepared or updated by the Coastal State Government or Union Territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (NCSCM), Chennai, of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders. To facilitate the Coastal States/UTs, the Ministry have issued 'Guidelines for updation of Coastal Zone Management Plan prepared as per CRZ Notification, 2011 to align it with CRZ Notification, 2019', on 26/06/2019 and circulated to all Coastal States / UTs Management Authorities.

The NCZMA in its 43rd meeting held on 16/08/2021 desired that the Coastal State Government / Union Territory Administration shall expedite the updation / revision of CZMP's and shall submit to this Ministry for early approval. The NCZMA has also directed NCSCM to expedite the updation / revision of CZMP's pending with them.

The status of CZMP 2019 intimated by State's / UT's and the timeline stipulated by the NCZMA is as follows:

STATUS REPORT FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLAN (CZMP) – 2019

S.No.	State/UT	Status of Draft CZMP 2019	Agency preparing CZMP-2019	Time proposed by the agencies to Complete Draft CZMP 2019	Timeline stipulated by the NCZMA to complete draft CZMP
1	Maharashtra	Mumbai city, Mumbai sub-Urban: Approved by NCZMA	NCSCM	Completed	
		Other 5 Districts: Public hearing completed and recommended by TSC			2 Months
2	Odisha	Approved by NCMA	ORSAC/SAC	Completed	
3	Andhra Pradesh	Mapping completed Public Hearing to be conducted	NCSCM	4 Months – May 2022	4 Months
4	Karnataka	Mapping Completed Public Hearing completed	NCSCM	4 Months – May 2022	April, 2022
5	Puducherry	Mapping completed Public Hearing to be conducted	NCSCM	4 Months – May 2022	4 Months
6	Daman & Diu	Mapping completed Public Hearing to be conducted	NCSCM	4 Months – May 2022	4 Months
7	Tamil Nadu	Mapping completed Public Hearing to be conducted	NCSCM	4 Months – May 2022	4 Months
8	Gujarat	In progress	NCSCM	6 Months – July 2022	6 Months
9	Kerala	In progress. Being monitored by Kerala High Court.	NCESS	In progress.	6 Months
10	West Bengal	Pending. Status not known	IESWM	Status to be obtained from IESWM	May, 2022
11	Goa	Pending	Not known	CZMP - 2011 Approval under progress	CZMP - 2011 is under approval process. Prepare for CZMP, 2019
12	Andaman & Nicobar Islands	• Great Nicobar (ICRZ)-Approved by NCZMA • Little Andaman Island (ICRZ) (TSC recommended)	NCSCM	Completed Completed	

		• South Andaman (ICRZ) • Middle Andaman (ICRZ) • Baratang (ICRZ) • North Andaman (ICRZ) • Rutland Island (ICRZ) • Kamorta Island (ICRZ) • Swaraj Dweep (ICRZ) • Car Nicobar Island (ICRZ) • Shaheed Dweep (IIMP) • Long Island (IIMP) • Aves Island (IIMP) • Smith Island(IIMP) • Flat Bay (IIMP) (Maps submitted to ANCZMA for Public Hearing).		4 Months – May 2022	4 Months
13	Lakshadweep Islands	Revision of IIMPs of Suheli, Kadamat & Minicoy Islands in progress.	NCSCM	4 Months – May 2022	4 Months

The representative of the State & UT Government / CZMA presented the status of the CZMP preparation as per the CRZ Notification, 2019 before the NCZMA. The NCZMA noted the progress made by the States/UTs and desired that the updation shall be expedited without any further delay. The Authority noted that the Gujarat is taking up the updation in phases. The concerns raised by the State of Kerala regarding CRZ reclassification due to urbanization, IIMPs for small islands and CRZ in Pokkali fields, the Authority desired that the matter may be taken up separately with the Ministry.

The Authority, after detailed deliberation desired that the State/UT shall complete the revision / updation of the CZMP as per the given timeline.

Item No. 4: Status of SOP for Seven Authorized Agencies and related issues for uniformity in preparation of CRZ Maps and others issues

The Ministry of Environment, Forest and Climate Change (MoEF&CC) has authorized seven institutes/agencies for demarcation of the High Tide Line (HTL), Low Tide Line (LTL) and Coastal Regulation Zone (CRZ) as under:

1. Space Applications Centre (SAC), Ahmedabad
2. National Centre for Earth Science Studies (NCESS), Trivandrum
3. Institute of Remote Sensing (IRS), Anna University, Chennai

4. Institute of Environmental Studies & Wetland Management (IESWM), Kolkata
5. National Institute of Oceanography (NIO), Goa/ Mumbai
6. National Institute of Ocean Technology (NIOT), Chennai
7. National Centre for Sustainable Coastal Management (NCSCM), Chennai

The NCZMA was also informed that as per the CRZ notification 2019, the following, among others, are the requirements for CRZ clearance for permissible and regulated activities.

- CRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change *vide* its Office Order Number J-17011/8/92-IAIII, dated the 8th August 2019, using the demarcation of the HTL or LTL, as carried out by NCSCM.
- Project layout superimposed on the CRZ map duly indicating the project boundaries and the CRZ category of the project location as per the approved Coastal Zone Management Plan under this notification.
- The CRZ map normally covering 7 km radius around the project site also indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.

In order to resolve issues related to uniformity in preparation of CRZ Maps for the purpose of CRZ clearance, being prepared by the above mentioned Seven authorized agencies, a draft Standard Operating Procedure (SOP) was decided to be prepared, which was placed before the 43rd NCZMA for its consideration. These standard operating procedures focus on the methods, processes, and requirements for preparation of the following CRZ mapping products:

- CRZ map of project site on 1:4000 scale.
- CRZ map on 1:25,000 scale covering an area of 7 km radius from the project site.
- CRZ report.

Based on deliberations held, the NCZMA during its 43rd meeting had desired that the SOP may be circulated to all State CZMAs for their comments / observations and upon receipt of the same, the proposal shall be considered at a later stage. Accordingly, the SOP was circulated to all State or UT/ CZMAs for their comments. The SOP has been revised based on the comments/observation received. The SOP prepared accordingly was presented by NCSCM before the NCZMA for its consideration and recommendation.

The Authority deliberated on the SOP with due consideration of inputs of the State/UT and authorized agencies. The Authority was informed that CZMP maps are prepared with 1:25000 scale, and in case of CRZ map for individual project map of 1:4000 is prepared. Considering the higher accuracy, it would be appropriate for the concerned expert appraisal committees to consider the latest HTL / LTL in the CRZ area on case to case basis. The NCZMA also opined that the Seven authorised agencies can take up project of any State/UT's and the shape file prepared by the NCSCM may

be obtained from the concerned State or with their concurrence. Based on the comments received, the NCSCM proposed following amendments: -

- Inclusion of the names of persons / agency which prepared the SOP.
- Template on the cost analysis.
- Inclusion of ESZ.
- Analysis of comments received from IESWM, Kolkata to ensure all concerns taken into account.

The NCZMA accepted the proposal and accordingly recommended the SOP with the amendments proposed.

5. Any other item with the permission of the Chair

The meeting ended with a Vote of Thanks of the Chair.

******

Annexure

S. No	Name of Participant	Organization	E-mail
1.	Ms. Leena Nandan Secretary (EF&CC) & Chairperson, NCZMA	MoEF&CC, New Delhi	secy-moef@nic.in
2.	Shri. Tanmay Kumar Additional Secretary	MoEF&CC, New Delhi	tanmay.kumar-rj@gov.in
3.	Dr. Sujit Kumar Bajpayee, Joint Secretary, Member Secretary NCZMA	MoEF&CC, New Delhi	sujit.baju@gov.in
4.	Dr. Shailesh Nayak Secretary (Retd.)	Ministry of Earth Sciences, New Delhi	shailesh@nias.res.in
5.	Prof. R. Ramesh Director	NCSCM, Chennai	rramesh@ncscm.res.in
6.	Ms. Supriya Sahu Additional Chief Secretary	Environment and Forest Department, Govt. of Tamil Nadu	forsec@tn.gov.in
7.	Dr. Venu Vasudevan Additional Chief Secretary	Environment Department, Government of Kerala	venu@nic.in
8.	Ms. Manisha Patankar Mhaiskar, Principal Secretary	Environment Department, Maharashtra	psec.env@maharashtra.gov.in
9.	Dr. M.V. Ramana Murthy, Director	NCCR, MoES	mvr@nccr.gov.in
10.	Shri Susanta Nanda Director, Environment -cum-Special Secretary	Forest and Environment Department, Odisha	susantaifs@gmail.com
11.	Shri Rajesh Mittal DIG	Indian Coast Guard	mittalincoastguard@hotmail.com
12.	Shri Suneel Pamidi Director	Department of Environment and Climate change, Govt. of Kerala	pamidisuneel@gmail.com
13.	Shri Ratheesh Ramakrishnan	Space Applications Centre, Ahmedabad	ratheeshr@sac.isro.gov.in
14.	Sh. Murty GPS Chief Scientist	CSIR - National Institute of Oceanography, Visakhapatnam	gpsmurty@nio.org
15.	Shri Narendra Toke Director & Member Secretary	Environment Maharashtra / MCZMA	dir1.mev-mh@nic.in
16.	Dr. Pravin P ADG	Fisheries ICAR, New Delhi	pravinp2005@gmail.com
17.	The Director	NIAS	director@nias.res.in

18.	The Director	Environment Deptt., Tamil Nadu	tamilnadudoe@gmail.com
19.	Shri Rajesh	Indian Coast Guard	mittalincoastguard@hotmail.com
20.	Shri Rajesh Mittal DIG	Indian Coast Guard	mittalincoastguard@hotmail.com
21.	Shri G Mohan	Andaman and Nicobar Islands	g.mohan@nic.in
22.	Shri Debajyoti Bhowmick	IESWM, West Bengal	crzcell.ieswm@gmail.com
23.	Dr. DS Suresh Babu	NCESS, Trivandrum	dss.babu@ncess.gov.in
24.	Shri Ravi Kumar IPS, SP(PMF),	A&N Police	anpolice@gmail.com
25.	The Additional Chief Secretary	Forest and Environment Department, Gujarat	secfed@gujarat.gov.in
26.	Ms. R Lavanya, AEE,	APPCB	unit3-aee2@appcb.gov.in
27.	Shri Sujeetkumar	Blueflagindia	nationaloperator@blueflagindia.org
28.	The Member Secretary, WB SCZMA	WB SCZMA & Director IESWM	wbsezma@gmail.com
29.	Shri K. V. Rao, CEE,	APPCB	chiefengineer@appcb.gov.in
30.	Shri. Srinivas Vasu	DS - UT - MHA	shrinivasuk@nadt.gov.in
31.	Dr. Mona Sharma Additional Chief Secretary	Forest, Environment and Climate Change Deptt, Govt. of Odisha	fesec.or@nic.in
32.	Representative of Maharashtra	Environment Dept., Maharashtra	psec.env@maharashtra.gov.in
33.	Representative Goa GCZMA	GCZMA, GOA	goacoastalzone@gmail.com
34.	Representative A&N	SP(HQ), A&N Police	anpolice@gmail.com
35.	Representative from OCZMA	OCZMA, Odisha	oczma1@gmail.com
36.	Representative from KCZMA	KCZMA, Kerala	librakalai@gmail.com
37.	Representative of Andaman and Nicobar	Andaman & Nicobar-Secretariat	secyedn.and@gmail.com
38.	Representative Daman & Diu	PCC Daman	pccdddnh@gmail.com
39.	Dr. H. Kharkwal Scientist 'E' (CRZ)	MoEF&CC, New Delhi	h.kharkwal@nic.in
40.	Dr. Abhilasha S. Mathuriya, Scientist D' (CRZ)	MoEF&CC, New Delhi	abhilasha.mathuriya@gov.in
41.	Dr. Nobi.E.P Scientist 'B' (CRZ)	MoEF&CC, New Delhi	nobi.ep@nic.in

*****

F. No. 12-4/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change
***

Telephone: 011-24695338,
e-mail: w.bharat@nic.in
Indira Paryavaran Bhavan, Jor Bagh,
Lodi Road, New Delhi-110003.
Dated: 28.02.2019

To,

The Member Secretary,
Gujarat Coastal Zone Management Authority,
Department of Forests & Environment
Government of Gujarat
Block No. 14/8th Floor, New Sachivalaya
Sector-10A, Gandhinagar-382010

Sub: ***CZMPs of Gir-Somnath, Surat, Navsari, Junagarh, Valsad, Amreli, Porbandar, Devbhumi Dwarka, Anand, Vadodara, Bhavnagar and Jamnagar Districts of Gujarat - reg.***

Sir,

This has reference to letter nos. ENV-10-2019-08-E(T Cell), dated 19.01.2019 regarding Coastal Zone Management Plans (CZMPs) of Gir-Somnath, Surat, Navsari, Junagarh, Valsad, Amreli, Porbandar, Devbhumi Dwarka, Anand, Vadodara, Bhavnagar and Jamnagar districts in Gujarat, drawn as per the provisions of the Coastal Regulation Zone Notification, 2011.

2. In this regard, it is to state that based on the recommendations of the National Coastal Zone Management Authority (NCZMA) in its 37th Meeting held on 25.02.2019 and recommendations of the Technical Scrutiny Committee held at NCSCM, Chennai on 18.02.2019, the Ministry of Environment, Forest and Climate Change hereby conveys its approval of the CZMPs of the districts of Gir-Somnath, Surat, Navsari, Junagarh, Valsad, Amreli, Porbandar, Devbhumi Dwarka, Anand, Vadodara, Bhavnagar and Jamnagar, in Gujarat.

This issues with the approval of the Hon'ble Minister (EFCC).

Yours faithfully,

(W. Bharat Singh)
Director (CRZ)

Copy to:

1. The Principle Secretary, Government of Gujarat, Department of Forest & Environment, Gandhinagar- 382010.
2. The APCCF (C), MoEF&CC Regional Office (WCZ), New Secretariat Building, Civil Lines, Nagpur, Maharashtra
3. The Director, National Centre for Sustainable Coastal Management, Anna University Campus, Chennai – 600025, Tamil Nadu.
4. Guard File.

