

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

APPEAL NO. 20 OF 2024

M/s Saldanha Developers Pvt. Ltd.

.....Appellant

Vs.

Ministry of Environment, Forest & Climate Change and Others ... Respondents

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M/s Saldanha Developers Pvt. Ltd.

.....Appellant

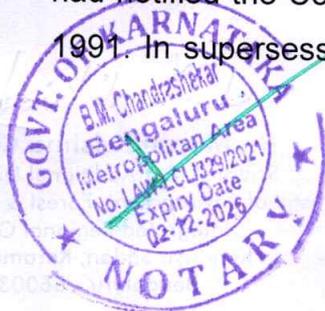
Vs.

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Reply Affidavit on behalf of Union of India, Ministry of Environment, Forest & Climate Change, Government of India (Respondent No.1.) and Deputy Director (CRZ), Ministry of Environment, Forest and Climate Change (Respondent No.2)

I, Dr. Murali Krishna, S/o Late Srinivasulu aged about 42 years, am presently working as Scientist "E" in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC), Regional Office, Bengaluru and state that I am the respondent in the above Appeal. I have gone through the averments made in the Appeal, and am conversant with the facts of the case as deposed below:

1. That, I am duly competent to swear the present affidavit on behalf of the Secretary, MoEF&CC on the basis of the official records maintained therein.
2. It is humbly submitted that I have perused the contents of the present appeal. At the outset, I deny all averments, submissions, statements and allegations made therein except as may be specifically admitted herein after.
3. It is humbly submitted that in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 20th February, 1991. In supersession of the CRZ Notification, 1991, the Coastal Regulation



Dr. Murali Krishna
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

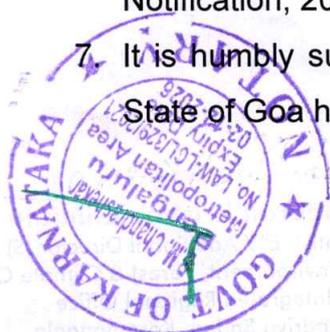
Zone (CRZ) Notification, 2011 was notified on 6th January, 2011, for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities living in the coastal areas to conserve and protect coastal stretches.

A copy of CRZ Notification, 1991 and CRZ Notification, 2011 is annexed herewith and marked as **Annexure-R1/1** and **Annexure- R1/2** respectively.

4. That, it is further submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January 2019.

A copy of CRZ Notification, 2019 is annexed herewith and marked as **Annexure-R1/3**.

5. It is humbly submitted that as per paragraph 6(i) of the CRZ Notification, 2019, *"All coastal States and Union territory administrations shall revise or update their respective Coastal Zone Management Plan (CZMP) framed under 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 and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification 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."*
6. It is humbly submitted that as on date, CZMP as per CRZ Notification, 2019 have been approved for the States of Odisha, Karnataka and Maharashtra. The ICRZP (Island Coastal Regulation Zone Plan) as per ICRZ (Island Coastal Regulation Zone) Notification, 2019 has been approved for Great Nicobar Island and Little Andaman Island. That, for the rest of the Coastal States, CZMP as per CRZ Notification, 2011 and ICRZP as per IPZ Notification, 2011 are presently applicable.
7. It is humbly submitted that the CZMP as per CRZ Notification, 2011 for the State of Goa has been approved vide letter dated 06/09/2022.



Dr. Murali Krishna Chimata
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

A true copy of the letter dated 06/09/2022 is being marked and annexed as **Annexure- R1/4.**

8. It is humbly submitted that as per the CRZ Notifications, 2011/2019, the State Coastal Zone Management Authorities (SCZMAs) are primarily responsible for enforcement and implementation of the provisions of the CRZ Notification and compliance of the conditions stipulated thereunder, the powers either original or delegated, under the Environment (Protection) Act, 1986. The composition, tenure and mandate of State/UT CZMAs, have been notified from time to time by the Ministry. The main function of these Authorities include amongst others, enquiring into the cases of alleged violation of the provisions of the CRZ Notifications and take appropriate decision including power to enforce provisions under Section 5, 10 and 19 of the Environment (Protection) Act, 1986. It is humbly submitted that the CRZ Regulations are to be implemented and monitored (including violations thereof) by the concerned State Coastal Zone Management Authority in accordance with the approved CZMPs of the respective states.

A true copy of the Notifications dated 30/09/2022 empowering the SCZMAs for taking action under Section 5, 10 and 19 of EPA, 1986 is annexed herewith and marked as **Annexure-R1/5.**

9. It is humbly submitted that project of the appellant i.e. "Proposed construction of a hotel project in Survey No. 71/1 of Velsao village, Salcete Taluka" was accorded Environmental Clearance *vide* letter dated 08/05/2006 as per provisions of CRZ Notification, 1991. As per the provisions of CRZ Notification, 1991 and its subsequent amendments *vide* S.O. 1100 (E) dated 19/10/2002, the clearance shall be valid for five years.

A true copy of Environmental Clearance dated 08/05/2006 is annexed herewith and marked as **Annexure-R1/6** and relevant amendment dated 19/10/2002 validity clause in the CRZ Notification, 1991 is annexed herewith and marked as **Annexure- R1/7.**

10. It is humbly submitted that *vide* order dated 13/10/2006, Hon'ble High Court of Bombay at Goa in WP No. 422 of 1998 and W.P. No. 99 of 1999 issued directions that "till and until the survey and Enquiry is



ch. Murali Krishna
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

completed no new license for any type of construction in CRZ-II I zone shall be issued or granted and no new structure of whatsoever nature shall be allowed to be constructed in the CRZ-III Zone." Also, the State Government was directed "to identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof."

A true copy of the order dated 13/10/2006 is annexed herewith and marked as **Annexure-R1/8**.

11. That, the "Policy for utilization of available open plots in CRZ-III zone for the purpose of establishing Hotels/Beach Resorts" was finalized by Government of Goa and was issued on 10/06/2011. A true copy of the "Policy for utilization of available open plots in CRZ- III zone for the purpose of establishing Hotels/Beach Resorts" dated. 10/06/2011 is annexed herewith and marked as **Annexure-R1/9**.

12. That, as per records available with the answering respondent, the appellant had submitted his application to the Town Planning Authority, Goa vide letter dated 04/10/2011, 25/02/2012, 10/07/2012 and 06/11/2012.

A true copy of the letters dated 04/10/2011, 25/02/2012, 10/07/2012 and 06/11/2012 is annexed herewith and marked as **Annexure-R1/10**.

13. That, as per records available with the answering respondent, the Town Planning Department, Goa vide letters dated 05/12/2012 and 14/09/2015 had sought clarification from GCZMA regarding whether the NOC issued by GCZMA vide No. GCZMA/S/90/1614 dated 19/06/2006 can be considered for issue of NOC for development from planning point of view.

A true copy of the letters dated 05/12/2012 and 14/09/2015 is annexed herewith and marked as **Annexure-R1/11**.

14. That, as per records available with the answering respondent, several correspondence were made between the Town Planning Department, Goa and GCZMA.



Dr. Murali Krishna Chimata
 Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Karamangala
 Bengaluru - 560034

A true copy of these correspondences is annexed herewith and marked as **Annexure-R1/12.**

15. That, on 09/05/2017, the appellant received technical clearance from Town Planning Department, Goa for carrying out work of the proposed construction of Hotel Project as per the approved plans. Thereafter, the Village Panchayat of VELSAO- PALE-ISSORCIM, Goa issued construction license on 31/03/2018. A true copy of the Technical Clearance Order dated 09/05/2017 is annexed herewith and marked as **Annexure-R1/13.** A true copy of Construction License dated 31/03/2018 is annexed herewith and marked as **Annexure-R1/14.**

16. It is humbly submitted that Goa CZMA *vide* letter dated 01/06/2018 has issued Show Cause Notice and stop work order under Section 5 of Environment (Protection) Act, 1986 read with Rule 4 of Environment (Protection) Rules, 1986, pursuant to the complaint received and, subsequently site inspection carried out by the Experts of GCZMA.

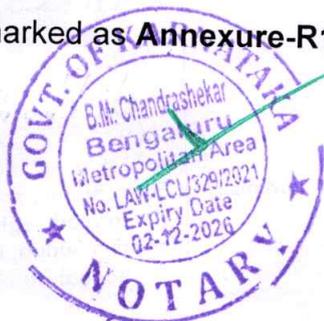
A true copy of the aforesaid Show Cause Notice and Stop Work Order dated 01/06/2018 is annexed herewith and marked as **Annexure-R1/15.**

17. It is humbly submitted that *vide* letter dated 09/07/2018, GCZMA had requested this Ministry to ascertain the validity of the Environmental Clearance issued in 2006.

A true copy of GCZMA letter dated 09/07/2018 is annexed herewith and marked as **Annexure-R1/16.**

18. It is humbly submitted that the Hon'ble High Court of Bombay at Goa in W.P. No. 1028 of 2019 *vide* order dated 20/01/2020 directed this Ministry to dispose of the reference in terms of the aforesaid communication dated 09/07/2018 from GCZMA, on its own merits and in accordance with law, as expeditiously as possible within six weeks from today.

A true copy of the order dated 20/01/2020 is annexed herewith and marked as **Annexure-R1/17.**



Dr. Murali Krishna Chimata
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

19. That, in compliance to the Hon'ble High Court order dated 20/01/2020, Ministry had *vide* letter dated 18/02/2020, informed that said CRZ clearance dated 08/05/2006 has expired and the project proponent has reportedly started construction in 2017 without a subsisting clearance which constitutes violation of the CRZ regulations. Also, the project proponent has not availed the provision of post facto clearance issued *vide* this Ministry's Notification S.O.1002(E), dated 06.03.2018 for regularization of permissible projects in CRZ areas with certain conditions.

A true copy of the letter dated 18/02/2020 is annexed herewith and marked as **Annexure-R1/18.**

20. That, *vide* letter dated 15/05/2020, GCZMA again had requested the Ministry to reconsider the opinion rendered by the Ministry's *vide* letter dated 18/02/2020 on the project. Accordingly, it was decided in the Ministry that as legal position in the matter has been conveyed, there may be no valid reason for reopening the case. A true copy of letter dated 15/05/2020 is annexed herewith and marked as **Annexure-R1/19.**

21. It is humbly submitted that the appellant then approached the Hon'ble High Court of Bombay at Goa in W.P No. 712 of 2021. The Hon'ble High Court *vide* order dated 05/04/2021 had directed to dispose of the representation of the appellant forwarded by the GCZMA *vide* letter dated 15/05/2020 on its own merits and in accordance with law within four months. It was also mentioned to provide personal hearing to the appellant. A true copy of the order dated 05/04/2021 is annexed herewith and marked as **Annexure-R1/20.**

22. That, Personal hearing and meeting on the matter was held on 14/07/2021 and 02/08/2021 through Video Conferencing (VC). The Member Secretary Goa CZMA requested that the authority supports the representation of the M/s Saldanha Developers Pvt. Ltd., and requested the Ministry for taking a holistic approach on account of peculiar circumstances which the project proponent was faced with.



ch. M. Murali Krishna
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

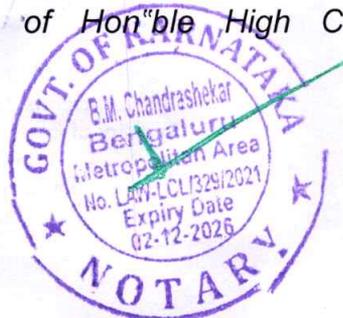
A true copy of the Minutes of meeting dated 02/08/2021 is annexed herewith and marked as **Annexure-R1/21**.

23. It is humbly submitted that in compliance of order dated 05/04/2021 in W.P No. 712 of 2021 by the Hon'ble High Court of Bombay at Goa the matter was examined by Expert Appraisal Committee (EAC) in its 298th meeting held on 26/05/2022. The deliberations by the EAC are as follows:

"The Committee made detailed deliberation on the proposal. The Committee observed that the situation arises due to delay in taking decision by the State Government Authorities and not communicating the correct rule position by the regulatory authorities to the project proponent. The Committee noted that the Goa CZMA has recommended to the Ministry to consider the project as a special case and grant extension of the validity of the clearance. The Hon'ble High Court has also directed to consider the matter in its own merits and in accordance with law. The EAC also noted that the present Hotel Policy of Goa is not causing any impediments to the hotel project approved earlier by the State Government and MoEF.

The Committee also deliberated on the present environmental setting of the area. The Committee observed that no major changes happened to the CRZ area of the project site and no need further additional EIA report etc. The Committee appraised the status of the project and desired that the PP shall submit details regarding construction of project after issue of stop memo. The PP submitted an undertaking stating that no construction has been done after the receipt of the stop work order dated 01/6/2018. The Committee suggested to the PP that modular waste water treatment plan shall be followed and no waste water shall be discharged. The treated waste water may be used for gardening and flushing.

The Committee after detailed deliberations, taking into account the order of Hon'ble High Court, recommendations of the Goa CZMA,



Ch. P. Murali Krishna
Dr. Murali Krishna Chimata
 Scientist "E" / Additional Director (S)
 Ministry of Environment, Forest & Climate Change
 Integrated Regional Office
 Kendriya Sadan, Koramangala
 Bengaluru - 560034

and CRZ clearance granted by the Ministry vide letter dated 8th May, 2006, recommended for granting three years period for completion of the project as per the scope of the work envisaged in the CRZ clearance, as one time relief based on the submission of factual position at site, with all other terms and conditions remain unchanged.”...

A true copy of the Minutes of Meeting dated 26/05/2022 of the Expert Appraisal Committee is annexed herewith and marked as **Annexure-R1/22**.

24. It is humbly submitted that Recommendations of the Expert Appraisal Committee were examined by the Ministry and, it was decided to seek legal opinion of the Ministry of Law and Justice (MoLJ) on Re-validation of the existing clearance dated 08/05/2006 as a special case with respect to extant provisions of CRZ Notification. The MoLJ opined as follows: “... in absence of any provision empowering the Ministry to grant extension/ relaxation or re-validate the Environmental Clearance dated 08/05/2006 which, as per the Ministry, has already been expired, we are of the opinion that re-validated the Environmental Clearance dated 08/05/2006 appears to be not viable.” The same was communicated to the GCZMA vide letter dated 02/01/2024. In view of the above, the proposal of the appellant for the extension of the CRZ clearance dated 08/05/2006 cannot be considered as per the extant provision of the CRZ Notification, 2011. GCZMA was also requested to inform the decision of the Ministry to all concerned

A true copy of the letter dated 02/01/2024 is annexed herewith and marked as **Annexure-R1/23**.

25. That in view of the submissions made herein above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass order as this Hon'ble Tribunal may deem fit in the interest of justice.



Dr. Murali Krishna Chimata

Dr. Murali Krishna Chimata
Scientist "E" / Additional Director (S)
Ministry of Environment, Forest & Climate Change
Integrated Regional Office
Kendriya Sadan, Koramangala
Bengaluru - 560034

26. It is respectfully submitted that the answering respondent without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.

Dr. Murali Krishna

DEPONENT

Dr. Murali Krishna Chimata
Scientist "E" / Additional Director (S)
Ministry of Environment, Forest & Climate Change
Integrated Regional Office
Kendriya Sadan, Koramangala
Bengaluru - 560034

VERIFICATION

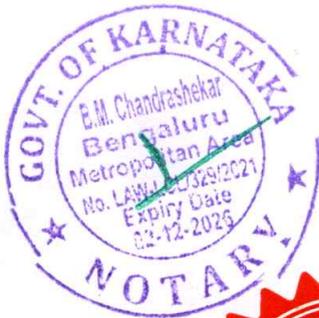
I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Bengaluru on this 21st day of May 2024.

Dr. Murali Krishna

DEPONENT

Dr. Murali Krishna Chimata
Scientist "E" / Additional Director (S)
Ministry of Environment, Forest & Climate Change
Integrated Regional Office
Kendriya Sadan, Koramangala
Bengaluru - 560034



SWORN TO BEFORE ME

Mycn

B.M. CHANDRASHEKAR
Advocate & Notary Public
B.D.A. Complex, Koramangala,
BANGALORE - 560 034

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No. 105] NEW DELHI, WEDNESDAY, FEBRUARY 20, 1991/PHALGUNA 1, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

पर्यावरण और वन मंत्रालय

(पर्यावरण, वन तथा वन्यजीव विभाग)

तटीय क्षेत्रों को तटीय विनियम क्षेत्र घोषित करते हुए तथा तटीय विनियम क्षेत्र में गतिविधियों को विनियमित करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3(2)(5) और धारा 3(1) और पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5(3)(घ) के तहत अधिसूचना।

नई दिल्ली, 19 फरवरी, 1991

का.सं. 114 (अ) :- जबकि तटीय क्षेत्रों की तटीय विनियम क्षेत्र (सी आर जेड) के रूप में घोषणा तथा सी आर जेड में उद्योगों, संचालनों और प्रक्रियाओं पर प्रतिबंध के विरुद्ध आपत्तियां आमंत्रित करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3(1) और धारा 3(2)(5) के तहत एक अधिसूचना का.सं.-944 (ई) दिनांक 15 दिसम्बर, 1990 के अन्तर्गत जारी की गई थी ;

और जबकि केन्द्रीय सरकार ने प्राप्त सभी आपत्तियों पर समुचित विचार किया है ;

अतः अब पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5 के उप नियम (3) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों और उनकी ओर से प्राप्त अन्य मती अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा

समुद्रों, घाटियों, मुहानों, विवेशिकाओं, नदियों, और पश्चजलों के तटीय भागों, जो उच्च रेखा से 500 मीटर तक स्थल की ओर उच्चरीय क्रिया से प्रभावित है तथा निम्न उच्च रेखा और उच्च उच्च रेखा के बीच की भूमि को तटीय विनियमन परिक्षेत्र के रूप में घोषित करती है और इस अधिसूचना की तारीख से उक्त तटीय विनियमन क्षेत्र में उद्योगों, संचालनों अथवा प्रक्रियाओं आदि की स्थापना और विस्तार पर निम्नलिखित प्रतिबंध लगाती है। इस अधिसूचना के प्रयोजनार्थ उच्च उच्च रेखा को उस रेखा के रूप में परिभाषित किया जाएगा, जहां तक सर्वोच्च उच्च उच्च रेखा, स्प्रिंग उच्च तक पहुंचती है।

नोट : नदियों, खाड़ियों और पश्चजलों के मामले में प्रस्तावित विनियमन उच्च उच्च रेखा से जितनी दूरी पर लागू होंगे, वह दूरी तटीय क्षेत्र प्रबंध योजनाएं (नीचे संदर्भित) तैयार करने समय रिकार्ड किए जाने वाले कारणों में हर मामले में संशोधित की जा सकती हैं लेकिन यह दूरी 100 मीटर नदियों के मामले में या खाड़ी अथवा पश्चजलों अथवा नदी की चौड़ाई, जो भी कम हो, से कम नहीं होगी।

2. प्रतिषिद्ध क्रिया-कलाप :- निम्नलिखित क्रियाकलाप तटीय विनियमन परिक्षेत्र के भीतर प्रतिषिद्ध किए जाते हैं, अर्थात् :-

(1) नये उद्योगों की स्थापना तथा मौजूदा उद्योगों का विस्तार, सीधे तटीय नगर भाग से संबंधित या सीधे तटीय सुविधाओं की आवश्यकता वाले उद्योगों को छोड़कर ;

- (2) भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचनाओं सं. का.प्रा. 594 (अ) तारीख 28 जुलाई, 1989, का.प्रा. 966 (अ), तारीख 27 नवम्बर, 1989 और का.नि.प्रा. 1037 (अ), तारीख 5 दिसम्बर, 1989 की अधिसूचनाओं में विनिर्दिष्ट रूप में परिमंकटमय पदार्थों का विनिर्माण या हथालना या संग्रहण या ध्वसन ;
- (3) बांधारकरणों सहित मत्स्य संसाधन इकाइयों की स्थापना और विस्तार (अनुज्ञेय क्षेत्रों में हैदराबाद और प्राकृतिक मत्स्य शुष्कन को छोड़कर);
- (4) अपशिष्टों और बहिस्त्रावों के व्ययन के लिए इकाइयों/कार्यविधियों की स्थापना और विस्तार, चला (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 के तहत स्वीकृति से जल मार्गों में शोधित बहिस्त्रावों के विसर्जन के लिए अपेक्षित सुविधाओं को छोड़कर ; तथा स्ट्रॉम जल नालों के इकाइयों/कार्यविधियों को छोड़कर ;
- (5) उद्योगों, नगरों या शहरों और अन्य मानव व्यवस्थापनों से प्रसाधित अपशिष्ट और बहिस्त्रावों का निस्तारण । मौजूदा प्रथाओं, यदि हों, को समुचित गमयावधि, जो इस अधिसूचना की तारीख से तीन वर्ष से अधिक नहीं होगी, के भीतर धीरे-धीरे समाप्त करने के लिए संबंधित प्राधिकरणों द्वारा स्वीकृत कार्यान्वित की जाएगी;
- (6) भूमि भरने के प्रयोजन के लिए या अन्यथा नगर या शहर के अपशिष्ट को हटाने के लिए, मौजूदा प्रथा, यदि कोई हो, को इस अधिसूचना की तारीख से एक समुचित अवधि, जो तीन वर्ष से अधिक नहीं होगी, के भीतर धीरे-धीरे समाप्त कर दिया जाएगा;
- (7) तापीय विद्युत केन्द्रों से राख अथवा किलो अपशिष्ट का उच्च करना;
- (8) भूमि प्रदूषण समुद्र जल के प्राकृतिक क्रम को समरूप बाधाओं के साथ मेश लगाना या उसमें बाधा डालना, सिवाय उनके जो तटीय कटाव के नियंत्रण और जल मार्गों के अनुरक्षण तथा सफाई, नौकाओं और पत्तनों तथा बायो-भित्तियों के लिए अपेक्षित हैं तथा सिवाय ज्वारीय नियंत्रकों, स्ट्रॉम जल नालों और सवणता के प्रवेश की रोकथाम और सवु जल पुनः प्रारम्भ के लिए संरचना ;
- (9) बायो-वाट्टरानों और अवस्तर सामग्री का खनन; उन दुर्लभ खनिजों को छोड़कर जो सी.आर. जैड क्षेत्रों के बाहर उपलब्ध नहीं हैं;
- (10) उच्च उबार रेखा से 200 मीटर के भीतर, 200+5000 मीटर टन में मत्स्य संग्रहण या भू-जल का निकालना तथा ऐसे प्रयोजनों के लिए उसका संनिर्माण या यांत्रिकी की अनुमति केवल तब ही जाएगी, जब पेयजल बागवानी, कृषि और मत्स्य पालन के लिए सामान्य कुओं के जरिए हाथ से किया गया हो;
- (11) इस अधिसूचना के अनुबन्ध-1 में विनिर्दिष्ट रूप में पारिस्थितिकीय से संबद्धनशील क्षेत्रों में संनिर्माण क्रियाकलाप;
- (12) निम्न उबार रेखा और उच्च उबार रेखा के बीच कोई संनिर्माण क्रियाकलाप, सिवाय शोधित बहिस्त्रावों, अपशिष्टों और मलजल को समुद्र में ले जाने वाली सुविधाओं, शीतल प्रयोजन के लिए समुद्र जल, तेल, गैस और इसी प्रकार की अन्य पाइप लाइनों को ले जाने की सुविधा और इस अधिसूचना के तहत अनुज्ञेय क्रियाकलापों के लिए अनिवार्य सुविधा; और
- (13) वानू टिब्बा, पहाड़ों प्राकृतिक विशेषताओं की सजावट अथवा उनमें परिवर्तन करना, जिसके अंतर्गत सुन्दर बनाने, मनोरंजन संबंधी और अन्य प्रयोजनों के लिए भू-वृष्य परिवर्तन भी है, इस अधिसूचना के तहत अनुज्ञेय चीजों को छोड़कर ।

3. अनुज्ञेय क्रियाकलापों का विनियमन : अन्य सभी क्रियाकलाप, उनके सिवाय जो ऊपर पैरा-2 में प्रतिषिद्ध हैं, निम्नानुसार विनियमित किए जाएंगे :-