(W. Bharat Singh)
Director (CRZ)

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 42 R 13/NE

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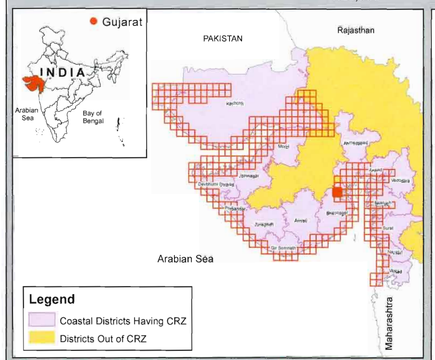
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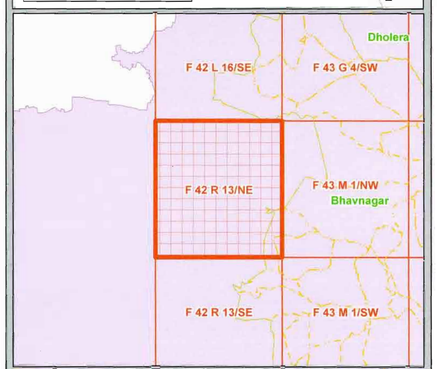
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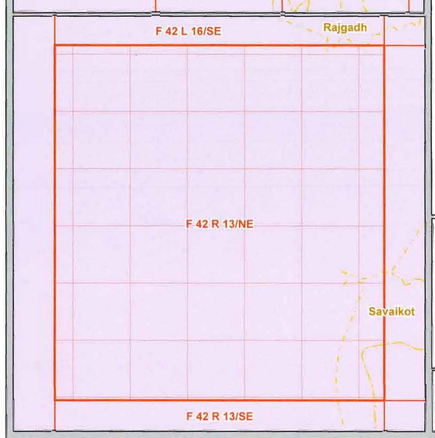
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
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- High Tide Line
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CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
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- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
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3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

Scrutinized by	Certified by	Concurred by	Approved by
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Prepared by

NCSCM

National Centre for Sustainable Coastal Management

(Ministry of Environment, Forest & Climate Change)

Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

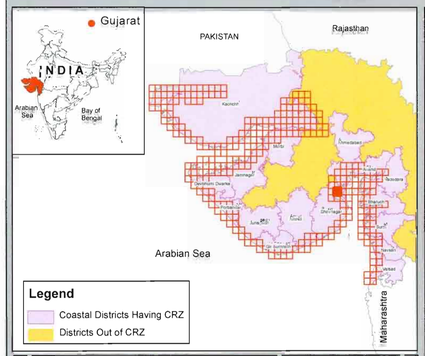
Government of Gujarat

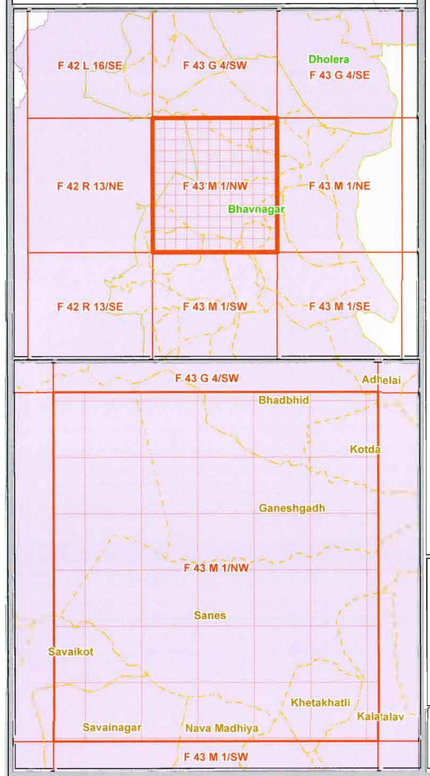
COASTAL ZONE MANAGEMENT PLAN
GUJARAT

Sheet No: F 43 M 1/NW

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Legend

- Lighthouse
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Prepared by

NCSCM

National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

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22°0'0"N 21°57'30"N 21°55'0"N

COASTAL ZONE MANAGEMENT PLAN

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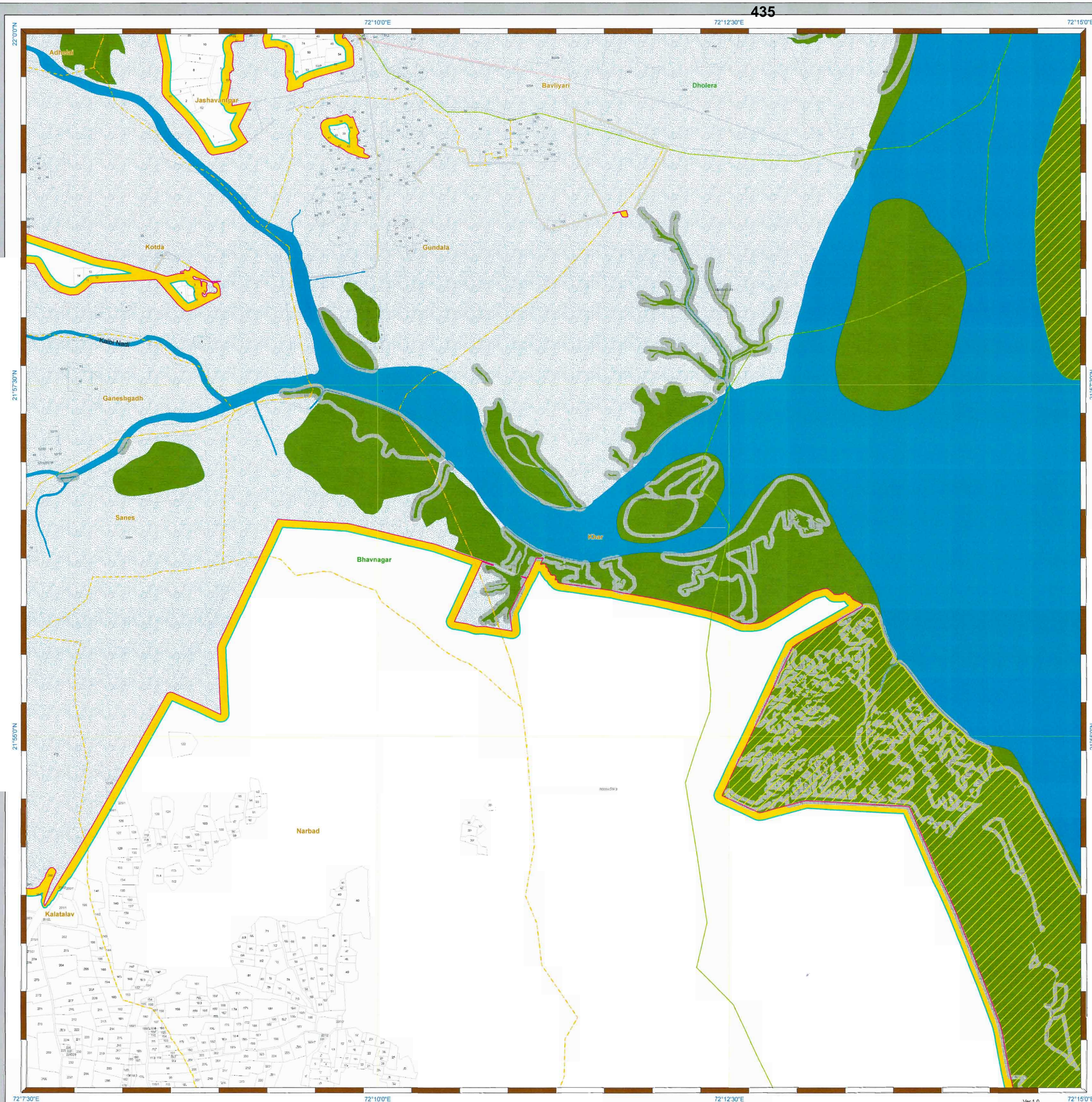
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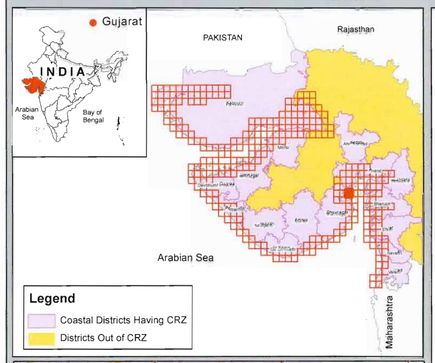
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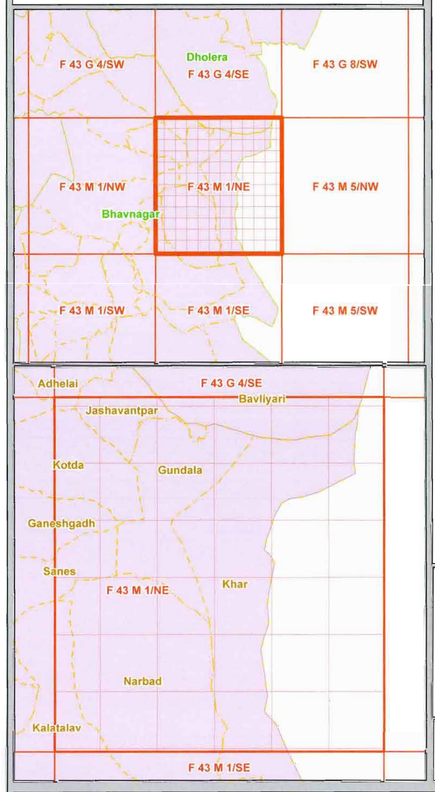
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Prepared by

NCSCM

National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

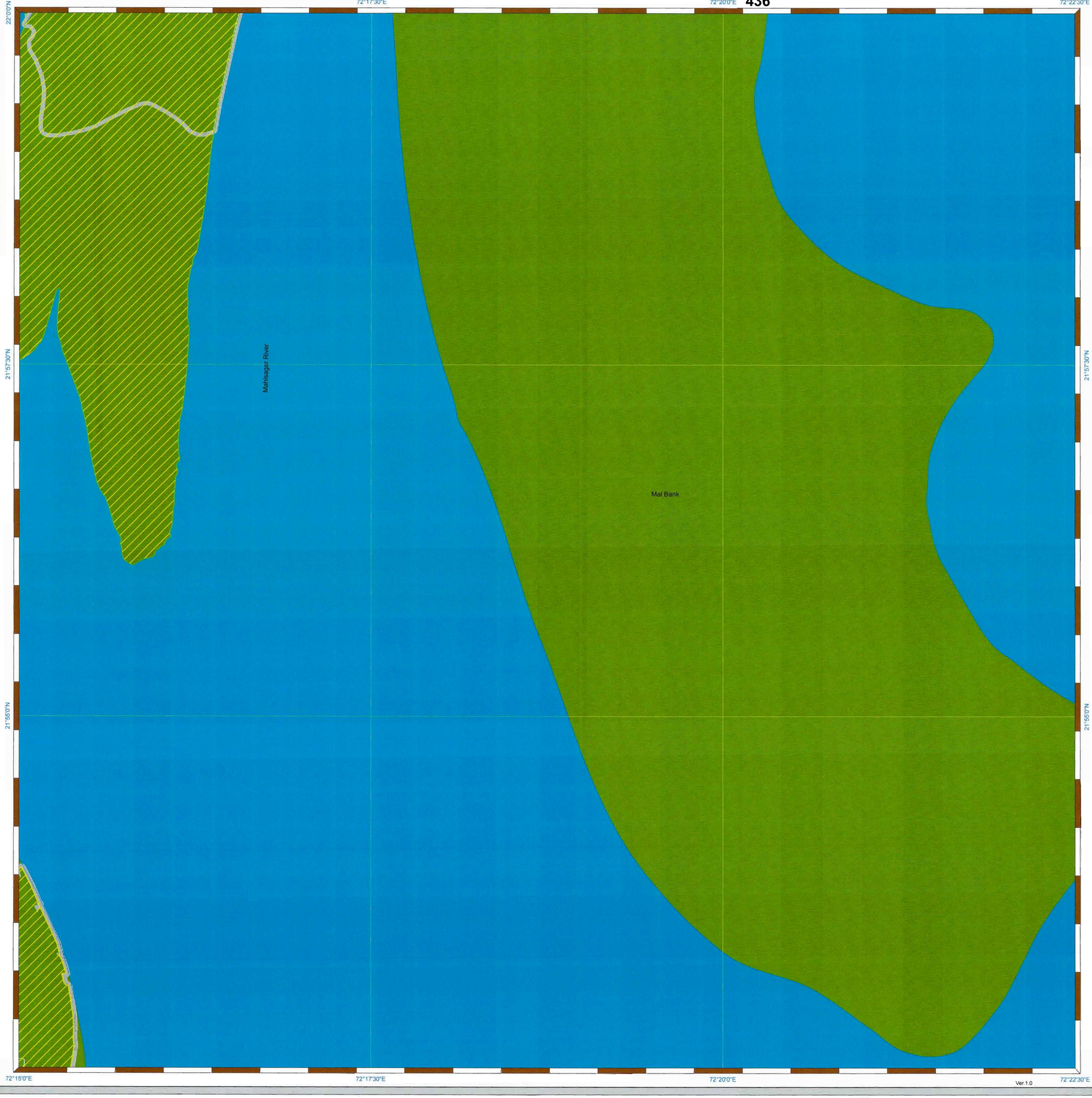
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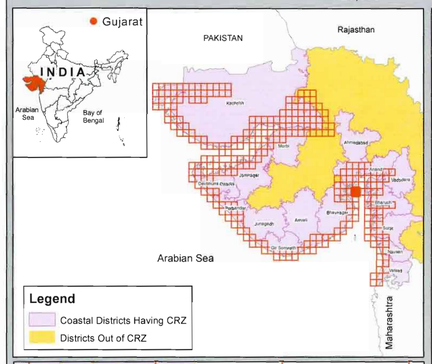
Projection :- UTM Datum :- WGS 1984 Map No. : GJ 103

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Meters

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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
1) Hazard Line

III) Gujarat State Coastal Zone Management Authority
1) Administrative Boundaries, 2) Infrastructure facilities such as Fish Landing Centre, Fishing Harbour,
3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

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Prepared by

NCSCM

National Centre for Sustainable Coastal Management

(Ministry of Environment, Forest & Climate Change)

Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

Ver.1.0

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 42 L 16/SE

Projection :- UTM Datum :- WGS 1984 Map No. : GJ 110

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Meters

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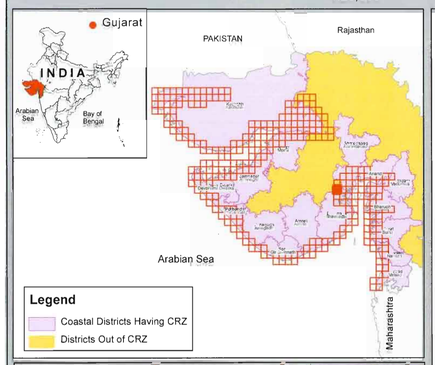
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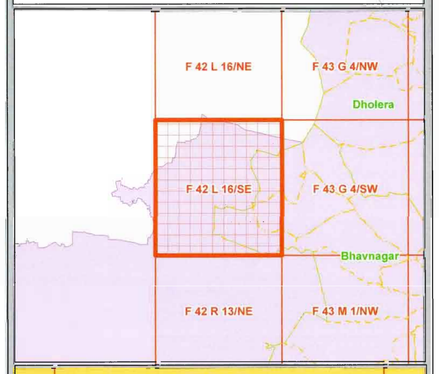
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Mithapar Velavadar Bhavnagar Rajgadh

71°52'30"E 71°55'0"E 71°57'30"E 72°0'0"E

Ver 1.0





Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
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- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