- (1) तटीय विनियमन क्षेत्र के भीतर किसी क्रियाकलाप के लिए, तभी स्वीकृति दी जाएगी, जब तटीय नगर भाग अथवा तटाय सुविधाएं अपेक्षित हों ।
- (2) निम्नलिखित क्रियाकलापों के लिए पर्यावरण और वन मंत्रालय भारत सरकार की पर्यावरणीय स्वीकृति अपेक्षित होगी, नामतः-
- (1) प्रतिरक्षा अपेक्षाओं संबंधी ऐसे निर्माण क्रियाकलाप, जिनके लिए तटाय सुविधाएं अनिवार्य हैं (उदाहरणार्थ जलायतण, जमी आदि); सिवाय प्रतिरक्षा परि-योजनाओं के वर्गीकृत संचालन उपकरण, जिनके लिए पृथक प्रणाली का अनुसरण किया जाएगा । (आवासीय भवन, कार्यालय भवन, अस्पताल परिसर, कार्यशालाएं, संचालनात्मक अपेक्षाओं की परिभाषा में नहीं आएंगी, अति विशेष मामलों को छोड़कर, और इसलिए सी.आर. जैड. में आमनीर पर इनकी अनुमति नहीं दी जाएगी);
- (2) बन्दरगाह और पत्तन तथा लाइट हाउस, जिनके लिए तटीय नगर भाग आवश्यक हैं, के संरचनात्मक निर्माण; जैटिया, बार्फ, जहाजी घाट, स्विनपे आदि; आवासीय भवन और कार्यालय भवन, अति विविधता मामलों को छोड़कर संचालनात्मक क्रियाकलाप की परियोजना में नहीं आयेंगी और इसलिए इनकी सामान्यता सी.आर. जैड. में अनुमति नहीं दी जाती है ;
- (3) ताप विद्युत संयंत्र (केवल कच्चे माल के परिवहन के लिए तटाय सुविधाएं, वाटर कूलिंग के इन-टेक की सुविधाये तथा शोधित अपशिष्ट जल/कूलिंग वाटर के डिपॉजिट के लिए, मुहाना; तथा
- (4) 5 करोड़ रुपये से अधिक की लागत वाली सभी अन्य गति-विधियां ।
- (3) (1) तटीय राज्य तथा केन्द्र शासित प्रदेशों के प्रणामन इस अधिसूचना की तिथि से एक वर्ष के भीतर अपने क्षेत्रों में तटीय क्षेत्र प्रबंध योजनायें तैयार करेंगे और अधिसूचना के अनुबन्ध-1 और 2 में उल्लिखित दिशा-निर्देशों के अनुसार सी.आर. जैड क्षेत्रों का प्रा-भित्तिरण और वर्गीकरण करेंगे तथा केन्द्र सरकार के पर्यावरण और वन मंत्रालय से अनुमोदन प्राप्त करेंगे (संसाधनों सहित अथवा इनके बिना);
- (2) ऐसी अनुमोदित योजनाओं की रूपरेखा के भीतर ऊपर पैरा-2 और पैरा 3(2) में शामिल गतिविधियों के अंतर्गत सी.आर. जैड. के भीतर सभी विकास कार्य और गति-विधियां अधिसूचना के अनुबन्ध-1 और 2 में दिए गए मार्ग-निर्देशों के अनुसार राज्य सरकार, केन्द्र शासित प्रदेश अथवा स्वाधीन प्राधिकरण यथास्थिति द्वारा विनियमन की जाएगी, तथा
- (3) उक्त पैरा 3(3)(1) में उल्लिखित तटीय क्षेत्र प्रबंध योजनायें तैयार और स्वीकृत होने तक अन्तिम अवधि में, सी.आर. जैड. के भीतर सभी विकास कार्य और गति-विधियां द्वारा इस अधिसूचना के उपबंधों का उल्लंघन नहीं किया जाएगा । राज्य सरकारें और केन्द्र शासित प्रदेश प्रशासन इन विनियमों के पालन को सुनिश्चित करेंगे और यदि किसी प्रकार का उल्लंघन होता है तो

उसके लिए पर्यावरण (सुरक्षा) अधिनियम, 1986 के उपबंधों के तहत कार्रवाई की जायेगी।

- (4) मानीटर करने और प्रदर्शन के लिए प्रक्रिया पर्यावरण और वन मंत्रालय तथा राज्य संघ शासित सरकारों और राज्य संघ क्षेत्र स्तरों पर ऐसे अन्य प्राधिकरण, जो इस प्रयोजन के लिए पदनामित किए गए हैं, वे अपनी सीमाओं के भीतर इस अधिसूचना के उपबंधों को मानीटर करने और उनके प्रवर्तन के लिए उत्तरदायी होंगे।

[सं. के-15019/1/84-अ.प.ए.-3 (घाल्युम-2)]

र. राजामणि, सचिव

अनुबंध-I

राष्ट्रीय क्षेत्र वर्गीकरण और विकास नियमन

तटवर्ती नियमन क्षेत्र का वर्गीकरण

- 6(1) विकास गतिविधियों के विनियमन के लिए भूमि की और उच्च ज्वार रेखा के 500 मीटर के भीतर के तटवर्ती भागों को चार श्रेणियों में वर्गीकृत किया गया है, अर्थात्:—

श्रेणी-1 (सी आर जेड)

- (i) राष्ट्रीय उद्यानों, मीरान पाकों, अभयारण्यों, आरक्षित वनों, अन्य-जीव वास्तव्यों, कच्छ वनस्पति, मूंगा (प्रवालभित्तियों) मछली और अन्य समुद्री जीवों के प्रजनन क्षेत्र और झंड़े देने वाली भूमि प्राकृतिक सुन्दर ऐतिहासिक विरासत वाले अनुवांशिक विभिन्नता से सम्पन्न क्षेत्र, पृथ्वी का तापमान बढ़ जाने के फलस्वरूप समुद्र के स्तर में वृद्धि के कारण डूब जाने वाले पारिस्थितिक रूप से संवेदनशील और महत्वपूर्ण क्षेत्र तथा केन्द्र सरकार या राज्य/केन्द्र शासित प्रदेश स्तर पर संबंधित प्राधिकारियों द्वारा समय-समय पर अधिसूचित इस प्रकार के अन्य क्षेत्र।

- (ii) निम्न ज्वारीय रेखा और उच्च ज्वारीय रेखा के बीच वाला क्षेत्र श्रेणी-2 (सी आर जेड-2)

समुद्री किनारों पर उनके नजदीक तक पहले से ही विकसित क्षेत्र इस प्रयोजन के लिए "विकसित क्षेत्र का आणव्य नगरीय सीमाओं के अन्दर अथवा कानूनी तौर पर विनिश्चित अन्य शहरी क्षेत्रों में उस क्षेत्र से है, जहाँ पहले ही काफी निर्माण हो चुका है और जहाँ जलनिकासी और पहुँच-मार्ग तथा जन आपूर्ति और मुख्य मलजल निकाल जैसी अन्य आधारभूत सुविधाएँ मुहैया कराई गई है।

श्रेणी-3 (सी आर जेड-3)

वे क्षेत्र जो अपेक्षाकृत शांत क्षेत्र हैं और श्रेणी 1 और 2 के अन्तर्गत नहीं आते हैं। इनमें ग्रामीण क्षेत्रों में तटीय क्षेत्र (विकसित और अधिविकसित) और नगरीय सीमाओं के भीतर या कानूनी तौर पर अधिनिर्धारित अन्य शहरी क्षेत्रों के क्षेत्र आएँगे, जहाँ पर्याप्त विकास नहीं हुआ है।

श्रेणी-4 (सी आर जेड-4)

सी आर जेड-1, सी आर जेड-2 और सी आर जेड-3 में विनिश्चित क्षेत्रों को छोड़कर अण्डमान और निकोबार, लक्षद्वीप तथा छोटे द्वीप तटीय भाग।

गतिविधियों के नियमन के लिए मानदण्ड

- 6(2) तटीय भागों की विभिन्न श्रेणियों में विकास या निर्माण गतिविधियों को निम्नलिखित मानदण्डों के अनुसार राज्य/केन्द्र-शासित क्षेत्र स्तर पर संबंधित प्राधिकारियों द्वारा नियंत्रित किया जाएगा।

सी आर जेड-1

उच्च ज्वार रेखा के 500 मीटर के भीतर अन्य किसी नए निर्माण की अनुमति नहीं है। 2(XII) के तहत सूचीबद्ध गतिविधियों को छोड़कर निम्न ज्वारीय रेखा और उच्च ज्वारीय रेखा के बीच किसी भी गतिविधि के निर्माण की अनुमति नहीं दी जाएगी।

सी आर जेड-2

- (1) न तो वर्तमान सड़क (या क्षेत्र के स्वीकृत तटीय क्षेत्र प्रबंध योजना/मास्टर प्लान में प्रस्तावित सड़कों) से समुद्र की ओर और न ही वर्तमान प्राधिकृत निर्माणों से समुद्र की ओर भवन बनाने की अनुमति दी जाएगी। जहाँ वर्तमान और प्रस्तावित मार्गों/वर्तमान प्राधिकृत निर्माणों से भूमि की ओर भवन निर्माण की अनुमति दी गई हो वहाँ एक एस आई/एफ ए आर के लिए विद्यमान मापदण्डों सहित स्थानीय टाउन और कंट्री प्लानिंग विनियमों का पालन किया जाए।

- (2) विद्यमान एफ एस आई/एफ ए आर मापदण्डों का अनुपालन करने और विद्यमान प्रयोग में परिवर्तन किए बिना प्राधिकृत भवनों के पुनः निर्माण की अनुमति दी जाएगी।

- (3) भवनों का अभिकल्प और निर्माण स्थानीय वास्तुकला और प्राकृतिक दृश्यों के अनुरूप होना चाहिए।

सी आर जेड-3

- (1) उच्च ज्वार रेखा से 200 मीटर तक के क्षेत्र को "विकास क्षेत्र नहीं" माना जाना है और इस क्षेत्र के अन्दर किसी भी तरह के निर्माण की अनुमति नहीं दी जाएगी। लेकिन एक एस आई वर्तमान प्लानिंग एरिया और वर्तमान घनत्व के अन्दर आने वाले वर्तमान प्राधिकृत भवनों की मरम्मत की अनुमति होगी। फिर भी इस क्षेत्र में निम्नलिखित कार्य किए जा सकेंगे:—

कृषि, वागधानी, शरीर, उद्यान, खल के मदान, चरागाहों, बानिकी और समुद्र जल से नमक बनाना।

- (2) अनुबंध-2 में उल्लिखित विना-निर्देशों में निर्धारित क्षणों के अधीन पर्यटकों/आगन्तुकों के लिए अस्थायी आवास के लिए आवास होटल/समुद्र किनारों पर सैरगाह के निर्माण के लिए उच्च ज्वार रेखा के 200 और 500 मीटर के बीच सी आर जेड-III से अधिनिर्धारित क्षेत्रों में पर्यावरण और वन मंत्रालय की पूर्वानुमति से खाली प्लॉटों के विकास की अनुमति है।

- (3) उच्च ज्वार रेखा से 200 मीटर और 500 मीटर के बीच आवास इकाइयों के निर्माण/पुनर्निर्माण की अनुमति है बशर्ते कि यह वर्तमान मत्स्य ग्रामों और गीथान्स जैसे परम्परागत अधिकारों और प्रयोगों की परिधि में आता हो। इस प्रकार के निर्माण/पुनर्निर्माण की अनुमति इस शर्त पर दी जाएगी कि इस तरह के निर्माण की कुल संख्या वर्तमान इकाइयों की संख्या से दुगुने से अधिक नहीं होगी; सभी तलों का आच्छादित क्षेत्र प्लॉट के आकार के 33 प्रतिशत से अधिक नहीं होगा; निर्माण की कुल ऊंचाई 9 मीटर से अधिक नहीं होगी तथा निर्माण दो मजिल से अधिक नहीं होगा (भूतल और एक और मजिल)।

सी आर जेड-4

अण्डमान और निकोबार द्वीपसमूह

- (1) उच्च ज्वार रेखा के 200 मीटर के भीतर भवन निर्माण की अनुमति नहीं दी जाएगी।

- (2) उच्च ज्वार सीमा से 200 तथा 500 मीटर के बीच स्थित भवन (दो तल) निचला तल और प्रथम तल) से अधिक ऊंचाई के नहीं होने चाहिए, कुल आच्छादित क्षेत्र भूमि के टुकड़े का 50 प्रतिशत से अधिक नहीं होना चाहिए तथा निर्माण की कुल ऊंचाई 9 मीटर से अधिक नहीं होनी चाहिए।
- (3) भवनों का निर्माण और डिजाइन स्थानीय वास्तुकला तथा इस स्थान के परिदृश्य से मेल खाना चाहिए।
- (4) तटों और तटीय खल की मूंगा चट्टानों तथा बालू को निर्माण या अन्य कार्यों के उपयोग में नहीं लाना चाहिए।
- (5) मूंगा चट्टानों में तथा उनके आस-पास तल-जलमार्जन तथा जल के भीतर बिस्फोट करने की अनुमति नहीं दी जाना चाहिए; तथा
- (6) तथापि कुछ द्वीपसमूहों में पर्यावरण और वन मंत्रालय की पूर्वा-मति से तटीय भागों को भी सी. आर. जेड-1 अथवा 2 अथवा 3 श्रेणियों में वर्गीकरण किया जा सकता है और इस प्रकार के नामित भागों में संबंधित श्रेणियों के लिए उपयुक्त विनियम लागू होंगे।

समूहों और छोटे द्वीपसमूह :

- (1) वन निर्माण की अनुमति देने के लिए द्वीपसमूहों के आकार के अनुसार उच्च ज्वार सीमा की रूनी निश्चित करनी चाहिए इस का निर्धारण विशेषज्ञों के परामर्श व पर्यावरण और वन मंत्रालय की अनुमति से जल-विज्ञानीय पहलुओं, भूमि कटावों तथा पारिस्थितिकीय संवेदनशीलता सहित स्थानीय पारिस्थितियों की तुलना में विशिष्ट परियोजनाओं के लिए उपयोग की आवश्यकताओं को ध्यान में रखते हुए प्रत्येक द्वीप के लिए किया जाना चाहिए ;
- (2) उच्च ज्वार रेखा के 500 मीटर के भीतर के भवन 2 तल (निचला तल तथा प्रथम तल) से अधिक ऊंचाई के नहीं होने चाहिए। कुल आच्छादित क्षेत्र भूमि के टुकड़े का 50 प्रतिशत से अधिक नहीं होना चाहिए तथा निर्माण की कुल ऊंचाई 9 मीटर से अधिक नहीं होनी चाहिए।
- (3) भवनों का डिजाइन और निर्माण आसपास के भू-दृश्य तथा स्थानीय वास्तुकला के अनुरूप होना चाहिए।
- (4) तटों और तटीय जल की मूंगा चट्टानों तथा बालू को निर्माण कार्यों के उपयोग में नहीं लाना चाहिए।
- (5) मूंगा चट्टानों में तथा उनके आसपास तल-जलमार्जन तथा जल के भीतर बिस्फोट करने की अनुमति नहीं दी जानी चाहिए।
- (6) तथापि, कुछ द्वीपसमूहों में पर्यावरण और वन मंत्रालय की पूर्वा-मति से तटीय भागों को भी सी. आर. जेड-1 अथवा 2 अथवा 3 श्रेणियों में वर्गीकृत किया जा सकता है। इस प्रकार के नामित भागों में संबंधित श्रेणियों के लिए उपयुक्त विनियम लागू होंगे।

अनुबंध-II

पर्यटकों/दर्शकों के अस्थाई कब्जे के लिए सी. आर. जेड-3 के निर्दिष्ट क्षेत्रों में पर्यावरण और वन मंत्रालय की पूर्वा-मति से समुद्र तट सैरगाहों/होटलों के विकास के लिए दिशा-निर्देश

7(1) पर्यटकों/दर्शकों के अस्थाई कब्जे के लिए सी. आर. जेड-3 के निर्दिष्ट क्षेत्रों में पर्यावरण और वन मंत्रालय की पूर्वा-मति से समुद्र तट सैरगाहों/होटलों का निर्माण निम्नलिखित शर्तों के अधीन होगा :—

- (1) परियोजना प्रस्तावित उच्च ज्वार रेखा से 200 मीटर तक (भूमि की ओर) तथा निम्न ज्वार और उच्च ज्वार सीमा के बीच के क्षेत्र में कोई निर्माण कार्य (अस्थायी निर्माण और कटीली तार अथवा इस प्रकार के अन्य अवरोधकों सहित) नहीं करेगे।
- (2) प्लॉट का आकार 0.4 हेक्टेयर से कम नहीं होना चाहिए आच्छादित क्षेत्र प्लॉट के आकार के 33% अर्थात् एक एस आई 0.33 से अधिक नहीं होना चाहिए। खुले क्षेत्र में उप-युक्त हरियाली से सही तरीके से भू-दृश्य निर्माण किया जाना चाहिए।
- (3) निर्माण आसपास के भू-दृश्य तथा स्थानीय वास्तुकला के अनुरूप होना चाहिए।
- (4) भवन की कुल ऊंचाई 9 मीटर से अधिक नहीं होनी चाहिए और भवन दो मंजिलों (भूमि तल और प्रथम तल) से अधिक ऊंचा नहीं होना चाहिए।
- (5) भूमि जल उच्च ज्वार रेखा से 200 मीटर के अंदर से नहीं लिया जाएगा, 200-500 मीटर क्षेत्र के भीतर यह केवल केन्द्रीय/राज्य भूमि जल बोर्ड की सहमति से निकाला जा सकता है।
- (6) उच्च ज्वार रेखा के 500 मीटर के भीतर भवन, तरणतान तथा बेसमेंट के बुनियादी ढांचे के अलावा रेत निकालने, रेतिले भागों को समतल बनाने या खुदाई करने की अनुमति नहीं दी जानी चाहिए।
- (7) परियोजना क्षेत्र से शोधित बहिष्कारों, टॉम अपशिष्टों, उत्सर्जनों की स्वानिती और शोर स्तर आदि सभ्य प्राधिकरणों, जिसमें केन्द्रीय/राज्य प्रदूषण नियंत्रण बोर्ड शामिल हैं तथा पर्यावरण (सुरक्षा) अधिनियम, 1986 द्वारा निर्धारित मानकों के अनुरूप होना चाहिए।
- (8) बहिष्कारों और टॉम अपशिष्टों के पोषण के लिए आवश्यक प्रबंध किए जाएं। यह सुनिश्चित किया जाए कि साफ न किए गए बहिष्कारों और टॉम अपशिष्टों को जल या समुद्री किनारों पर न बहाया जाए।
- (9) लोग समुद्री किनारों तक आ सकें, इसके लिए किन्हीं दो प्लॉटों के बीच कम से कम 20 मीटर चौड़ी पट्टी मुहैया कराई जाए और यह अंतर किसी भी हालत में 500 मीटर से कम नहीं होना चाहिए ;
- (10) यदि परियोजना में वनेतर प्रयोजनों के लिए वन भूमि को उपयोग में लाया जाना हो तो इसके लिए वन (संरक्षण) अधिनियम, 1980 के अन्तर्गत मंजूरी देने की आवश्यकता है। परियोजना के संबंध में लागू अन्य केन्द्रीय और राज्य कानूनों का अनुपालन किया जाना चाहिए ; और
- (11) राज्य/संघ शासित क्षेत्र के पर्यटन विभागों की अनुमति प्राप्त की जाएगी।

7(2) पारिस्थितिकीय संवेदनशील क्षेत्रों में (जैसे मेरीन पार्क, कच्छ वनस्पति, मूंगे की चट्टानें, मछलियों के प्रजनन और अण्डे देने की जगह तथा केन्द्र/राज्य सरकार द्वारा अधिसूचित अन्य क्षेत्र (समुद्री सैरगाहों/होटलों) के निर्माण की अनुमति नहीं दी जाएगी।

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O. 114(E).—Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No. 944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note.—The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers, creeks and backwaters may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre or the width of the creek, river or backwater whichever is less.

2. Prohibited Activities :

The following activities are declared as prohibited within the Coastal Regulation Zone, namely :

- (i) setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities;
- (ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests No. S.O. 594(E) dated 28th July, 1989, S.O. 966(E) dated 27th November,

1989 and GSR 1037(E) dated 5th December, 1989;

- (iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);
- (iv) setting up and expansion of units/mechanisms for disposal of waste and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;
- (vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;
- (vii) dumping of ash or any wastes from thermal power stations;
- (viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge;
- (ix) mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas;
- (x) harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;
- (xi) construction activities in ecologically sensitive areas as specified in Annexure-I of this Notification;
- (xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and
- (xiii) dressing or altering of sand dunes, hills, natural features including landscape changes

for beautification, recreational and other such purpose, except as permissible under this Notification.

3. Regulation of Permissible Activities :

All other activities, except those prohibited in para 2 above, will be regulated as under :

- (1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.
- (2) The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely :
 - (i) Construction activities related to Defence requirements for which foreshore facilities are essential (e.g. slipways, jetties etc.); except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in very special cases and hence shall not normally be permitted in the CRZ);
 - (ii) Operational constructions for ports and harbours and light houses requiring water frontage; jetties wharves, quays, slipways etc. (Residential buildings & office buildings shall not come within the definition of operational activities except in very special cases and hence shall not normally be permitted in the CRZ);
 - (iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and out-fall for discharge of treated waste water cooling water); and
 - (iv) All other activities with investment exceeding rupees five crores.
- (3) (i) The coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures-I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;
- (ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

- (iii) In the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement :

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

[N. K-15019|1|84-IA-III (Vol. II)]

R. RAJAMANI, Secy.

ANNEXURE-I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone :

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line of the landward side are classified into four categories, namely :

Category I (CRZ-I) :

- (i) Areas that are ecologically sensitive and important, such as national parks|marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals|coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty|historical|heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State|Union Territory level from time to time.
- (ii) Area between the Low Tide Line and the High Tide Line.

Category-II (CRZ-II) :

The areas that have already been developed upto or close to the shore-line. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category-III (CRZ-III) :

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These

will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV)

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities.

6(2) The development or construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms :

CRZ-I

No new construction shall be permitted within 500 metres of the High Tide Line. No construction activity, except as listed under 2(xii), will be permitted between the Low Tide Line and the High Tide Line.

CRZ-II

- (i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of FSI/FAR.
- (ii) Reconstruction of the authorised buildings to be permitted subject with the existing FSI/FAR norms and without change in the existing use.
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density. However, the following uses may be permissible in this zone—agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.
- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of MEF permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

- (iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units ; total covered area on all floors shall not exceed 33 per cent of the plot size ; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).

- (iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

CRZ-IV

Andaman & Nicobar Islands :

- (i) No new construction of buildings shall be permitted within 200 metres of the HTL ;
- (ii) The buildings between 200 and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres ;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes ;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than

50 per cent of the plot size and the total height of construction shall not exceed 9 metres;

- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment & Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters, shall not be used for construction and other purposes.
- (v) Dredging and under water blasting in and around lagoons and coral formations shall not be permitted; and

- (vi) However, in some of the Islands, coastal stretches may also be classified into categories CRZ-I or II or III with prior approval of the Ministry of Environment & Forests. In such designated stretches the appropriate regulations given for respective categories shall apply.

ANNEXURE-II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS|HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST|VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts|hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists| visitors shall be subject to the following conditions :

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;
- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre-500 metre zone it can be tapped only with the concurrence of the Central|State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of of sandy stretches except for structural foundation of building, swimming pool shall not

be permitted within 500 metres of the High Tide Line;

- (vii) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central|State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent|solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, atleast a gap of 20 metres width shall be provided

between any two hotels|beach resorts; and in no case shall gaps be less than 500 metres apart; and

- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation), Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State|Union Territory Tourism Department shall be obtained.

7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central|State Government|Union Territories) construction of beach resorts|hotels shall not be permitted.

MINISTRY OF ENVIRONMENT AND FORESTS
(Department of Environment, Forests and Wildlife)
COASTAL REGULATION ZONE NOTIFICATION

New Delhi, the 6th January, 2011

S.O.19(E).— WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supersession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December, 1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

- (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
- (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
- (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
- (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

- (a) those rare minerals not available outside the CRZ area,
- (b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

- (a) in the areas which are inhabited by the local communities and only for their use.
- (b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

- (i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
- (b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
- (c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
- (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
- (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;

(ii) the following activities shall require clearance from MoEF, namely:-

- (a) those activities not listed in the EIA notification, 2006.
- (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
- (c) construction, operation of lighthouses;
- (d) laying of pipelines, conveying systems, transmission line;
- (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
- (g) Mining of rare minerals as listed by the Department of Atomic Energy;
- (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
- (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

- (i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-
- (a) Form-1 (Annexure-IV of the notification);
- (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)
- (c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
- (d) Disaster Management Report, Risk Assessment Report and Management Plan;
- (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;
- (f) Project layout superimposed on the above map indicated at (e) above;

- (g) The CRZ map normally covering 7km radius around the project site.
 - (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
 - (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;
- (ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-
- (a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
 - (b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;
- (iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.
- (vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.
- (v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
- (b) the compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared 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 (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMA's;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMA's have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
 - (i) these are not used for any commercial activity
 - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
- (b) Corals and coral reefs and associated biodiversity;
- (c) Sand Dunes;
- (d) Mudflats which are biologically active;
- (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
- (f) Salt Marshes;
- (g) Turtle nesting grounds;
- (h) Horse shoe crabs habitats;
- (i) Sea grass beds;
- (j) Nesting grounds of birds;
- (k) Areas or structures of archaeological importance and heritage sites. B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;

B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;
 (ii) the CRZ areas of Kerala including the backwaters and backwater islands;
 (iii) CRZ areas of Goa.