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CRZ - IV

- CRZ - IVA
- CRZ - IVB

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 43 G 4/SW

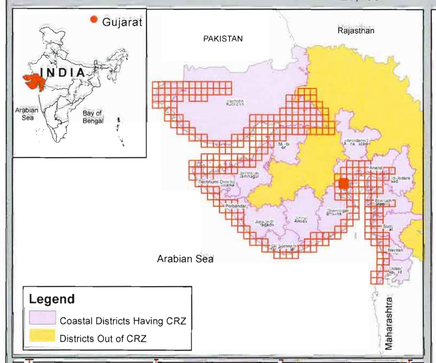
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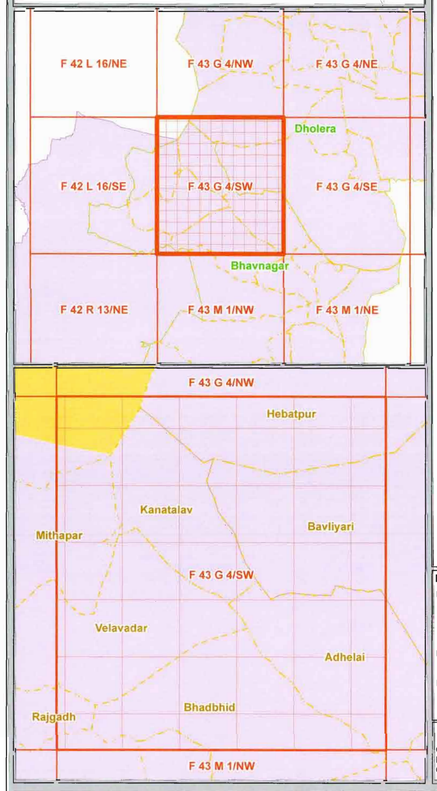
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Meters

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Legend

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- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
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- State Boundary
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CRZ CATEGORY

CRZ - I

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- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

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4) CRZ - IA
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NCSCM

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Chennai - 600 025

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FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

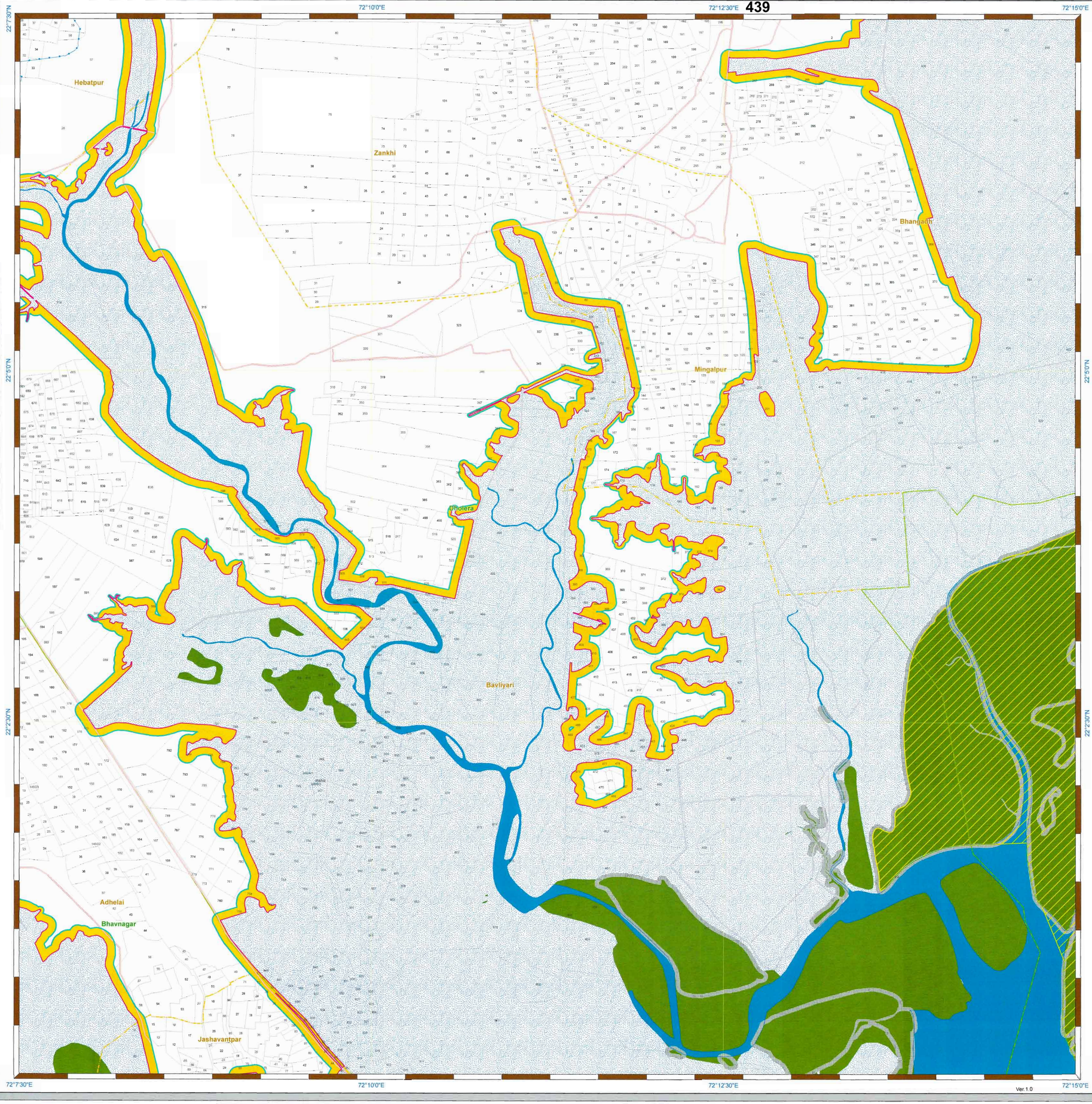
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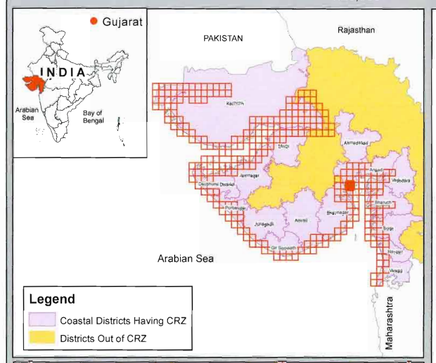
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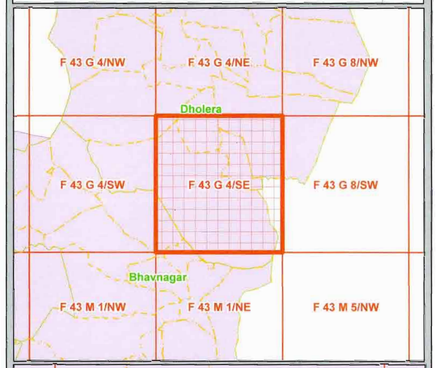
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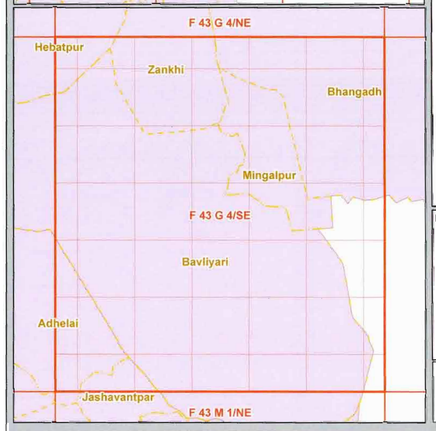
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
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- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
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- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

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CVCA : Critically Vulnerable Coastal Areas

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Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

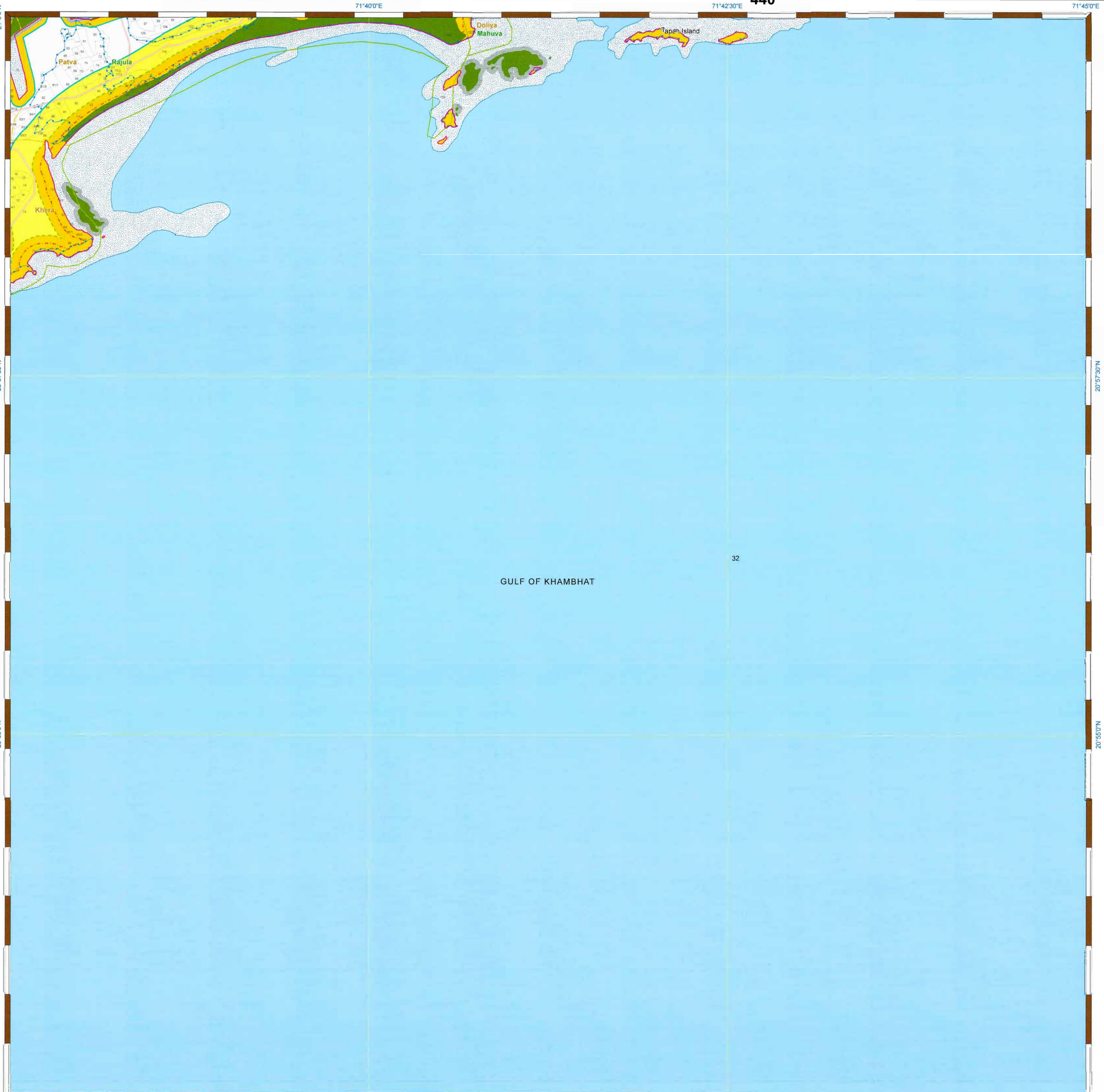
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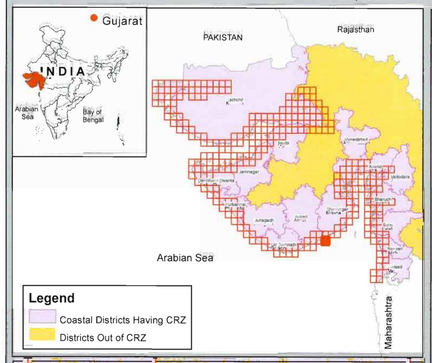
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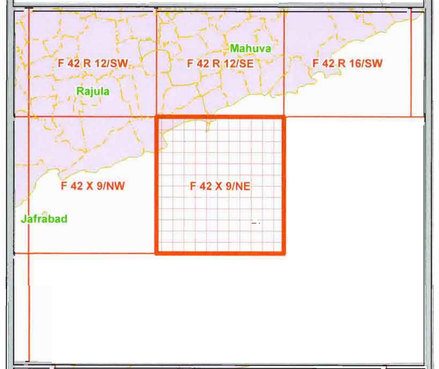
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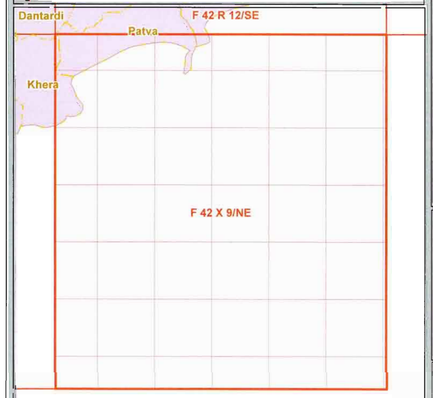
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
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- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

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CRZ CATEGORY

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CRZ - II

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CRZ - III

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- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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Chennai - 600 025

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FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

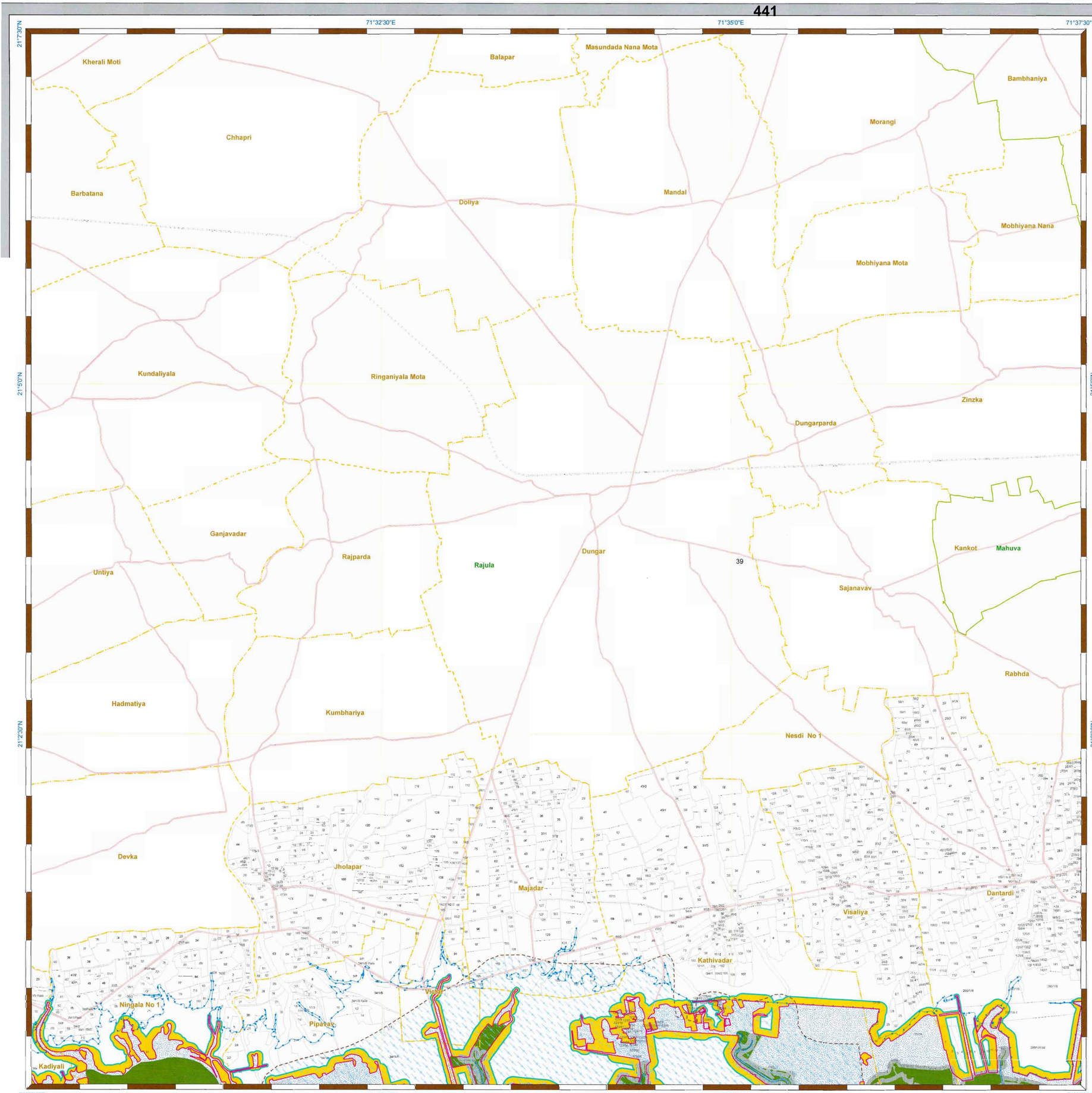
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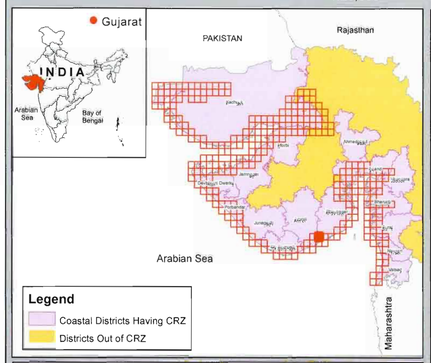
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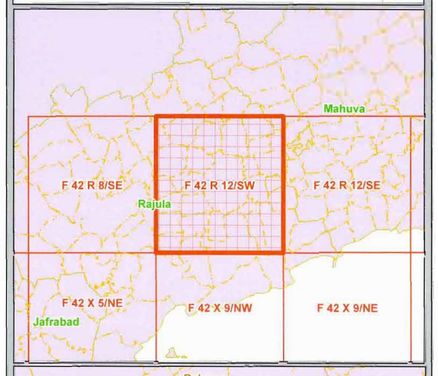
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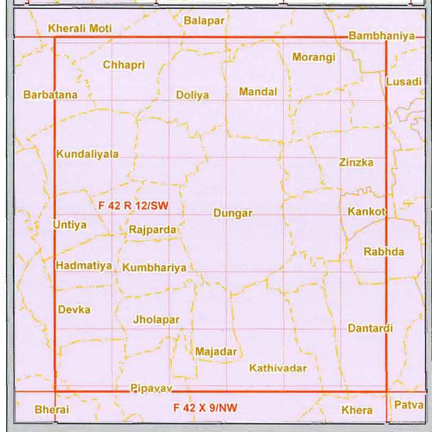
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Legend

- Lighthouse
- Port
- Fishing Harbours
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COASTAL ZONE MANAGEMENT PLAN

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Sheet No: F 42 R 12/SE

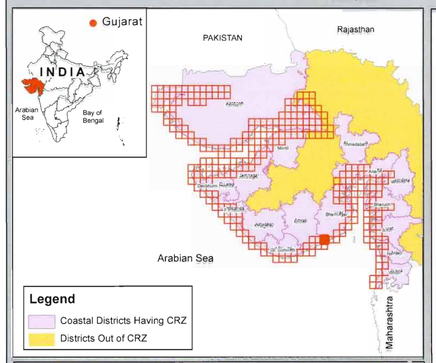
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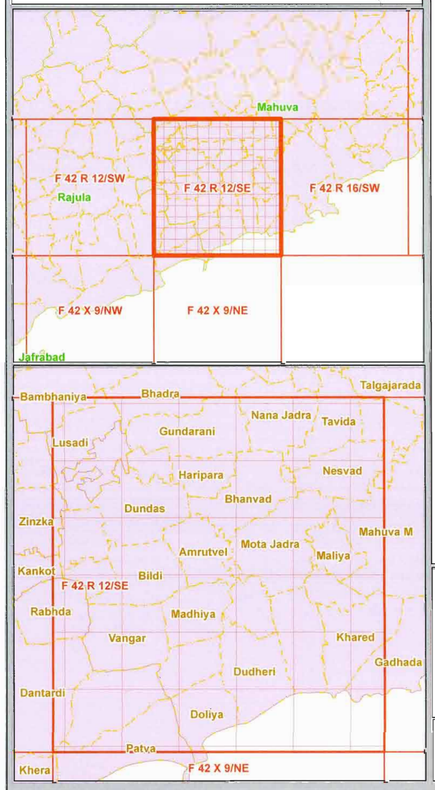
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Legend

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- Port
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COASTAL ZONE MANAGEMENT PLAN

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Sheet No: F 42 R 10/SW

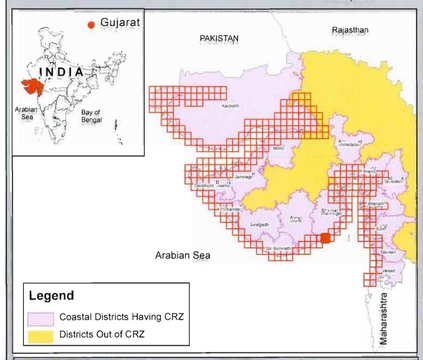
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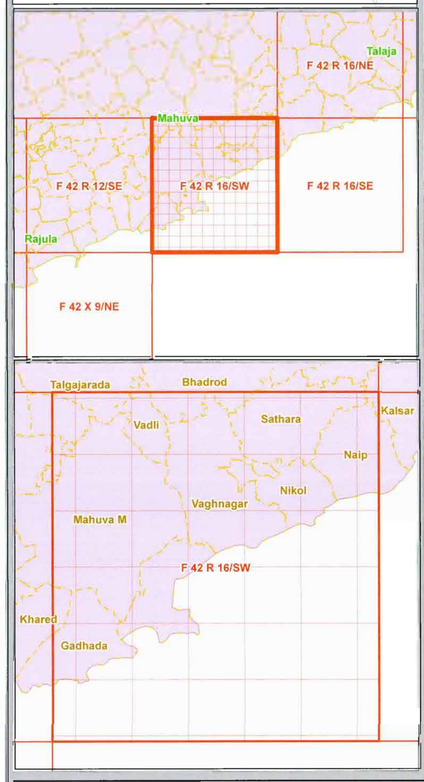
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
1) Hazard Line

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1) Administrative Boundaries, 2) Infrastructure facilities such as Fish Landing Centre, Fishing Harbour,
3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

Scrutinized by	Certified by	Concurred by	Approved by
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Prepared by

National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

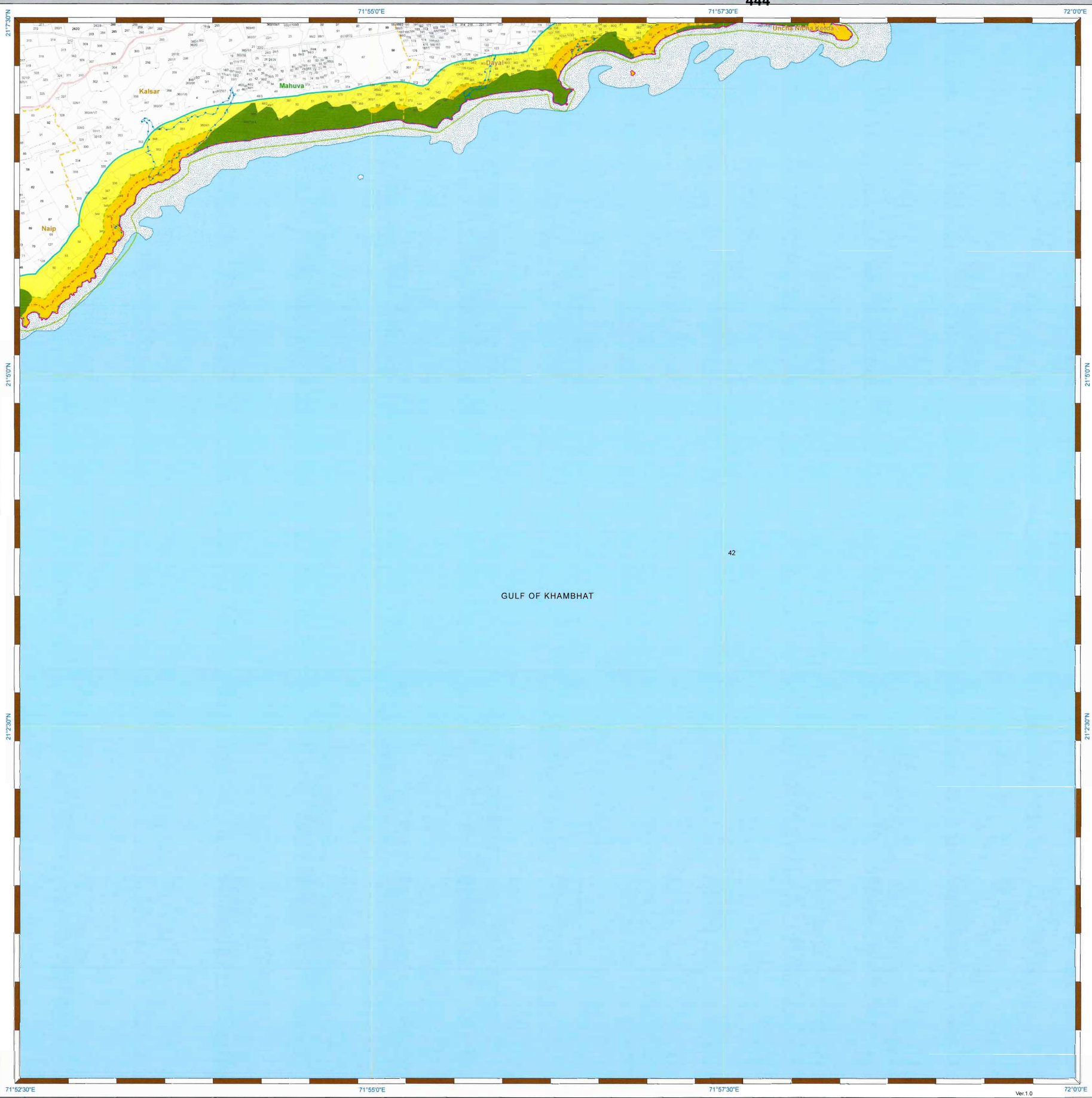
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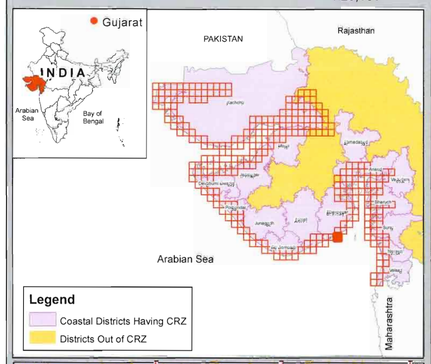
COASTAL ZONE MANAGEMENT PLAN

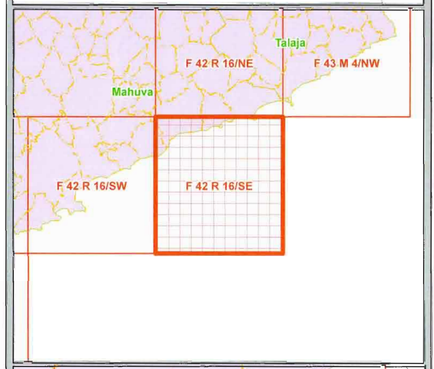
GUJARAT

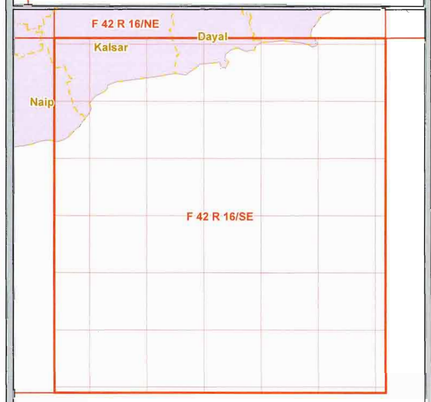
Sheet No: F 42 R 16/SE

Projection :- UTM Datum :- WGS 1984 Map No. : GJ 42









Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- Survey Plots
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(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

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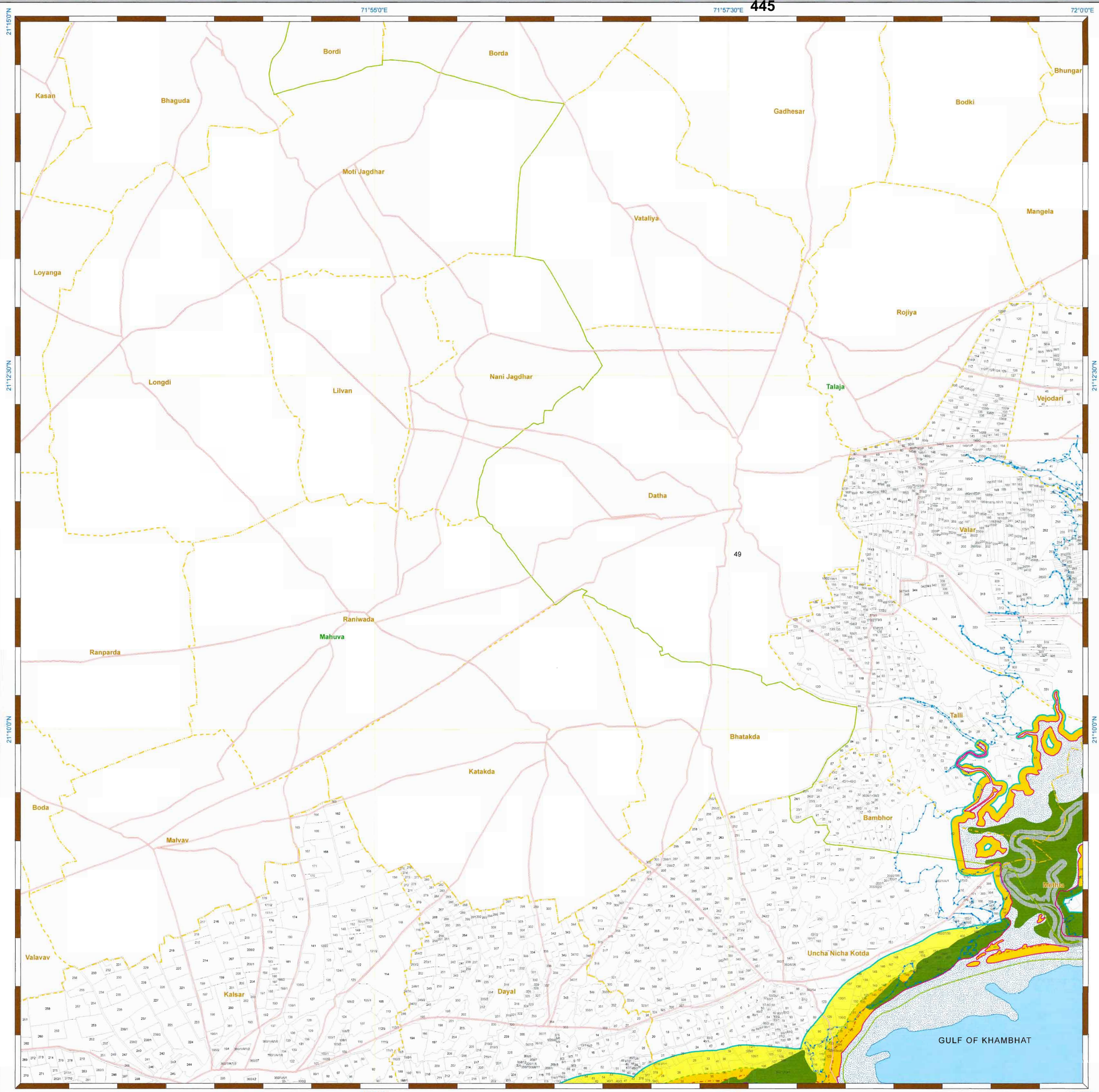
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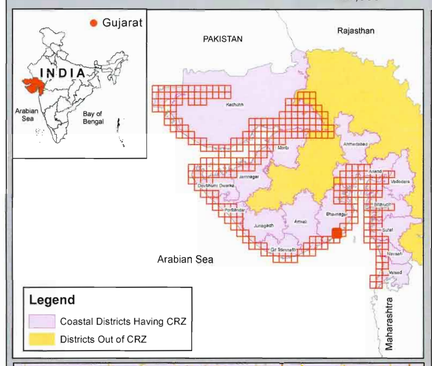
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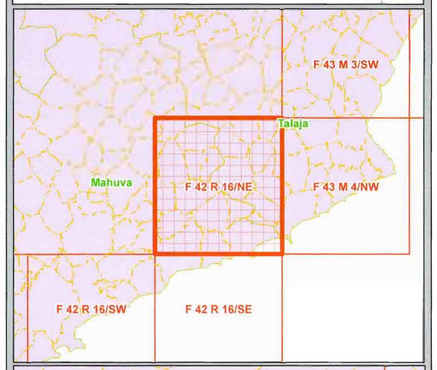
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
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CRZ Lines & Boundary