B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8 Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-

- (a) projects relating to Department of Atomic Energy;
 (b) pipelines, conveying systems including transmission lines;
 (c) facilities that are essential for activities permissible under CRZ-I;
 (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
 (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
 (f) development of green field airport already approved at only Navi Mumbai;

- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

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

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal communities including fisherfolk and incorporating the necessary disaster management

provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of schools and dispensaries for local inhabitants of the area for those panchayats, the major

part of which falls within CRZ if no other area is available for construction of such facilities;

- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
- (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

- A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-
 - (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-
 - (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.
 - (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.
- B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i)(2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
 - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
 - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority
 - (iii) suitable accommodation to the original tenants of the specified buildings shall be

ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

- (d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-
1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
 - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
 - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
 - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
 - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
 3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
 4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.
- (e) 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 shall be categorized as CRZ-III, that is, 'no development zone'.
- (f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981

or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.

- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas shall be surveyed and management plan prepared for protection of these turtle nesting

- sites;
- (viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).
4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia 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 para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[E.No. 11-83/2005-1A-III]

J. M. MAUSKAR, Addl. Secy.

ANNEXURE I**GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS****I. A. Demarcation of High Tide Line**

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	:	7.5 minutes X 7.5minutes
Numbering	:	Survey of India Sheet Numbering System
Horizontal Datum	:	Everest or WGS 84
Vertical Datum	:	Mean Sea Level (MSL)
Topography	:	Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
 - Landward (monsoonal) berm crest in the case of sandy beaches
 - Rocks, Headlands, Cliffs
 - Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.
14. These maps are available with revenue Authorities and are prepared as per standard norms.

15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. 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 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.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

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

III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

IV. Public Views on the CZMP.

- a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
- b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
- c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;

- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

Annexure-III

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

- I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-
- (a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;
 - (b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;
 - (c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
 - (d) no flattening of sand dunes shall be carried out;
 - (e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
 - (f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
 - (g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
 - (h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

- (i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (j) the construction shall be consistent with the surrounding landscape and local architectural style;
- (k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
- (m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;
- (n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
- (q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and
- (r) approval of the State or Union territory Tourism Department shall be obtained.
- II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 18th January, 2019

G.S.R. 37(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.19 (E), dated the 6th January, 2011 (hereinafter referred to as the Coastal Regulation Zone Notification, 2011), the Central Government declared certain coastal stretches as Coastal Regulation Zone (hereinafter referred to as the CRZ) under section 3 of Environment (Protection) Act, 1986 (29 of 1986);

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from various coastal States and Union territories, besides other stakeholders, regarding certain provisions in the Coastal Regulation Zone Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc.;

And Whereas, various State Governments and Union territory administrations and stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the Coastal Regulation Zone Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal States and Union territories and various stakeholders, relating to the Coastal Regulation Zone Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

And Whereas, a draft Coastal Regulation Zone Notification, 2018 was issued and hosted in the website of the Ministry of Environment, Forest and Climate Change on the 18th April, 2018 seeking comments and suggestions from all concerned;

And Whereas, objections and suggestions received in response to the above mentioned draft Coastal Regulation Zone Notification, 2018 have been duly considered by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of the Coastal Regulation Zone Notification 2011, number S.O. 19(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, do hereby, declares the coastal stretches of the country and the water area up to its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands, as Coastal Regulation Zone as under:-

- (i) The land area from High Tide Line (hereinafter referred to as the HTL) to 500 meters on the landward side along the sea front.

Explanation. - For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM) in accordance with the laid down procedures and made available to various coastal States and Union territories.

- (ii) CRZ shall apply to the land area between HTL to 50 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plan (hereinafter referred to as the CZMP):

Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein, and till such time the CZMP to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.

Explanation.- For the purposes of this sub-paragraph the expression “tidal influenced water bodies” means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds that are connected to the sea.

- (iii) The “intertidal zone” means land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).
- (iv) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2.0 Classification of CRZ. – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely: -

2.1 CRZ-I areas are environmentally most critical and are further classified as under:

2.1.1 CRZ-I A:

- (a) CRZ-I A shall constitute the following ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast viz.:
 - (i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ-I A);
 - (ii) Corals and coral reefs;
 - (iii) Sand dunes;
 - (iv) Biologically active mudflats;
 - (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986), including Biosphere Reserves;
 - (vi) Salt marshes;
 - (vii) Turtle nesting grounds;
 - (viii) Horse shoe crabs’ habitats;
 - (ix) Sea grass beds;
 - (x) Nesting grounds of birds;
 - (xi) Areas or structures of archaeological importance and heritage sites.
- (b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as mapped out by the National Centre for Sustainable Coastal Management (NCSCM), Chennai based on guidelines as contained in **Annexure-I** to this notification and integrated with the CZMP.

2.1.2 CRZ-I B:

The intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the CRZ-I B.

2.2 CRZ-II:

CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more than 50 per cent and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply, sewerage mains, etc.

2.3 CRZ-III:

Land areas that are relatively undisturbed (viz. rural areas, etc.) and those which do not fall under CRZ-II, shall constitute CRZ-III, and CRZ-III shall be further classified into following categories: -

2.3.1 CRZ-III A:

Such densely populated CRZ-III areas, where the population density is more than 2161 per square kilometre as per 2011 census base, shall be designated as CRZ-III A and in CRZ-III A, area up to 50 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)', provided the CZMP as per this notification, framed with due consultative process, have been approved, failing which, a NDZ of 200 meters shall continue to apply.

2.3.2 CRZ-III B:

All other CRZ-III areas with population density of less than 2161 per square kilometre, as per 2011 census base, shall be designated as CRZ-III B and in CRZ-III B, the area up to 200 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)'.

2.3.3:

Land area up to 50 meters from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ in CRZ III.

Note: The NDZ shall not be applicable in the areas falling within notified Port limits.

2.4 CRZ- IV:

The CRZ- IV shall constitute the water area and shall be further classified as under:-

2.4.1 CRZ- IVA:

The water area and the sea bed area between the Low Tide Line up to twelve nautical miles on the seaward side shall constitute CRZ-IV A.

2.4.2 CRZ- IVB:

CRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

3.0 Areas requiring special consideration in the CRZ.- Following coastal areas shall be accorded special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities: -

3.1 Critically Vulnerable Coastal Areas (CVCA):

Sundarban region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 such as Gulf of Khambat and Gulf of Kutchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Odisha, Coringa, East Godavari and Krishna in Andhra Pradesh shall be treated as Critical Vulnerable Coastal Areas (CVCA) and managed with the involvement of coastal communities including fisher folk who depend on coastal resources for their sustainable livelihood.

3.2 CRZ for inland Backwater islands and islands along the mainland coast.

3.3 CRZ falling within municipal limits of Greater Mumbai.

4. Prohibited activities within CRZ.- The following activities shall be prohibited, in general, within the entire CRZ and exceptions to these and other permissible and regulated activities in specific CRZ categories viz. CRZ-I, II, III and IV, shall be governed by the provisions of paragraph 5:-

- (i) Setting up of new industries and expansion of existing industries, operations or processes.
- (ii) Manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of the Ministry of Environment, Forest and Climate Change number G.S.R.395 (E), dated the 4th April, 2016.
- (iii) Setting up of new fish processing units.
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except for the activities permissible under this notification and executed with prior permission from the competent authority.
- (v) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
- (vi) Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
- (vii) Port and harbour projects in high eroding stretches of the coast.
- (viii) Mining of sand, rocks and other sub-strata materials.
- (ix) Dressing or altering of active sand dunes.
- (x) In order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited and adequate measures for management and disposal of plastic materials shall be undertaken in the CRZ.
- (xi) Drawal of ground water.

5. Regulation of permissible activities in CRZ:

5.1 CRZ-I:

5.1.1. CRZ-IA:

These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the CRZ-I A area, with following exceptions:-

- (i) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.
- (ii) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities.
- (iii) Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

5.1.2 CRZ-I B - The inter tidal areas:

Activities shall be regulated or permissible in the CRZ-I B areas as under:-

- (i) Land reclamation, bunding, etc. shall be permitted only for activities such as,-

- (a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard, sea links, etc;
- (b) projects for defence, strategic and security purposes;
- (c) road on stilts, provided that such roads shall not be authorised for permitting development on the landward side of such roads, till the existing High Tide Line:
 Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair or maintenance;
- (d) measures for control of erosion;
- (e) maintenance and clearing of waterways, channels, ports and hover ports for coast guard;
- (f) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II to this notification, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment, Forest and Climate Change, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid, etc.
- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers and food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilise 25% additional plinth area for modernisation purposes (only for additional equipment and pollution control measures) subject to the following:-
 - (a) Floor Space Index of such reconstruction not exceeding the permissible Floor Space Index as per prevalent town and country planning regulations;
 - (b) additional plinth area is constructed only to the landward side.
 - (c) approval of the concerned State Pollution Control Board or Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified as strategic, defence related projects and projects of the Department of Atomic Energy, Government of India.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of the First Schedule to the Mining and Minerals (Development and Regulation) Act, 1957(67 of 1957) occurring as such or in association with one or other minerals in the intertidal zone by such agencies as authorised by the Department of Atomic Energy, Government of India as per mining plan approved by the Atomic Mineral Directorate for Exploration and Research:

Provided that the manual mining operations shall be carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.

- (xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants, etc, and outfall for discharge of treated wastewater or cooling water from thermal power plants in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), as the case may be.
- (xv) Pipelines, conveying systems including transmission lines.
- (xvi) Weather radar for monitoring of cyclones prediction, ocean observation platforms, movement and associated activities.
- (xvii) Salt harvesting and associated facilities.
- (xviii) Desalination plants and associated facilities.

5.2 CRZ-II:

- (i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-II, in so far as applicable.
- (ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures:

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.

- (iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of this Notification, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the SCZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures, etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.
- (iv) Reconstruction of authorised buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of publication of this notification in the official Gazette and in the event that there is a need for amendment of the FSI after the said date of this notification, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are

handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.

- (v) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at **Annexure-III** to this notification.
- (vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements, etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process or public hearing, etc. and further subject to environmental safeguards enlisted in the CZMP, however, a minimum distance of 10 meter from HTL shall be maintained for setting up of such facilities.

5.3 CRZ-III:

- (i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-III, in so far as applicable.

(ii) Regulation of activities in NDZ:

Following shall be permissible and regulated in the NDZ:-

- (a) No construction shall be permitted within NDZ in CRZ III, except for repairs or reconstruction of existing authorised structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under this notification including facilities essential for activities and construction or reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.
- (b) Agriculture, horticulture, gardens, pastures, parks, playfields and forestry.
- (c) Construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by Coastal Zone Management Authority (CZMA).
- (d) Construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.
- (e) Facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like.
- (f) Wherever there is a national or State highway passing through the NDZ of CRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.

On landward side of such roads in the NDZ, resorts or hotels and associated tourism facilities shall be permitted and such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved CZMP as per this notification and the conditions or guidelines at Annexure-III, to this notification as applicable.

- (g) Temporary tourism facilities shall be permissible in the NDZ and beaches in the CRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels, walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements etc., and such facilities shall, however, be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities.
- (h) Mining of atomic minerals notified under Part-B of the First Schedule to Mining and

Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

(iii) **Regulation of activities for CRZ–III areas beyond NDZ:**

- (a) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at Annexure-III to this notification.
- (b) Construction or reconstruction of dwelling units, so long it is within the ambit of traditional rights and customary uses such as existing fishing villages, etc. and building permission for such construction or reconstruction will be subject to local town and country planning rules, with an overall height of construction not exceeding 9 meters and with only two floors (ground + one floor).
- (c) The local communities including fishermen may be permitted to facilitate tourism through 'home stay' without changing the plinth area or design or facade of the existing houses.
- (d) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads, bridges, etc.