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- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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4) CRZ - IA
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Prepared by

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COASTAL ZONE MANAGEMENT PLAN

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Sheet No: F 43 M 4/NW

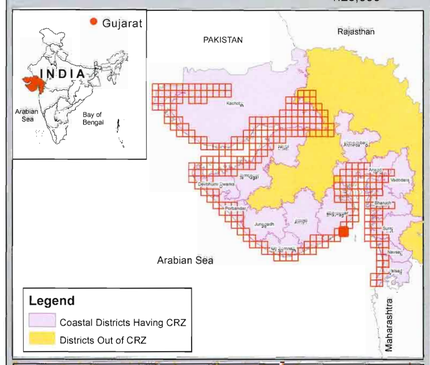
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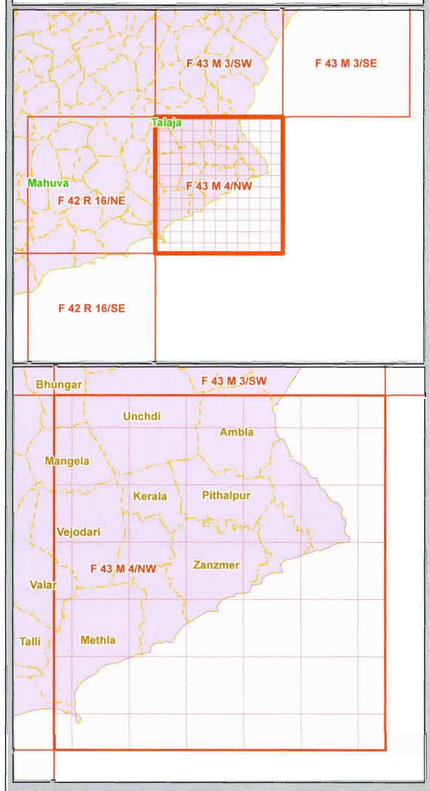
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
1) Hazard Line

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3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

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National Centre for Sustainable Coastal Management

(Ministry of Environment, Forest & Climate Change)

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FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

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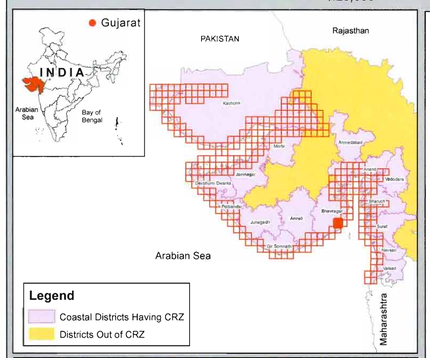
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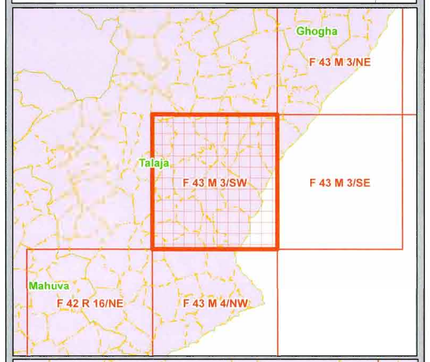
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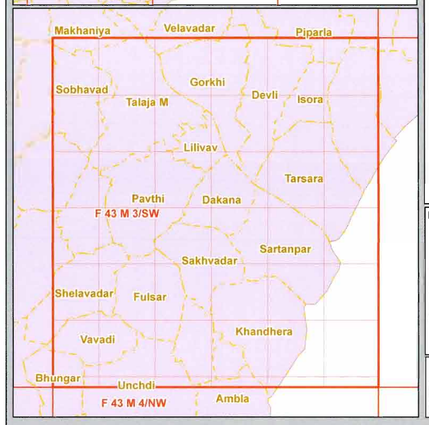
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
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CRZ Lines & Boundary

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- 100 m Line in CRZ III Area
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- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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ABBREVIATIONS

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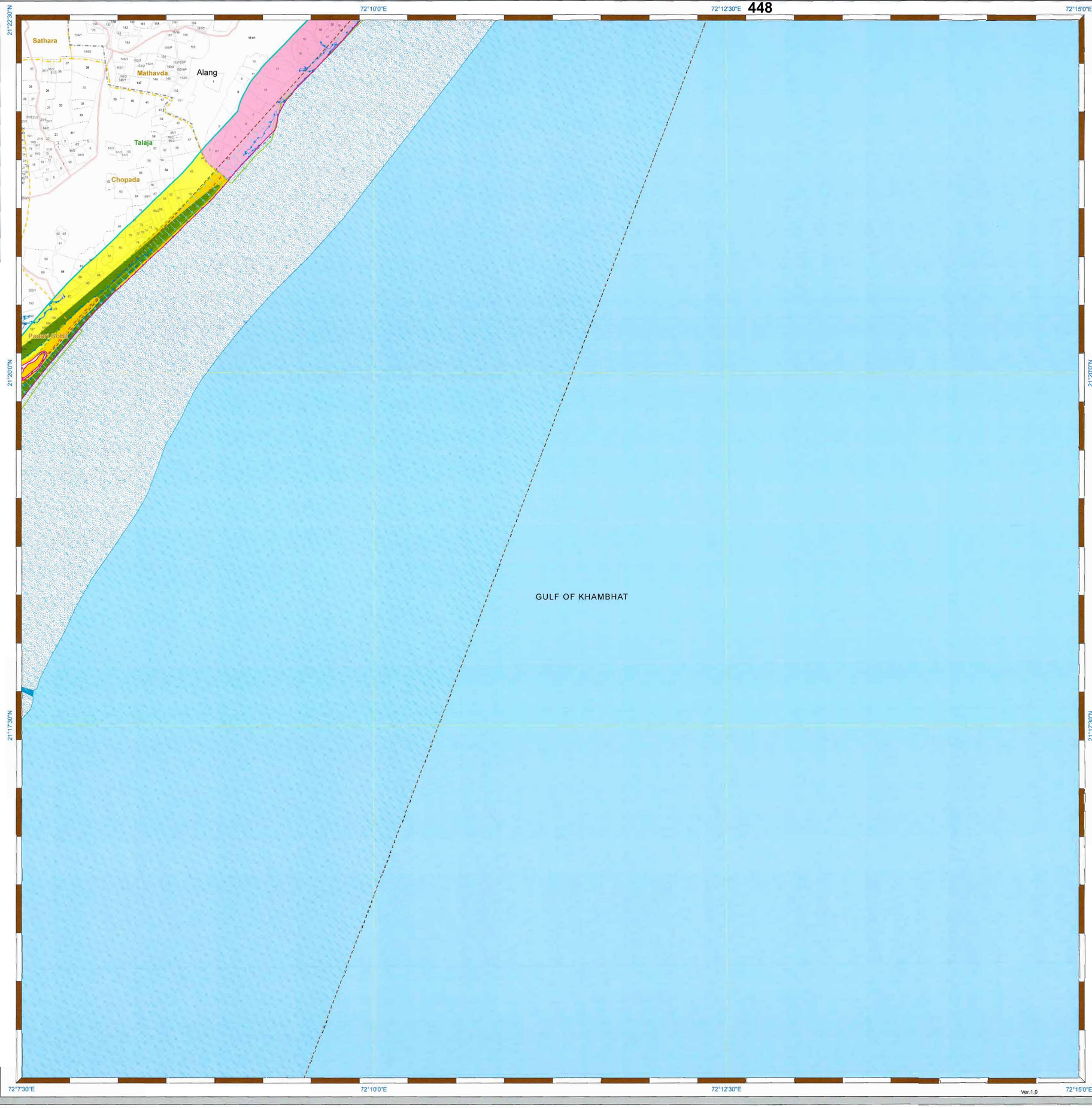
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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

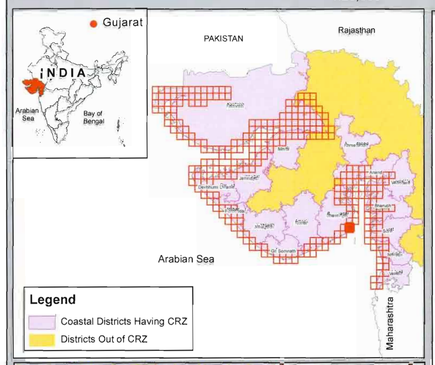
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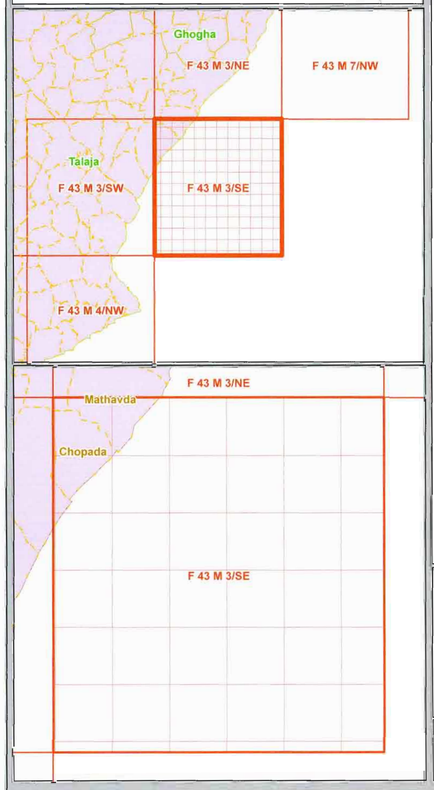
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Meters

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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
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NCSCM

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FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

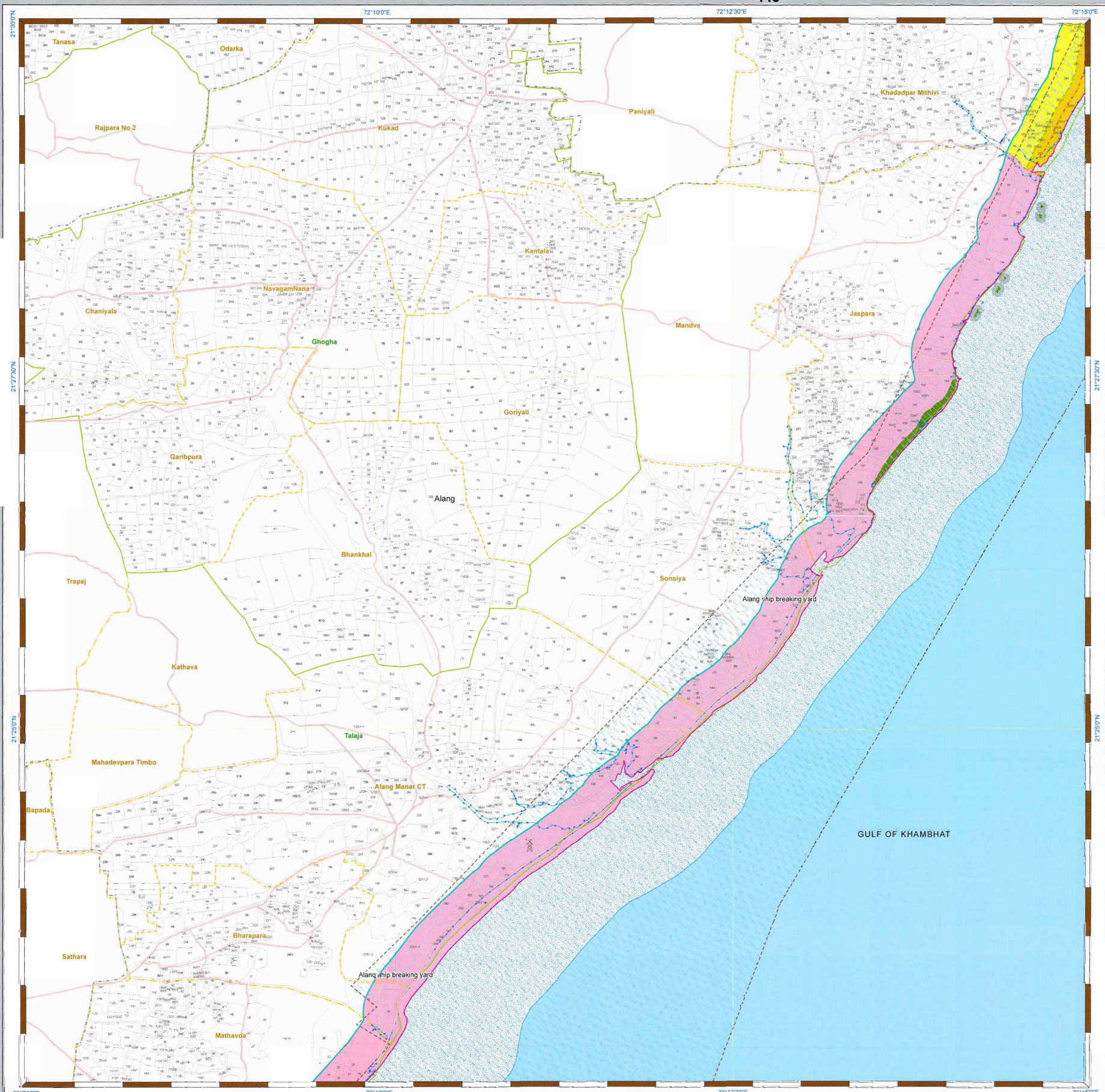
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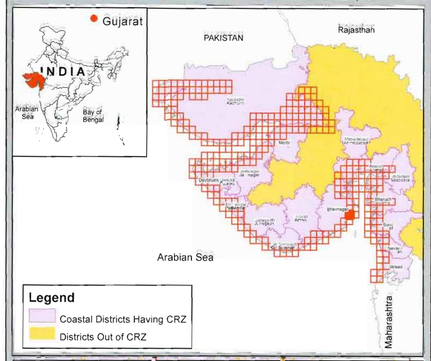
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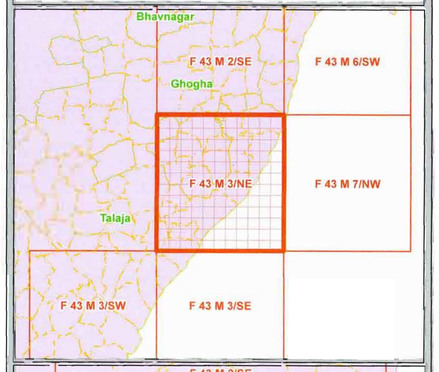
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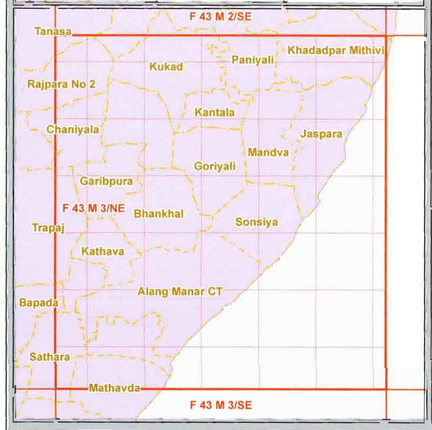
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Legend