(e) Limestone mining:

Selective mining of limestone minerals may be permitted in specific identified areas under the mining plans, which are adequately above the height of HTL, based on the recommendations of reputed National Institutes in the mining field such as Council of Scientific and Industrial Research (CSIR), Central Mining Research Institute etc., provided that the extraction of minerals shall be carried out not below a height of 1 meter above the HTL and an adequate barrier shall be created so as to safeguard against saline water incursion and subject to appropriate safeguards related to pollution of coastal waters and prevention of coastal erosion.

- (f) Mining of atomic minerals notified under Part-B of the First Schedule of Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

- (iv) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them and in the areas between 200 to 500 meters of the HTL, groundwater withdrawal may be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries, etc. where no other source of water is available and restrictions for such drawal may be imposed by the designated Authority by State Government or Union territory Administration in the areas affected by sea water intrusion, however, for horticulture and agriculture purpose, micro irrigation promoted by Government welfare schemes shall be permitted.
- (v) Development of airports in wastelands and non-arable lands in CRZ-III areas with adequate environmental safeguards.

5.4 CRZ-IV:

Activities shall be permitted and regulated in the CRZ IV areas as under:-

- (i) Traditional fishing and allied activities undertaken by local communities.
- (ii) Land reclamation, bunding, etc to be permitted only for activities such as.-
 - (a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard ,etc;
 - (b) projects for defence, strategic and security purpose including coast guard;

- (c) measures for control of erosion;
 - (d) maintenance and clearing of waterways, channels and ports;
 - (e) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (iii) Activities related to waterfront or directly needing foreshore facilities, such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities and the like.
 - (iv) Power by non-conventional energy sources and associated facilities such as offshore wind, wave energy, ocean thermal energy conversion, etc.
 - (v) Transfer of hazardous substances from ships to Ports.
 - (vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.
 - (vii) Facilities for discharging treated effluents into the water course.
 - (viii) Projects classified as strategic and defence related projects including coast guard coastal security network.
 - (ix) Projects of department of Atomic Energy.
 - (x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto.
 - (xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).
 - (xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, and foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of the Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee.
 - (xiii) Pipelines, conveying systems including transmission lines.
 - (xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated activities.
 - (xv) Construction of memorials or monuments and allied facilities by the concerned State Government in CRZ-IV (A) areas, in exceptional cases, with adequate environmental safeguards, subject to the following, namely: -
 - (a) the concerned State Government shall submit justification for locating the project in CRZ-IVA area along with details of alternate sites considered and weightage matrix on various parameters including environmental parameters, to State Coastal Zone Management Authority who will examine the project and make recommendation to the Central Government (Ministry of Environment, Forest and Climate Change) for grant of Terms of Reference (ToRs) for preparation of an environmental impact assessment report by the State Government;
 - (b) On grant of ToRs by the Central Government, the concerned State Government shall submit the draft Environmental Impact Assessment report (EIA) with Environmental Management Plan (EMP), draft Risk Assessment Report with Disaster Management Plan (DMP) including on-site and off-site emergency plan and evacuation plan during emergency, to the State Pollution Control Board for conduct of public hearing for the proposed project in accordance with the procedure laid down under the Environment Impact Assessment (EIA) notification number S.O. 1533(E), dated the 14th September, 2006;

- (c) The concerned State Government shall, after addressing the relevant issues raised by the public during the public hearing referred to in sub-item (b), submit the final EIA, EMP, Risk Assessment and DMP, to the State CZMA for their examination and recommendation to MoEF&CC;
- (d) The Central Government may, if it considers necessary so to do, dispense with the requirement of public hearing referred to in sub-clause (b), if it is satisfied that the project will not involve rehabilitation and resettlement of the public or the project site is located away from human habitation.

5.5 Requirement for Clearance from Department of Atomic Energy installations:

Prior to undertaking any developmental activity including construction of new structures, falling in the boundary limits specified by Atomic Energy Regulatory Board (AERB) guidelines, prior clearance shall be obtained from Department of Atomic Energy installations.

6. Coastal Zone Management Plan (CZMP)

- (i) All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under 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 and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification 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.
- (ii) 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 (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders.
- (iii) The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in **Annexure-IV** to this notification, which involve public consultation.
- All developmental activities listed in this notification shall be regulated by the State Government, Union territory administration, the local authority or the concerned Coastal Zone Management Authority within the framework of such approved CZMP, as the case may be, in accordance with provisions of this notification.
- (iv) 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 in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986 (29 of 1986).
- (v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the respective CZMP of concerned State Governments or Union territory administrations.
- (vi) The CZMP shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking a revision.

7. CRZ clearance for permissible and regulated activities- Delegation:

- (i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.
- (ii) All development activities or projects in CRZ-I and CRZ-IV areas, which are regulated or permissible as per this notification, shall be dealt with by Ministry of Environment, Forest and Climate Change for CRZ clearance, based on the recommendation of the concerned Coastal Zone Management Authority.

- (iii) For all other permissible and regulated activities as per this notification, which fall purely in CRZ-II and CRZ-III areas, the CRZ clearance shall be considered by the concerned Coastal Zone Management Authority and such projects in CRZ -II and III, which also happen to be traversing through CRZ-I or CRZ-IV areas or both, CRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the concerned Coastal Zone Management Authority.
- (iv) Projects or activities which attract the provisions of this notification as also the provisions of EIA notification, 2006 number S.O. 1533(E), dated the 14th September, 2006, shall be dealt with for a composite Environmental and CRZ clearance under EIA Notification, 2006 by the concerned approving Authority, based on recommendations of the concerned Coastal Zone Management Authority, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) or the Ministry of Environment, Forest and Climate Change for category 'B' and category 'A' projects respectively.
- (v) In case of building or construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 these shall be approved by the concerned local State or Union territory Planning Authorities in accordance with this notification, after obtaining recommendations of the concerned Coastal Zone Management Authority.
- (vi) Only for self-dwelling units up to a total built up area of 300 square meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of concerned Coastal Zone Management Authority and such authorities shall, however, examine the proposal from the perspective of the Coastal Regulation Zone notification before according approval.

8. Procedure for CRZ clearance for permissible and regulated activities:

- (i) The project proponents shall apply with the following documents to the concerned State or the Union territory Coastal Zone Management Authority for seeking prior clearance under this notification:-
 - (a) Project summary details as per Annexure-V to this notification.
 - (b) Rapid Environment Impact Assessment (EIA) Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.
 - (c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006) if located in low and medium eroding stretches, as per the CZMP to this notification.
 - (d) Risk Assessment Report and Disaster Management Plan, except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006).
 - (e) 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-IA-III, dated the 14th March, 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.
 - (f) 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.
 - (g) The CRZ map normally covering 7 kilometre radius around the project site also indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.
 - (h) "Consent to establish" or No Objection Certificate from the concerned State Pollution Control Board or Union territory Pollution Control Committee for the projects involving treated discharge of industrial effluents and sewage, and in case prior consent of

Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this notification.

- (ii) The concerned Coastal Zone Management Authority shall examine the documents in clause (i) above, in accordance with the approved Coastal Zone Management Plan and in compliance with this notification and make recommendations within a period of sixty days from date of receipt of complete application as under: -
- (a) For the projects or activities also attracting the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, the Coastal Zone Management Authority shall forward its recommendations to Ministry of Environment, Forest and Climate Change or SEIAA for category 'A' and category 'B' projects respectively, to enable a composite clearance under the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, however, even for such Category 'B' projects located in CRZ-I or CRZ-IV areas, final recommendation for CRZ clearance shall be made only by the Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it to accord a composite Environmental Clearance and CRZ clearance to the proposal.
- (b) Coastal Zone Management Authority shall forward its recommendations to the Ministry of Environment, Forest and Climate Change for the projects or activities not covered in the EIA notification, 2006, but attracting this notification and located in CRZ-I or CRZ-IV areas.
- (c) Projects or activities not covered in the aforesaid EIA Notification, 2006, but attracting this notification and located in CRZ-II or CRZ-III areas shall be considered for clearance by the concerned Coastal Zone Management Authority within sixty days of the receipt of the complete proposal from the proponent.
- (d) In case of construction projects attracting this notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the aforesaid EIA Notification 2006, Coastal Zone Management Authority shall forward their recommendations to the concerned State or Union territory planning authorities, to facilitate granting approval by such authorities.
- (iii) The Ministry of Environment, Forest and Climate Change shall consider complete project proposals for clearance under this notification, based on the recommendations of the Coastal Zone Management Authority, within a period of sixty days.
- (iv) In case the Coastal Zone Management Authorities are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the State Government or Union territory Administration, who are the custodian of the CZMP of respective States or Union territories, to provide comments and recommend the proposals in terms of the provisions of the said notification.
- (v) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.
- The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State or Union territory Coastal Zone Management Authority.
- (vi) Post clearance monitoring:
- (a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on the 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned Coastal Zone Management Authority.

- (b) The compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vii) To maintain transparency in the working of the Coastal Zone Management Authority, it shall be the responsibility of the Coastal Zone Management Authority to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMP of the respective State Government or Union territory.

9. Enforcement of this notification:

- (i) For the purposes of implementation and enforcement of the provisions of this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 (29 of 1986) with the Ministry of Environment, Forest and Climate Change, State Government or the Union territory Administration, National Coastal Zone Management Authority and the State or Union territory Coastal Zone Management Authority;
- (ii) The composition, tenure and mandate of National Coastal Zone Management Authority and State Government or the Union territory Coastal Zone Management Authority have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;
- (iii) The State Government or the Union territory Coastal Zone Management Authority shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fishermen, and the State Government may consider the enforcement of this notification to the level of respective District Magistrates.
- (iv) The dwelling units of the traditional coastal communities including fishermen, tribals as were permissible under the provisions of the Coastal Regulation Zone notification, 2011 number S.O. 19(E), dated the 6th January, 2011, but which have not obtained formal approval from concerned authorities under the said Notification shall be considered by the respective Coastal Zone Management Authority and the dwelling units shall be regularised subject to the following condition, namely: -
- (a) these are not used for any commercial activity;
- (b) these are not sold or transferred to non-traditional coastal community.

10. Areas requiring special consideration:

10.1 Critically Vulnerable Coastal Areas (CVCAs):

- (i) For all the CVCAs mentioned in sub-paragraph 3.1, 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.
- (ii) Till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain/cyclone shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the Coastal Zone Management Authority with due regards to the views of coastal communities including fisher folk.

10.2 CRZ for inland backwater islands and islands along mainland coast:

- (i) All the inland islands in the coastal backwaters and islands along the mainland coast shall also be covered under this notification.

- (ii) In view of the unique coastal systems of backwater islands and islands along the mainland coast, along with space limitations in such coastal stretches, CRZ of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:-
- (a) existing dwelling units of local communities may be repaired or reconstructed within 20 meters from the HTL of these islands, however, no new construction shall be permitted in this zone.
- (b) foreshore facilities, such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in CRZ limits subject to due environmental safeguards.
- (iii) Integrated Island Management Plans (IIMPs), as applicable to smaller islands in Lakshadweep and Andaman & Nicobar, as per Island Protection Zone Notification, 2011 number S.O. 20(E), dated the 6th January, 2011, shall be formulated by respective States or Union territory for all such islands and submitted to Ministry of Environment, Forest and Climate Change and till the IIMPs are framed, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification 2011 number S.O. 19(E), dated the 6th January, 2011, shall continue to apply.

10.3 CRZ areas falling within municipal limits of Greater Mumbai:

- (i) 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 shall be categorised as No Development Zone and a Floor Space Index up to 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
- (ii) Construction of sewage treatment plants in CRZ-I area for the purpose of treating the sewage from the municipal area shall be taken only by the municipal authorities in exceptional circumstances, where no alternate site is available to set up such facilities, subject to recommendations of the Coastal Zone Management Authority and approval by the Central Government and in case the construction of such plant is inevitable in a mangrove area, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

[F. No. 19-112/2013-IA-III]

RITESH KUMAR SINGH, Jt. Secy.

Annexure-I

CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ECOLOGICALLY SENSITIVE AREAS

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs, etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas, features and sites become necessary.