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- Port
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CRZ - II

- CRZ - II

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- 200 to 500 m from HTL

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Mapped During 2011-16

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Chennai - 600 025

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FORESTS AND ENVIRONMENT DEPARTMENT
Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 43 M 7/NW

Projection :- UTM Datum :- WGS 1984 Map No. : GJ 05

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GULF OF KHAMBHAT

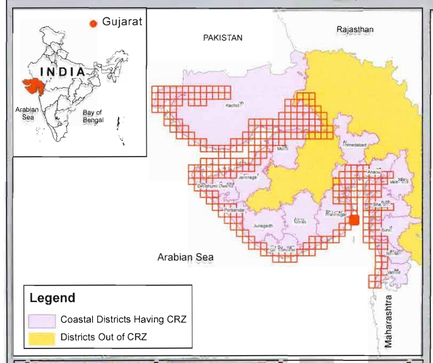
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Ver.1.0

0 1,000 2,000

Meters

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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
1) Hazard Line

III) Gujarat State Coastal Zone Management Authority
1) Administrative Boundaries, 2) Infrastructure facilities such as Fish Landing Centre, Fishing Harbour,
3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

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Prepared by

NCSCM

National Centre for Sustainable Coastal Management

(Ministry of Environment, Forest & Climate Change)

Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

COASTAL ZONE MANAGEMENT PLAN

GUJARAT

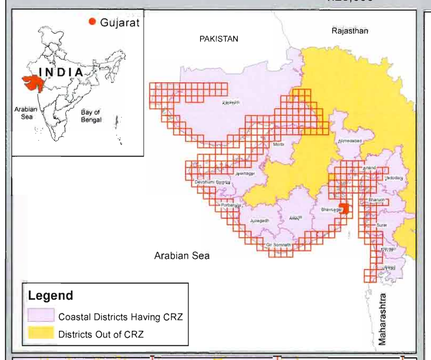
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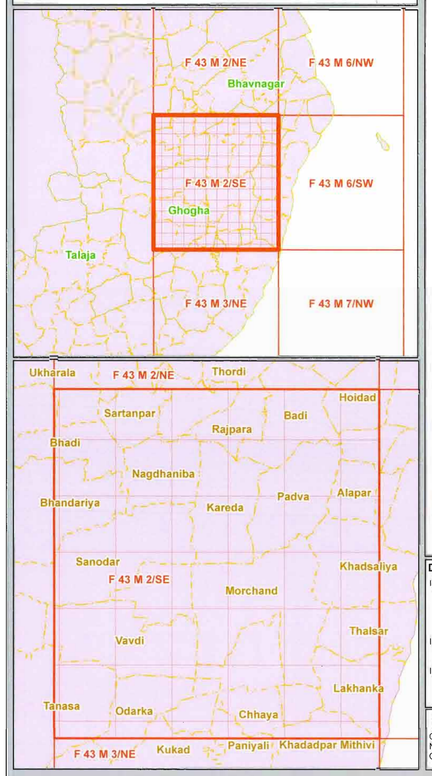
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Meters

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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
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- Taluk Boundary
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CRZ CATEGORY

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- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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Government of Gujarat

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 43 M 6/SW

Projection :- UTM Datum :- WGS 1984 Map No. : GJ 74

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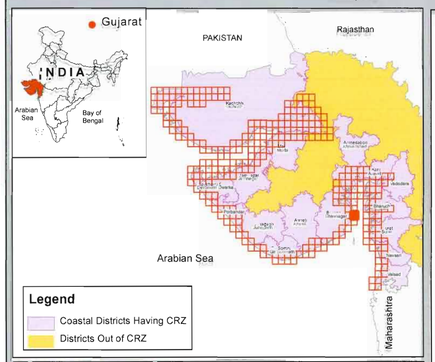
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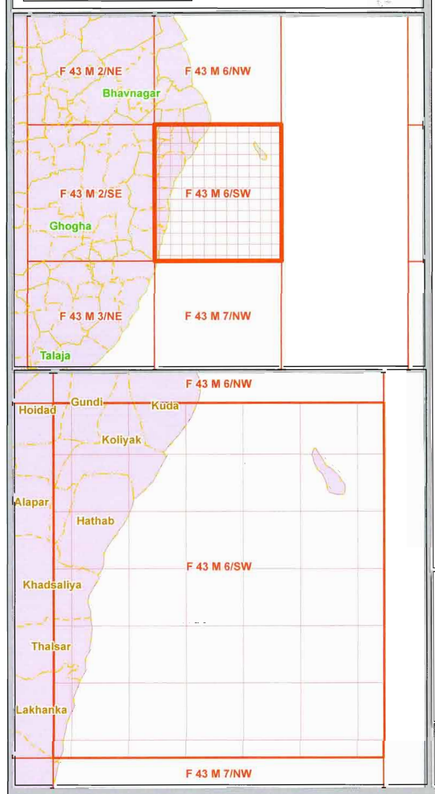
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Hoidad Gundi Kuda Ghogha Koliyak Malekvadar Bhavnagar Bhadbhediya Hathab Khadsaliya Thalsar Lakhanka

Piram Island Piram

GULF OF KHAMBHAT





Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
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- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

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CRZ - IV

- CRZ - IVA
- CRZ - IVB

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 43 M 2/NE

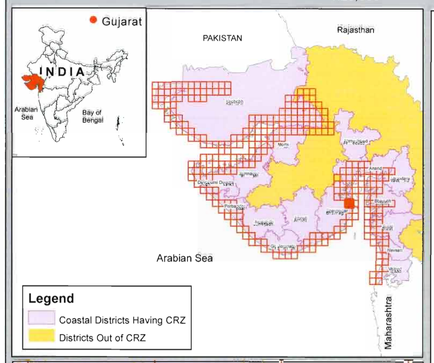
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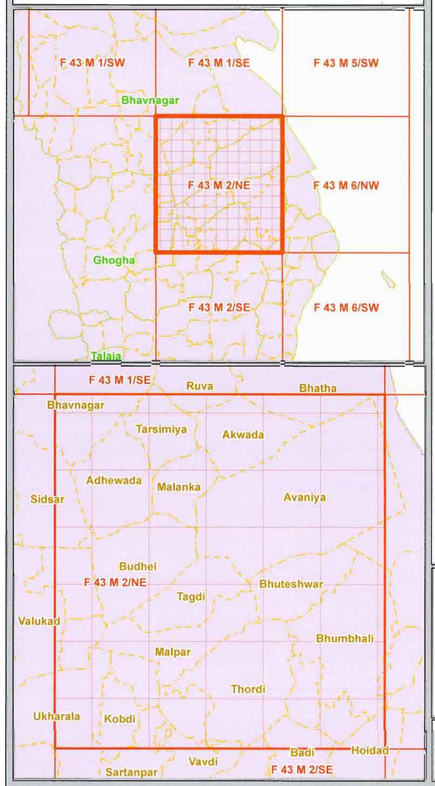
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Meters

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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

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- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

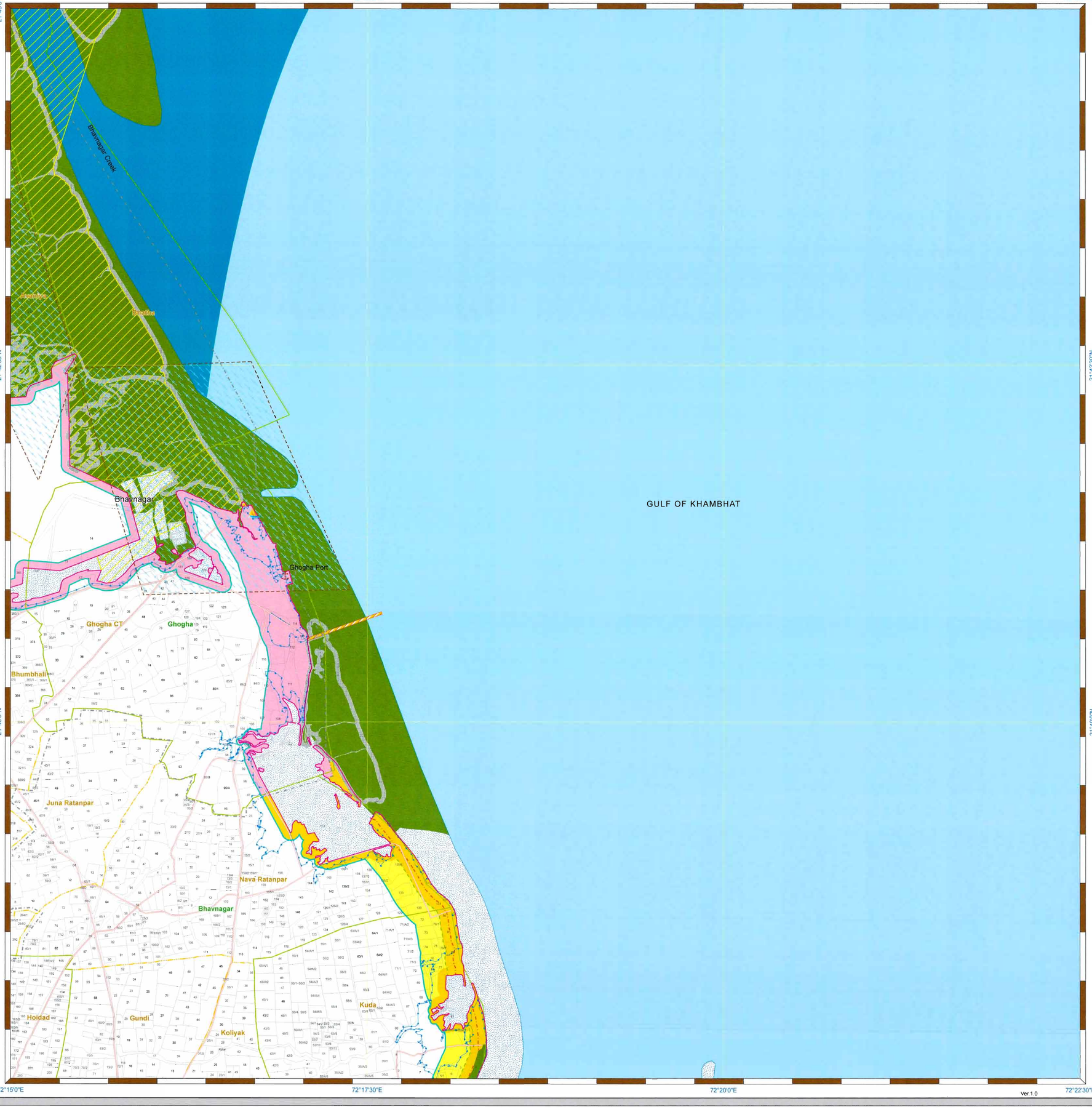
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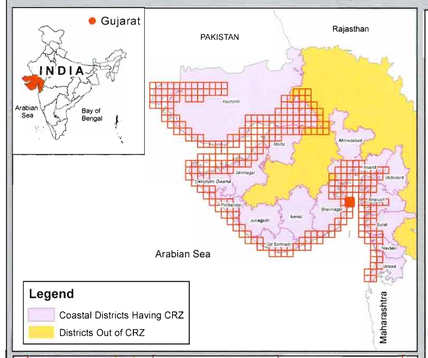
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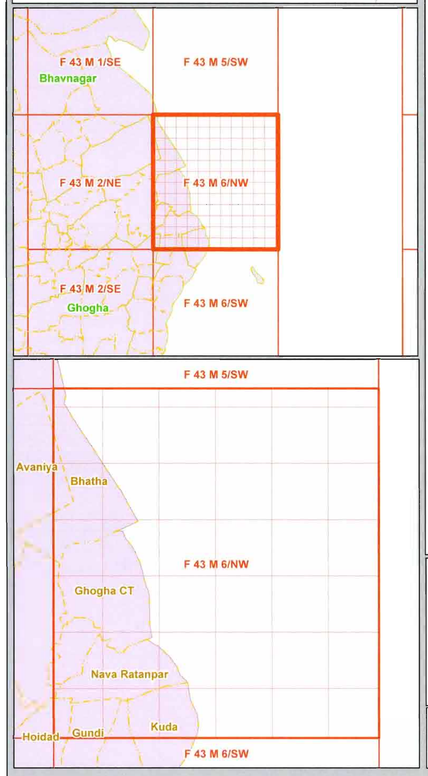
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Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
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- Breakwater or Jetty
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CRZ Lines & Boundary

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- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

Sheet No: F 42 R 13/SE

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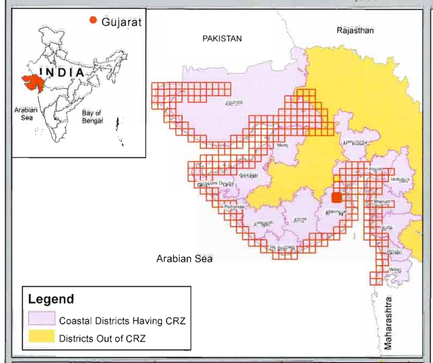
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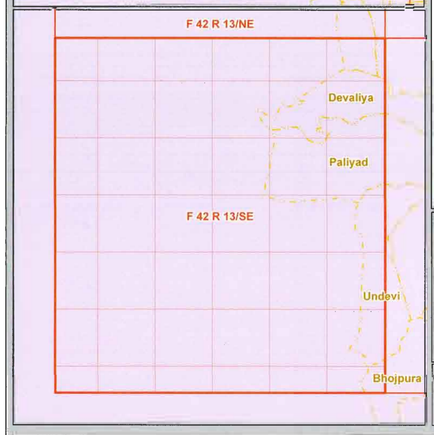
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21°52'30"N 21°50'0"N 21°47'30"N