1. General measures

- (i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.
- (ii) The State Governments or Union territory Administrations through the authorised agencies shall prepare CZMP as per the guidelines contained in this notification highlighting the conservation and protection of the ESAs.
- (iii) Those activities permissible under this notification shall be included in the CZMP.

Specific conditions shall be adopted for the conservation, protection and management of each of the ESAs as under: -

1.1 Mangroves:

- (i) Mangroves declared as forest under the Forest (Conservation) Act, 1980 (69 of 1980).

Notwithstanding anything contained in this notification, such mangroves declared by the concerned State Governments or Union territory Administrations or Central Government as forest land under the Forest (Conservation) Act, 1980 (69 of 1980) shall attract the provisions of the said Act.

- (ii) Mangroves not declared under Forest (Conservation) Act, 1980:

(a) Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State Governments or Union territory administrations, and in case the mangrove area is more than 1000 square meters, a buffer of 50 metre along the periphery of mangrove area shall be provided. This buffer zone of 50 metre may be utilised for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.

(b) Mangroves in private land will not require a buffer zone.

1.2 Corals and coral reefs and associated biodiversity:

- (i) Destruction of coral and coral reefs and the surroundings is a prohibited activity.
- (ii) All coral and coral reefs shall be protected except for those small quantities required for research purposes.
- (iii) Coral and coral reefs transplantation activities shall be through recognised research institutions wherever required for regeneration after obtaining necessary approvals under Wildlife (Protection) Act 1972 (53 of 1972).
- (iv) The dead or destroyed or both coral areas shall be taken up for rejuvenation and rehabilitation. The conservation and protection of corals and coral reefs shall be taken up as follows:-
- (a) active and live coral and coral reefs identified and delineated shall be declared and notified as ESA under Environment (Protection) Act 1986 (29 of 1986);
- (b) it shall be ensured that no activities that are detrimental to the health of corals, coral reefs and its associated biodiversity, such as mining, effluent and sewage discharge, dredging, ballast water discharge, ship washings, fishing other than traditional non-destructive fisheries, construction activities and the like are taken up in and around the coral areas.

1.3 The National Parks, marine parks, Sanctuaries, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980) or Environment (Protection) Act 1986 (29 of 1986); including Biosphere Reserves shall be conserved and protected as follows:-

- (i) Conservation and protection of the above mentioned areas shall be as per the provisions of the respective Acts, notifications or guidelines as the case may be.
- (ii) Efforts shall be made to increase the forest area in the coastal region in order to prevent loss of life and property from increased storms, tides and floods.
- (iii) The concerned State Governments or Union territory administrations shall provide for adequate funds for such measures to undertake shelter belt plantation or bio-shields with planting material suitable to the location.

1.4. Salt marshes:

The conservation and protection of salt marshes shall be as follows:-

- (i) The salt marsh areas shall be conserved and protected and efforts shall be made to promote the endemic biodiversity in the salt marshes.
- (ii) Only those activities required for overhead conveying or transmission of cables and underground laying of transmission line cables and so on, shall be permissible.
- (iii) Traditional fishing shall be permissible in salt marshes.
- (iv) Temporary tourism facilities around the salt marsh areas may be considered subject to adhering to norms laid down in the guidelines.
- (v) Certain salt marshes which have less biodiversity, identified by NCSCM and demarcated in Coastal Zone Management Plan can be considered for salt pan activities.

1.5 Turtle nesting grounds shall be protected and conserved as follows:-

- (i) Turtle nesting grounds identified by the concerned State Governments or Union territory administrations shall be protected as per Wildlife (Protection) Act of 1972.
- (ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.
- (iii) Strict management plans for protecting the turtle nesting grounds shall be undertaken and implemented by the concerned State or Union territory Authorities.

1.6 Horse shoe crabs habitats shall be protected and conserved as follows:-

- (i) The habitat identified shall be taken up for conservation and protection.
- (ii) No activities shall be taken up in and around these habitats which affect the horse shoe crab ecosystem.

1.7 Sea grass beds shall be protected and conserved as follows:-

- (i) Identified sea grass beds shall be conserved and protected.
- (ii) No developmental activities that have adverse effect on the sea grass bed shall be undertaken.
- (iii) Efforts shall be made to propagate sea grass beds along the coastal waters where ever possible by States or Union territories as it acts as a carbon sink.

1.8 Nesting grounds of birds shall be protected and conserved as follows:-

- (i) The nesting ground of birds including their local migratory route shall be protected. No developmental activities which have adverse impact on the nesting grounds and the migratory routes shall be undertaken including construction of wind mills, transmission lines and the like in the locality.
- (ii) Efforts shall be made to increase the forest cover and mangrove cover including enriching the biodiversity of salt marsh and other coastal water bodies so as to provide for suitable habitat for the avifauna.

1.9 Geo-morphologically Important Zones shall be protected and managed as follows:

- (i) **Sand dunes** identified shall be conserved and protected as follows:
 - (a) sand dunes identified shall be notified under Environment (Protection) Act 1986;
 - (b) no developmental activities shall be permissible except for providing eco-friendly temporary tourism facilities on stilts such as walkways, tents and the like;
 - (c) mining of sand from sand dunes shall be prohibited activity except for the removal of atomic minerals with proper replenishment using the tailings or other suitable sand;
 - (d) no activities on the sand dunes shall be taken up that would lead to erosion/destruction of sand dunes;
 - (e) afforestation, if any, on the sand dunes shall be done only with native flora;

(f) the States or Union territory shall prepare management plans for the demarcated sand dunes.

(iii) **Sandy beaches:**

(a) Mining of beach sand is prohibited except for manual mining of atomic minerals with proper replenishment using the tailings or other suitable sand.

(b) When the permissible developmental activities are taken up on the beaches if loss of beach in the neighbourhood is predicted, necessary beach nourishment to compensate for the losses shall be undertaken by the project authorities and its long term maintenance shall be ensured by them.

(c) The States or Union Territory shall prepare management plans for the demarcated beaches.

(iv) **Biologically active mudflats:**

(a) Biologically active mudflats shall be identified by NCSCM in association with State Governments or Union territory administrations.

(b) The States or Union territories shall prepare management plans for such demarcated biologically active mudflats.

1.10 Areas or structures of archaeological importance and heritage value sites:

(i) State Archaeological agencies shall be responsible for conservation and protection of all archaeological structures and heritage sites identified by the Archaeological Survey of India, as per the provisions of the respective Acts, notifications or guidelines.

(ii) No activities that are detrimental to the identified areas or structures of archaeological and heritage value shall be permitted.

(iii) It shall be ensured that these structures or areas are preserved and activities undertaken without changing the façade/plinth of such structures. Such structures could be considered for use in accordance with the relevant norms after undertaking careful designing of the interiors without changing the exterior architectural design of the structure.

Annexure-II

LIST OF PETROLEUM AND CHEMICAL PRODUCTS PERMITTED FOR STORAGE IN CRZ, EXCEPT CRZ-I A

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;

- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers;
- (xvi) Acetic acid;
- (xvii) Mono ethylene glycol;
- (xviii) Paraxylene;
- (xix) Ethane;
- (xx) Butadine;
- (xxi) Methanol;
- (xxii) Caustic;
- (xxiii) Bitumen.

Annexure-III

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS, HOTELS AND TOURISM DEVELOPMENT PROJECTS IN THE DESIGNATED CRZ AREAS

1. CRZ-II

Construction of beach resorts or hotels in designated areas of CRZ-II for occupation of tourist or visitors shall be subject to the following conditions, namely: -

- (i) construction shall be permitted only to the landward side of an existing road or existing authorized fixed structures;
- (ii) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (iii) no flattening of sand dunes shall be carried out;
- (iv) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (v) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (vi) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;
- (vii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);
- (viii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (ix) if the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with and approval of the State or Union territory Tourism Department shall be obtained.

2. CRZ-III

Construction of beach resorts and hotels in designated areas of CRZ- III for occupation of tourists or visitors shall be subject to the following conditions, namely: -

- (i) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (ii) no flattening of sand dunes shall be carried out;
- (iii) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (iv) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (v) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;
- (vi) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
- (vii) the total covered area on all floors shall not exceed 33 per cent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (viii) the construction shall be consistent with the surrounding landscape and local architectural style;
- (ix) the overall height of construction up to the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (x) groundwater shall not be tapped within 200 metre of the High Tide Line; and within the 200 to 500 metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
- (xi) extraction of sand, leveling or digging of sandy stretches, except for structural foundation of building or swimming pool, shall not be permitted within 500 metres of the High Tide Line;
- (xii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);
- (xiii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (xiv) to allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (xv) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

Note: Construction of beach resorts or hotels shall not be permitted in Ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central Government or State Government or Union territory administrations).

ANNEXURE -IV**GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS****1. Demarcation of High Tide Line and Low Tide Line:**

Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM for the entire coastline of the country, has been made available to the Coastal States or Union territories and only such demarcation of HTL and LTL shall be applicable for all purposes of this notification.

2. Hazard Line:

A 'Hazard line' has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes (erosion or accretion) occurring over a period of time. The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.

3. Preparation of CZM Maps:

(i) Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:-

Unit : 7.5 minutes X 7.5 minutes

Numbering : Survey of India Sheet Numbering System

Horizontal Datum : Everest or WGS 84

Vertical Datum : Mean Sea Level (MSL)

Topography : Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs

(ii) Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.

(iii) Various regulatory lines viz. at a distance of 20 metres, 50 metres, 200 metres and 500 metres from HTL respectively, as applicable in various CRZ categories, and the Hazard line shall be demarcated and transferred to the CZM maps.

(iv) HTL, LTL and CRZ boundaries, as applicable, shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies.

(v) Classification of different coastal zones shall be done as per the CRZ notification and Standard national or international colour codes shall be used.

4. Local level CZM Maps:

(i) Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans.

(ii) Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.

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

5. Classification of CRZ areas:

- (i) The CZM Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the CRZ-IA areas as per mapping made available by NCSCM to coastal State or Union territories. All such ESAs shall be appropriately demarcated with colour codes.
- (ii) Buffer zone along mangrove areas of more than 1000 square metres shall be stipulated with a different colour distinguishing from the mangrove area. The buffer zone shall also be classified as CRZ-I area.
- (iii) 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.
- (iv) The water areas of CRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
- (v) The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
- (vi) In CVCAs, the land use maps shall be superimposed on the Coastal Zone Management Plan clearly demarcating the CRZ-I, II, III, IV.
- (vii) The existing authorised developments on the seaward side shall be clearly demarcated.
- (viii) The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.
- (ix) Construction of buildings or other activities shall be permitted under the CZMP provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes, and under no circumstances, untreated effluents shall be disposed off in the coastal waters.

6. Public consultations on CZMP:

- (i) The draft CZMP prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA.
- (ii) Based on the suggestions and objections received the CZMPs shall be revised and approval of Ministry of Environment, Forest and Climate Change shall be obtained.
- (iii) The approved CZMP shall be put up on the website of Ministry of Environment, Forest and Climate Change, concerned website of the State or Union Territory Coastal Zone Management Authority and hard copy made available in the Panchayat Office and District Collector Office.

7. Revision of Coastal Zone Management Plans:

- (i) Whenever there is a doubt, the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
- (ii) If required, the rectified map shall be submitted to Ministry of Environment, Forest and Climate Change for consideration.