Savaikot
Devaliya
Paliyad
Bhavnagar
Undevi
Bhojpura







Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
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- 22 Survey Plots
- Port Limit
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- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

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CRZ - I

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CRZ - II

- CRZ - II

CRZ - III

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CRZ - IV

- CRZ - IVA
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DATA SOURCE

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COASTAL ZONE MANAGEMENT PLAN

GUJARAT

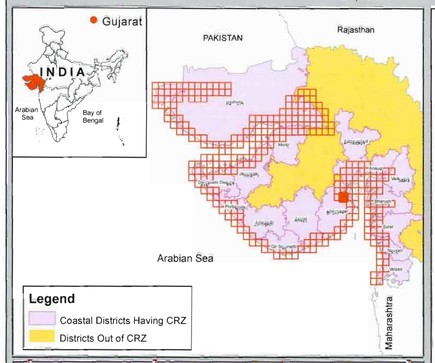
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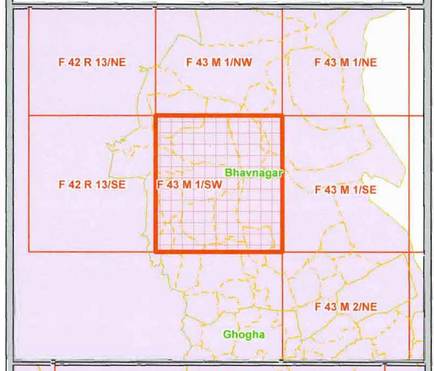
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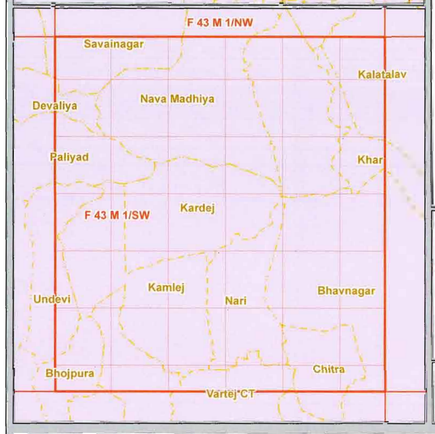
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Meters

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Legend

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- Port
- Fishing Harbours
- Fish Landing Centre
- Road
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COASTAL ZONE MANAGEMENT PLAN

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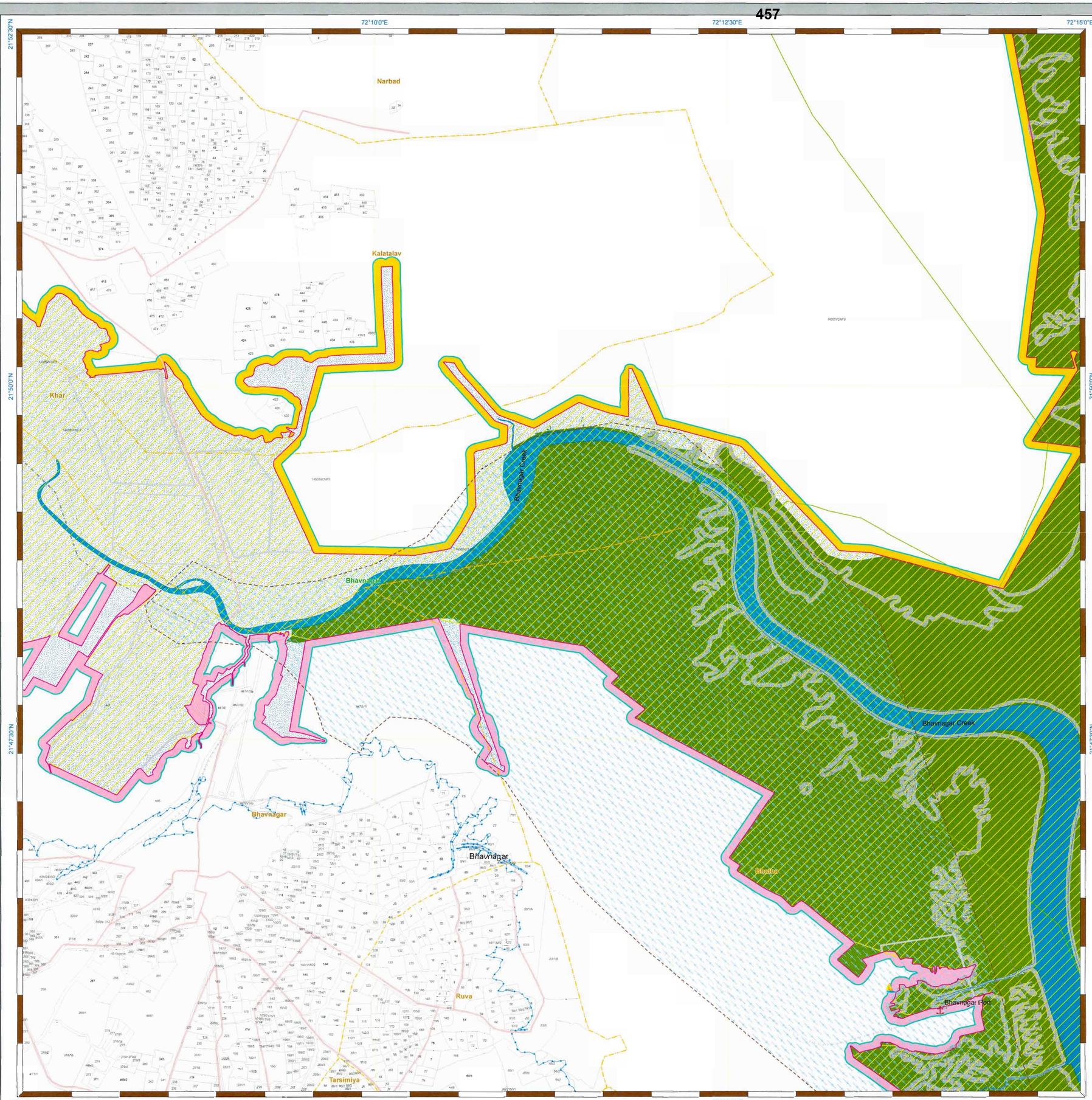
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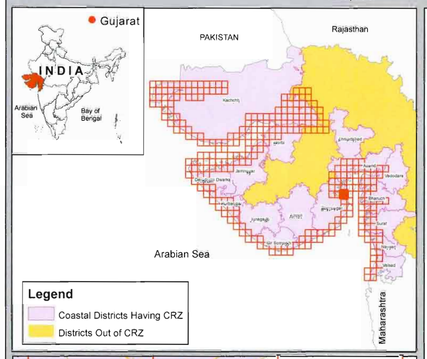
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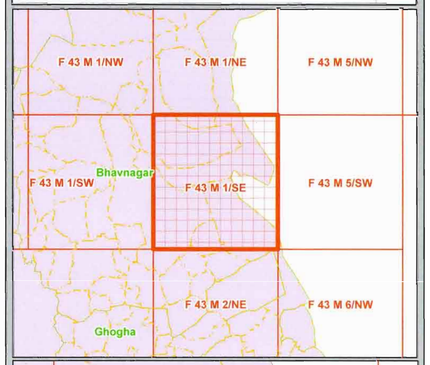
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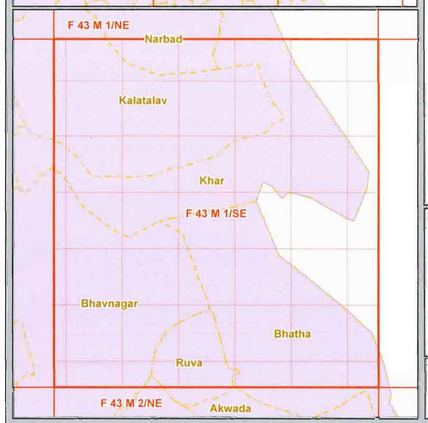
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- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50 m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

I) National Center for Sustainable Coastal Management
1) HTL, LTL, 2) CVCA, 3) CRZ Lines,
4) CRZ - IA
5) Infrastructure facilities such as Lighthouse, Breakwater or Jetty

II) Survey of India
1) Hazard Line

III) Gujarat State Coastal Zone Management Authority
1) Administrative Boundaries, 2) Infrastructure facilities such as Fish Landing Centre, Fishing Harbour,
3) Ecologically Sensitive Zone etc

ABBREVIATIONS

CRZ : Coastal Regulation Zone
NDZ : No Development Zone
CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

Scrutinized by	Certified by	Concurred by	Approved by
Technical Scrutiny Committee National Centre for Sustainable Coastal Management, MoEF & CC	DIRECTOR National Centre for Sustainable Coastal Management, MoEF&CC	Director (Environment) Government of Gujarat Forest & Environment Department Gandhinagar.	National Coastal Zone Management Authority MoEF & CC, Government of India

Prepared by

NCSCM

National Centre for Sustainable Coastal Management

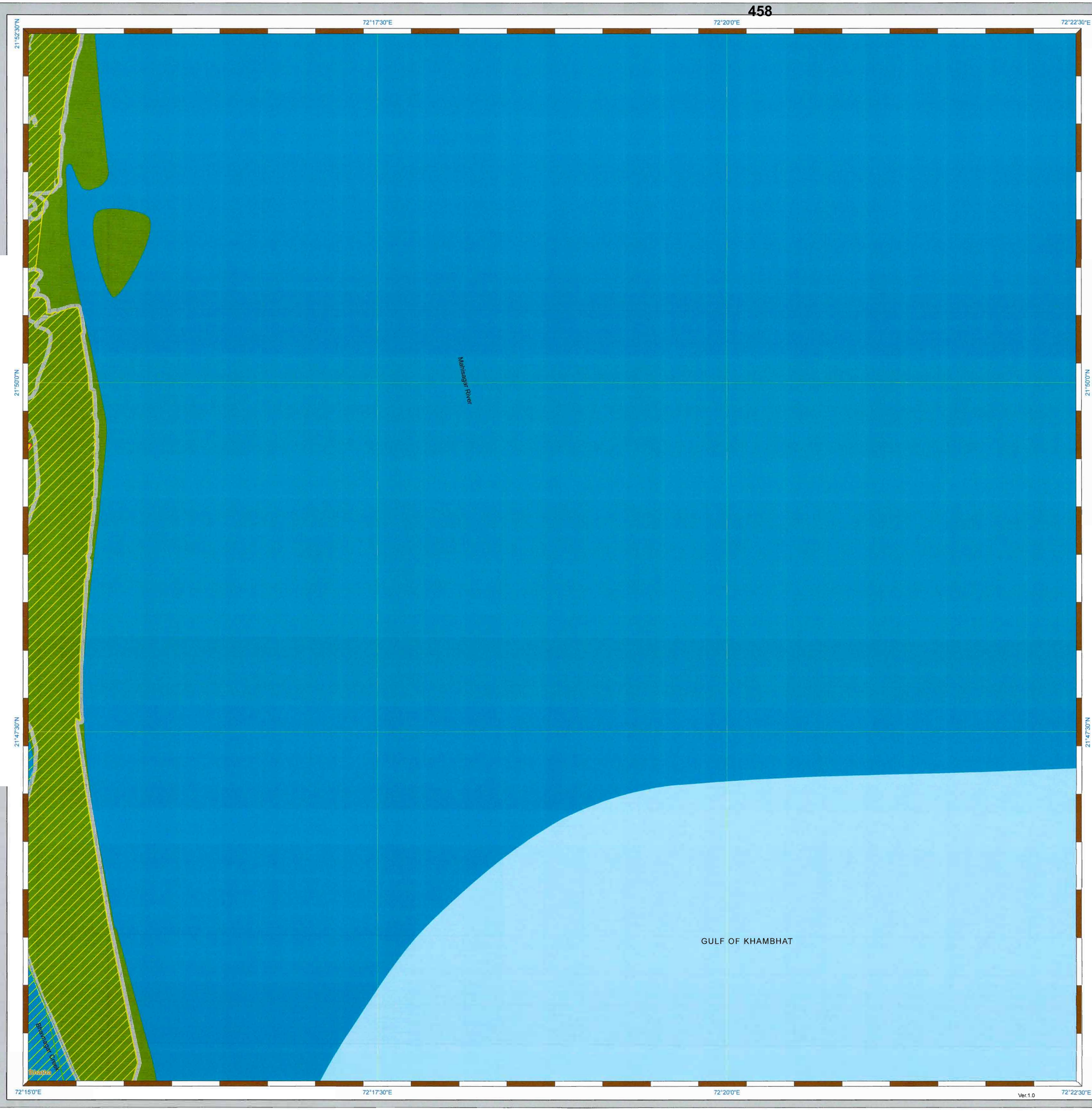
(Ministry of Environment, Forest & Climate Change)

Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat



COASTAL ZONE MANAGEMENT PLAN

GUJARAT

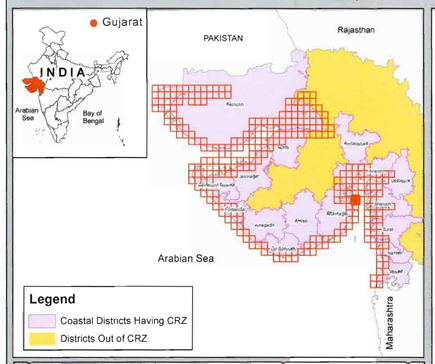
Sheet No: F 43 M 5/SW

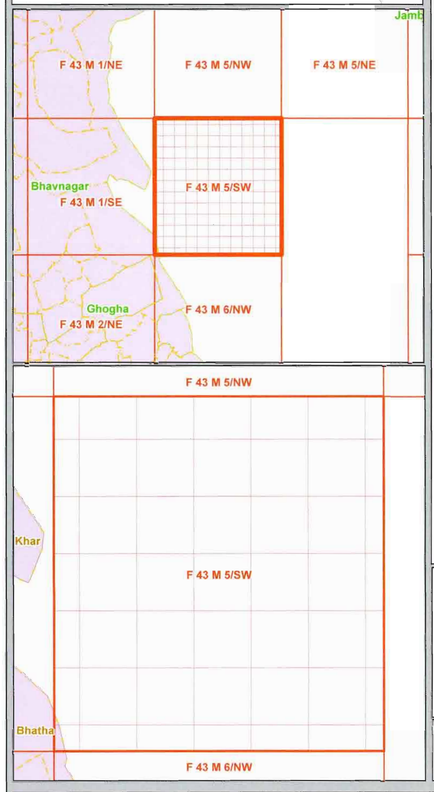
Projection :- UTM Datum :- WGS 1984 Map No. : GJ 94

0 1,000 2,000

Meters

1:25,000





Legend

- Lighthouse
- Port
- Fishing Harbours
- Fish Landing Centre
- Road
- Railway Line
- Bund
- High Tide Line
- Low Tide Line
- Municipal/Other Urban Areas
- Village Boundary
- Taluk Boundary
- State Boundary
- 22 Survey Plots
- Port Limit
- Ecologically Sensitive Zone
- Breakwater or Jetty
- Diversion of Reserved Forest

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary

(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the tidal influenced water bodies)

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Prepared by

NCSCM

National Centre for Sustainable Coastal Management

(Ministry of Environment, Forest & Climate Change)

Chennai - 600 025

Prepared for

FORESTS AND ENVIRONMENT DEPARTMENT

Government of Gujarat

GUIDELINES FOR UPDATION OF COASTAL ZONE MANAGEMENT PLAN (CZMP) PREPARED AS PER CRZ NOTIFICATION, 2011 TO ALIGN IT WITH CRZ NOTIFICATION, 2019

1. BACKGROUND

The Government of India had declared certain coastal stretches of the country as Coastal Regulation Zone (CRZ) vide Notification No. S.O.19 (E), dated the 6th January, 2011 (referred to as the CRZ Notification, 2011). As per para 5 of the aforesaid CRZ Notification, the coastal State Governments and Union territory (UT) administrations were entrusted with the preparation of Coastal Zone Management Plans (CZMPs) for their respective states/ UTs through the agencies authorized by the Ministry of Environment, Forest and Climate Change (MoEFCC). The CZMPs thus prepared have been approved by the Central Government in the Ministry of Environment, Forest and Climate Change and are currently followed for appraisal and subsequent approvals of developmental projects attracting the provisions of CRZ.

The CRZ Notification, 2011, has been superseded by the CRZ Notification issued vide Notification No. G.S.R. 37(E), dated the 18th January, 2019 (herein referred to as the CRZ Notification, 2019). In accordance with para 6 of the CRZ Notification, 2019, the coastal State Governments and Union territory Administrations are entrusted with revision or updation of Coastal Zone Management Plans (CZMPs) of their respective state or UT, as per the provisions contained in the CRZ Notification, 2019. The guidelines given hereunder have therefore been issued for facilitating the state government/UT administrations in updation of the CZMPs.

2. GENERAL GUIDELINES

a) All coastal States and Union territory administrations shall update their respective CZMPs (which was prepared based on the CRZ Notification 2011), as per the provisions contained in the CRZ Notification, 2019, and after its updation and finalization following due procedures shall submit to the MoEFCC for its final approval at the earliest.

b) The CZMP shall be updated or revised by any of the authorised agencies identified by the MoEFCC, using the demarcation of the High Tide Line, LTL, ESA, CVCA as carried out by NCSCM, Chennai and Hazard line as demarcated by the Survey of India.

c) The coastal states and union territories shall prepare draft CZMP on 1:25,000 scale identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in **Annexure-IV** to the CRZ notification issued vide Notification No. G.S.R. 37(E), dated the 18th January, 2019 and these guidelines.

3. STEPS FOR PREPARATION OF CZMP

a) Base data: HTL, LTL, ESAs, Hazard line, CVCA & CZMP

High Tide Line (HTL), Low Tide Line (LTL), Ecologically Sensitive Areas (ESAs), and Critically Vulnerable Coastal Areas (CVCAs) demarcated by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, and the 'Hazard line' as demarcated by the Survey of India (SoI), shall be used by the states/UTs in preparation/updation the CZMPs, as required under the provisions of the CRZ Notification, 2019. The CZMP database (shapefiles etc.) prepared as per the CRZ Notification, 2011 which have been scrutinized by the Technical Scrutiny Committee, finalized by the National Centre for Sustainable Coastal Management (NCSCM) and approved by the MoEFCC, shall be used as the base for revision or updation of the CZMP, as per the provisions contained in the CRZ Notification, 2019.

b) Data to be provided by the States/UTs to the authorized agencies

i) Database of the CZMPs prepared and approved based on CRZ notification 2011, including HTL, LTL, ESAs, CVCA, Hazard line and coastal landuse, along with hard copies/pdf of approved CZMP and landuse maps.

ii) Details of village-wise survey numbers pertaining to government land, in the format (bearing Taluk name, Village name, Survey No./Part Survey No. etc.) for deciding/enabling ease in demarcation of buffers around mangrove areas.

iii) Digitized geo-referenced Census village boundary maps in shapefile format as per 2011 census base and the corresponding 2011 census (population) data of villages in digital/soft copy/xls format for demarcation of CRZ-IIIA and CRZ-IIIB areas.

iv) Stakeholder data such as Municipal maps, Notifications for legally designated urban areas etc., for new CRZ-II areas, fishing Zones in the water bodies and fishing village boundaries, breeding and

spawning grounds of fish and the like, for updating the CZMP, as applicable.

v) Infrastructure facilities such as roads, jetty, port, fish landing centers, etc.

vi) Existing authorised structures on the seaward side and features like cyclone shelters, rain shelters, helipads and other infrastructure including road network for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

c) CRZ buffers

The CRZ limits will be revised or updated as per provisions contained in the CRZ notification, 2019, as follows:

No Development Zone (NDZ)/Buffers of tidally influenced waterbodies (water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds that are connected to the sea)	50 meters or width of the creek, whichever is less.
NDZ for CRZ-IIIA areas (sea front)	50 m
NDZ for CRZ-IIIB areas (sea front)	200 m
NDZ for inland islands in the coastal backwaters and islands along the mainland coast	20 m

d) Processing of Census data

All census maps and the corresponding census data of 2011 of all rural or urban areas demarcated in the CZMPs prepared as per CRZ Notification 2011, will have to be analyzed for computing the corresponding density of population for each village.

All rural or urban areas with population more than 2161 per sq. km will be classified as CRZ-IIIA and the remaining CRZ-III areas will be classified as CRZ-IIIB. After demarcation of CRZ-IIIA and CRZ-IIIB areas, the Census maps shall be taken out of the CZMP and will be kept in the database separately. Only Cadastral maps with Survey No. information shall be superimposed to the CZMP. CRZ-II areas demarcated in the CZMPs prepared as per CRZ Notification 2011, need to be retained as such, without any change. However, new CRZ-II areas, if any, may be added.

e) **CRZ Classifications**

Updating of CRZ classifications such as CRZ-I, CRZ-II, CRZ-IIIA, CRZ-IIIB and CRZ-IV shall be done as per the guidelines given **Annexure-IV** to the CRZ notification, 2019.

The water areas of CRZ-IV shall be clearly demarcated as to whether the water body is sea, lagoon, backwater, creek, bay, and estuary etc. For such classification of the water bodies, the terminology used by Naval Hydrographic Office shall be relied upon.

The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.

In CVCAs, the land use maps shall be superimposed on the CZMP clearly demarcating the CRZ-I, II, III, IV.

The existing authorised developments on the seaward side shall be clearly demarcated.

The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network shall be clearly indicated on the CZMP for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

f) **CRZ areas falling within municipal limits of Greater Mumbai**

In order to protect and preserve the ‘green lung’ of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II areas, shall be categorised as ‘No Development Zone’ and the same shall be accordingly demarcated.

g) **Public consultation of draft CZMP updated or revised based on CRZ Notification, 2019**

(i) The draft CZMP so updated or revised shall be published in the websites of the concerned CZMAs of the states/UTs and also given wide publicity soliciting suggestions and objections.

(ii) The draft CZMP shall be submitted by the State Government or Union territory to the concerned Coastal Zone Management Authority for appraisal, including appropriate consultations, and recommendations thereof. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA, as stipulated in para 6 (i) of **Annexure-IV** of the CRZ Notification, 2019.

(iii) Based on the suggestions and objections received, the draft updated CZMPs shall be finalised and submitted by the state Governments/UT administrations for final approval of MoEFCC.

h) **Technical Scrutiny Committee**

The updated CZMP prepared as per CRZ Notification, 2019 shall be submitted for scrutiny by the Technical Scrutiny Committee constituted by the National Centre for Sustainable Coastal Management (NCSCM), Chennai. The Technical Scrutiny Committee shall make its recommendations to the NCZMA for an appropriate decision.

i) **CZMP Report**

A CZMP report will be prepared and in the format given in **Annex-1**, enclosed to these guidelines.

j) **CZMP maps and Coastal landuse maps**

CZMP maps and Coastal landuse maps will be prepared as per the instructions/check-list issued to all the authorized agencies/States/ UTs by the Technical Scrutiny Committee at NCSCM, Chennai, during the scrutiny of CZMPs prepared as per CRZ Notification 2011. The check-list is enclosed to these guidelines as **Annex-2**.

k) **Approval of CZMP:**

The state Governments or Union territory administrations shall submit the draft updated Coastal Zone Management Plan and the draft CZMP, finalized at the State or UT level along with a request for its final approval to MoEFCC. The same shall be referred by MoEFCC for a technical scrutiny by the Committee constituted for the task by NCSCM, Chennai. On receipt of the recommendation of the Technical Scrutiny, it shall be placed for consideration and decision of the NCZMA.

(iii) The approved CZMP shall be thereafter put up on the website of the concerned State or Union Territory Coastal Zone Management Authority and hard copy shall be made available in the offices of the Panchayat and District Collector. It may also be uploaded in the website of the MoEFCC.

l) **Environment management plan of ESAs**

A detailed environment management plan for ecologically sensitive areas shall be formulated within 6 months of the approval of CZMP prepared based on CRZ Notifications 2019 by the states and Union territories, as per guidelines given in **Annexure-1** of CRZ Notification 2019.

m) **Critically Vulnerable Coastal Areas (CVCAs)**

For all the CVCAs mentioned in sub-paragraph 3.1 of the CRZ Notification 2019, Integrated Management Plans (IMPs) shall be prepared, which shall, inter alia, keep in view the conservation and management of mangroves, needs of local communities, such as dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the guidelines for preparation of Coastal Zone Management Plan.

4. LOCAL LEVEL CZMP

Local level CZM Maps shall be prepared for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans. Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.

HTL, LTL, other CRZ regulatory lines and the Hazard line shall be demarcated in the cadastral maps and classifications shall be transferred into the local level CZMP.

In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing

needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety and disaster preparedness.

5. TIME LINE FOR UPDATION OR REVISION OF CZMP

The State Governments / UT administration shall take up the updation or revision of CZMPs approved as per CRZ Notification, 2011, to align with the CRZ Notification, 2019 at an early date and not later than six months from the date of issue of this guidelines.

6. REVISION OF COASTAL ZONE MANAGEMENT PLANS

(i) Whenever there is a doubt or a likely disparity noticed in the CZMP, the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to MoEFCC for a modification/rectification of the CZMP along with valid reasons for the same. The MoEFCC shall refer the matter to the National Centre for Sustainable Coastal Management (NCSCM) for verification based on latest satellite imagery and ground truthing for possible modification/rectification in the CZMP.

(ii) The rectified map shall be submitted to Ministry of Environment, Forest and Climate Change for consideration of approval.

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Annex-1

Template for CZMP REPORT

Contents

Executive Summary

1. INTRODUCTION

1.1. CZMP Planning Process

1.2. Development of a coastal database and information system

1.3. Generation of CZMP maps

2. THE STATE OF ……..

2.1. Demography and socio economic activities

2.2. Coastal Geomorphology and Ecosystem

2.2. Marine Fishery Resources

2.3. Biodiversity of coastal district wise

2.4. Pollution and waste management issues

3. PURPOSE & SCOPE OF CZMPS

4. COASTAL ZONE MANAGEMENT PLANS

4.1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) (as per manual)

a) Landward (monsoonal) berm crest for beaches

b) Seawall/revetments/embankments

c) Permanent Vegetation Line

d) Coastal sand dune / paleo-aeolian dune

e) Mangroves

f) Rocks, Headlands, Cliffs

g) Influence of Tidal action

4.2 Demarcation of Ecologically Sensitive Areas

5. ECOLOGICALLY SENSITIVE AREAS/COASTAL LANDUSE

5.1. Mangroves

5.2. Coral Reefs

5.3. Reserve Forests

5.4. Sand Dunes

5.5. Salt marsh

5.6. Nesting Ground of Birds

5.7. Archaeologically important and Heritage Sites

5.8. Seagrass
5.9. Mud flats
5.10. Turtle Nesting Grounds
5.11. Inter-Tidal Zone
5.12. Salt pan / Aquaculture ponds

6. METHODOLOGY FOR PREPARATION OF CZMP
6.1. Field mapping and map preparation

7. CRZ CLASSIFICATION
7.1. CRZ-I
7.2. CRZ-II
7.3. CRZ-III
7.4. CRZ-IV
7.5. Regulation limits/lines
7.6. CVCA and IMP

8. HAZARD LINE

9. CRZ CATEGORIES OF STATE/ UT
9.1. CRZ categories (Taluk wise) of State/ UT
9.2. Sheet wise ESAs and CRZ categories

10. CONCLUSION

Annexure-I: Brief note annexed to draft CZMP
Annexure-II: Field photographs
Annexure-III: Village and survey number wise CRZ categories
Annexure-IV: Public consultation issues and their resolution
Annexure-V: Data sources (list of urban area, panchayat, fishing villages ward etc.)

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Annex-2

CHECK-LIST FOR PREPARATION OF CZMP MAPS AND COASTAL LANDUSE MAPS

1. Two sets of maps shall to be provided viz:
   (i) CZMP map depicting different CRZ categories; and
   (ii) Coastal land use maps (i.e. land use map used to define CZMP) categories along with the year in which it was prepared.
2. Maps of Ecologically Sensitive Areas (ESAs) provided by NCSCM are to be integrated with the coastal land use map.
3. The title of the CZMP maps should read as 'Coastal Zone Management Plan (CZMP)'.
4. The coastal land use and CZMP maps shall be prepared according to the "Manual on Demarcation of High Tide Line and Low Tide Line and Preparation of CZMP of the Coast of India".
5. The land use classes up to level II classification such as Habitation/settlement, Agriculture, open areas etc., as given in the 'HTL Manual', will also be depicted in the coastal land use map along with the ESAs.
6. Color codes and symbols standardized by NCSCM, Chennai shall be provided to all authorized agencies for finalizing the CZMPs.
7. Indexing for all the states shall be standardized e.g. South to North, Left to Right etc.
8. Boundary of CRZ category should be continuous for seaside and creek side. It should be single/continuous line to clearly indicate the regulation boundary.
9. If legally designated urban areas other than municipality area are included in CRZ-II category, details in the form of supporting Government notification/act/rules are to be provided in the CZMP report.
10. Classification accuracy and geometric accuracy of the coastal land use maps must be quantitatively ascertained based on standard protocol.
11. Suggestions/recommendations received during the public consultation and action taken should be attached to the report as *annexure*. These suggestions/objections are to be classified into various categories such

as those pertaining to HTL/ESA/CRZ classification/general complaints etc.

12. Only the boundary of the CVCA resource areas demarcated by NCSCM need to be provided in the CZMP.
13. The Integrated Management Plan (IMP) will be prepared separately by NCSCM in consonance with the state government and local community concerned in conserving the resource areas. IMPs may be prepared within a time frame of 6 months from the date of approval of CZMP. The IMP shall be submitted for approval of MoEFCC for implementation.
14. The role of community in resource management in the CVCA shall be within the governing laws of the State/Central Government.
15. All layers used in the preparation of draft CZMP maps shall be given to NCSCM as soft copy (shape file format) for overlaying Hazard Line and boundaries of CVCA (if applicable).
16. Sand dunes falling outside CRZ boundary should be shown in the land use map.
17. CVCA falling outside CRZ boundary should be shown in the land use map.
18. Edges of CZMP and land use maps of all states/UTs should be adjusted with those of the neighboring states/UTs.
19. Ecological Sensitive Zones (ESZ) around the Marine National parks notified by the Government should be incorporated in the CZMP.

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