ANNEXURE-V**PROJECT INFORMATION DETAILS****1. PROJECT DETAILS**

- A. Project Name
- B. Survey No./ Village/ Co-ordinates
- C. District
- D. State
- E. Whether the proposal is for (Select relevant field)
 - (i) Fresh Clearance under CRZ
 - (ii) Amendment to an already issued CRZ clearance
 - (iii) Extension of validity of an already issued CRZ clearance
- F. Name of the Applicant
- G. Address of the Applicant
- H. Contact details (Telephone nos. and e-mail address)
- I. Cost of the project (Rs in crores)

2. BENEFITS OF THE PROJECT

- A. Details of Project Benefits
- B. Employment Likely to be Generated (Yes/No)
 - If Yes
 - (i) Total Manpower Requirement
 - (ii) Permanent Employment (Numbers)
 - (iii) Temporary Employment (Numbers)
 - (iv) Temporary Employment- During Construction (Numbers)
 - (v) Temporary Employment- During Operation (Numbers)

3. DESCRIPTION OF THE PROJECT UNDER CONSIDERATION (Select the Category of the project):**A. Resort / Buildings / civic amenities**

- (i) Total area/Built-up area (in sqm.)
- (ii) Height of structure
- (iii) FSI ratio
- (iv) Name of concerned town planning authority/ Panchayat etc.
- (v) Details of provision of car parking area

B. Coastal Roads / Roads on Stilt

- (i) Area of land reclamation
- (ii) Estimated quantity of muck/earth for reclamation
- (iii) Traffic carrying capacity
- (iv) Dimensions of road

C. Pipelines from thermal power blow down

- (i) Length of pipeline
- (ii) Length traversing CRZ area

- (iii) Depth of excavation
- (iv) Width of excavation
- (v) Length of pipeline from seashore to deep sea
- (vi) Depth of outfall point from surface of sea water
- (vii) Temperature of effluent above ambient at disposal point

D. Marine Disposal of Treated Effluent through pipelines

- (i) Location of intake/ outfall
- (ii) Depth of outfall point
- (iii) Length of pipeline
- (iv) Length traversing CRZ area
- (v) Depth of excavation
- (vi) Width of excavation
- (vii) Length of pipeline from shore to deep sea/creek
- (viii) Depth of outfall point from surface of water
- (ix) Depth of water at disposal point
- (x) BOD, COD, TSS, oil and grease, heavy metals in the effluent

E. Facility for storage of goods/chemicals

- (i) Name of chemical
- (ii) End use of the chemical
- (iii) No. of tanks for storage
- (iv) Capacity of tanks

F. Offshore structures

- (i) Exploration or development
- (ii) Depth of sea bed
- (iii) No. of rigs
- (iv) No. of platform
- (v) Details of group gathering stations

G. Desalination Plant

- (i) Capacity of desalination
- (ii) Total brine generation
- (iii) Temperature of effluent above ambient at disposal point
- (iv) Ambient salinity
- (v) Disposal point

H. Mining of atomic minerals

- (i) Capacity of mining
- (ii) Type of mineral to be extracted
- (iii) End use of the mineral
- (iv) Government order for mining lease/exploration and approved mining plan details
- (v) Extent of mining lease area

I. Sewage Treatment Plants

- (i) Capacity
- (ii) Total area of construction
- (iii) Compliance of effluent parameters as laid down by cpcb/spcb/other authorised agency
- (iv) Whether discharge is in sea water/creek?
 - If yes
 - Distance of marine outfall point from shore/from the tidal river bank
 - Depth of outfall point from sea water/river water surface
 - Depth of seabed/riverbed at outfall point

J. Lighthouse

- (i) Total ground area of foundation/platform
- (ii) Height of the structure

K. Wind Mills

- (i) Capacity (MW)
- (ii) Height of the windmill
- (iii) Diameter of the windmill
- (iv) Length of blade
- (v) Speed of rotation
- (vi) Transmission lines (overhead or underground)

L. Others

- (i) Please specify with salient features
- (ii) Upload relevant Documents (upload PDF only)

4. PROJECT LOCATION AS PER CRZ CLASSIFICATION (If project site falls in different/multiple CRZ categories the same may also be elaborated)

5. CLAUSE OF CRZ NOTIFICATION UNDER WHICH PROJECT IS A PERMISSIBLE /REGULATED ACTIVITY

6. MANDATORY FIELDS FOR PROJECT ASSESSMENT

A. CRZ map in 1:4000 scale indicating HTL, LTL demarcation and distance of the nearest project boundary (in meters) from HTL to be stated

- (i) Upload Map (kml file)

B. Project layout superimposed on CRZ Map 1:4000 scale with classification of project location including other notified ESAs prepared

- (i) Upload Map (kml file)

C. CRZ map 1:25000 scale covering 7 km radius around Project site

- (i) Upload Map (kml file)

7. PROJECT LOCATED IN (Select Type)

- (i) Non eroding Coast
- (ii) Low and Medium eroding coast
- (iii) High eroding Coast

8. DETAILS OF FOREST/ MANGROVES LAND INVOLVED (YES/NO)**IF YES**

- (i) Detail of area diverted
- (ii) Forest clearance to be submitted (Upload document)
- (iii) No. of trees to be cut under the project
- (iv) Compensatory afforestation plan to be submitted (Upload document)

9. DISTANCE OF PROPOSED PROJECT FROM ESA/MARINE PARK/ WILD LIFE SANCTUARY

- (i) Within 10 kilometre radius from the project site (Yes/No)

If YES

- Permission from NBWL to be submitted (Upload document)

10. NOC OR CONSENT TO ESTABLISH FROM STATE/UT POLLUTION CONTROL BOARDS OBTAINED (YES/NO)**If YES**

- (i) Copy of NOC to be provided (Upload document)
- (ii) Conditions imposed to be stated (Upload document)

11. Environment Impact Assessment (EIA) studies (relevant fields to be filled)**A. Terrestrial studies:**

- (i) Summary details of EIA (Terrestrial) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

B. Marine Studies

- (i) Summary details of EIA (Marine) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

12. DISASTER MANAGEMENT PLAN / NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN (if applicable)**13. PROJECT INVOLVING DISCHARGE OF LIQUID EFFLUENTS:**

- (i) Capacity of Sewage Treatment Plant
- (ii) Quantity of effluent generated
- (iii) Quantity of effluent treated
- (iv) Method of treatment and disposal

14. PROJECT INVOLVING DISCHARGE OF SOLID WASTE:

- (i) Type of solid waste
- (ii) Quantity of solid waste generated
- (iii) Method of disposal
- (iv) Mode of transport

15. WATER REQUIREMENT in kilo litres per day (KLD)

- (i) Quantity of water required
- (ii) Source of water

- (iii) If Ground water (Upload a copy of approval from Central Ground Water Authority or other authorised body)
- (iv) If other Source (Upload a copy of permission from competent authority)
- (v) Mode of transport
- (vi) Commitment of water supply (Upload document)

16. DETAILS OF WATER TREATMENT AND RECYCLING (If any) (Multiple Entries Allowed)

Type/ Source	Quantity of Waste Water Generated (Kilos Litre per Day)	Treatment Capacity (Kilos Litre per Day)	Treatment Method	Mode of Disposal	Quantity of Discharged Water (Kilos Litre per Day)	Quantity of Treatment Water used in Recycling/Reuse (Kilo Litre per Day)

17. DETAILS OF RAINWATER HARVESTING

- (i) No. of Storage tanks
- (ii) Total capacity of tanks
- (iii) No. of Recharge Pits
- (iv) Capacity of pits

18. ENERGY REQUIREMENT AND SOURCES

- (i) Total Power Requirements (kwh)
- (ii) Source
- (iii) Upload Copy of Agreement (upload pdf only)
- (iv) Stand by Arrangement (Details)

19. ENERGY EFFICIENCY/SAVING MEASURES

- (i) Source/Mode
- (ii) Details of savings

20. RECOMMENDATION OF STATE COASTAL ZONE MANAGEMENT AUTHORITY

- (i) Upload Copy of CZMA recommendations (Upload pdf only)
- (ii) Compliance status of the Conditions Imposed

21. WHETHER PROPOSAL ATTRACTS EIA NOTIFICATION, 2006. (Yes/No)

If YES,

- (i) the category thereof
- (ii) Status of proposal for EC (as applicable)

22. SOCIAL AND ENVIRONMENTAL ISSUES AND MITIGATIONS MEASURES SUGGESTED INCLUDING BUT NOT LIMITED TO R&R, WATER, AIR, HAZARDOUS WASTES, ECOLOGICAL ASPECTS, ETC. (Brief Details to be Provided)

23. DETAILS OF COURT CASES Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up? (Yes/No)

If Yes, Pending or Disposed (Select relevant)

- (i) Name of the Court (Supreme Court, High Court, National Green Tribunal)
- (ii) Case No.

- (iii) Case Details
- (iv) Orders/Directions of the court, if any and its relevance with the proposed project
(Upload document)

24. ADDITIONAL INFORMATION, If any

UNDERTAKING: It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2011 has been concealed therefore.

Name and Signature of the applicant:

Date:

Government of India
Ministry of Environment, Forest and Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003

Dated: 6th September, 2022

To

The Secretary (Environment)
Department of Environment and Climate Change
Government of Goa, Secretariat
Porvorim, Goa- 403521

Sub: Coastal Zone Management Plan (CZMP) of Goa as per the CRZ Notification, 2011 - reg.

Sir,

This has reference to the letter No. GCZMA/GEN-MISC/13-14/Part-VII/675, dated 23th August, 2022 furnishing therein the Coastal Zone Management Plans (CZMPs) of Goa, drawn as per the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011.

2. In this regard, it is to state that, based on recommendations of the 45th meeting of the National Coastal Zone Management Authority held on 01/09/2022, the Ministry of Environment, Forest and Climate Change hereby conveys approval of the CZMPs for the State of Goa prepared on 1:25000 scale as submitted by Government of Goa. Further, it is to inform that all proposals for CRZ clearance shall be considered in accordance with the CRZ maps prepared as per CZMP approved under the CRZ Notification, 2011.

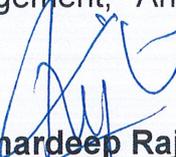
3. This issues with the approval of the Hon'ble Minister, EFCC.

Yours faithfully,


(Amardeep Raju)
Scientist 'E'

Copy to:

1. The Member Secretary, Goa Coastal Zone Management Authority, 4th Floor, Dempo Towers, Patto, Panaji Goa- 403 001
2. The Deputy Director General of Forests (C), Integrated Regional Office, Bengaluru, Ministry of Environment, Forest and Climate Change, Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore – 560034, Karnataka.
3. The Director, National Centre for Sustainable Coastal Management, Anna University, Chennai, Tamil Nadu-600025.
4. Office copy / Guard file.


(Amardeep Raju)
Scientist 'E'



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-01102022-239285
CG-DL-E-01102022-239285

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4440]

नई दिल्ली, शुक्रवार, सितम्बर 30, 2022/आश्विन 8, 1944

No. 4440]

NEW DELHI, FRIDAY, SEPTEMBER 30, 2022/ASVINA 8, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2022

का.आ. 4648(अ).— केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 10 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना, संख्यांक का.आ. 83(अ), तारीख 16 फरवरी, 1987 में निम्नलिखित और संशोधन करती है :-

उक्त अधिसूचना की सारणी में, क्र. सं. 64 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :-

क्रम सं.	अधिकारी/अभिकरण	निम्नलिखित के अधीन नियुक्त
1	2	3
“65	राज्य तटीय जोन प्रबंध प्राधिकरण और संघ राज्यक्षेत्र तटीय जोन प्रबंध प्राधिकरण का अध्यक्ष और सदस्य-सचिव	पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29)।

[फा. सं. आईए 3-12/2/2022-आईए.III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण:- मूल अधिसूचना, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) संख्यांक 83 (अ), तारीख 16 फरवरी, 1987 द्वारा प्रकाशित की गई थी और संख्यांक सा.का.नि. 585 (अ) तारीख 1 सितंबर, 2006 द्वारा अंतिम बार संशोधित की गई थी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 30th September, 2022

S.O. 4648(E).—In exercise of the powers conferred by sub-section (1) of section 10 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O.83(E), dated the 16th February, 1987, namely:-

In the said notification, in the Table, after S.No. 64 and entries relating thereto, the following serial number and entries shall be inserted, namely:-

S.No	Officer/Agency	Appointed under
1	2	3
“65	Chairman, Member Secretary of all the State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities	The Environment (Protection) Act, 1986 (29 of 1986)”. ”

[F. No. IA3-12/2/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note:- The principal notification was published in the Gazette of India vide number S.O.83(E) dated 16th February, 1987 and last amended on vide number G.S.R.585(E) dated 1st September, 2006.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-01102022-239272
CG-DL-E-01102022-239272

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4441]
No. 4441]

नई दिल्ली, शुक्रवार, सितम्बर 30, 2022/आश्विन 8, 1944
NEW DELHI, FRIDAY, SEPTEMBER 30, 2022/ASVINA 8, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2022

का.आ. 4649(अ).— केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना, संख्यांक का.आ. 638(अ), तारीख 28 फरवरी, 2014 में निम्नलिखित संशोधन करती है :-

उक्त अधिसूचना में, क्र.सं. 2 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :-

क्रम सं.	प्राधिकारी/अधिकारी	अधिकारिता
(1)	(2)	(3)
“3.	राज्य तटीय जोन प्रबंध प्राधिकरण और संघ राज्यक्षेत्र तटीय जोन प्रबंध प्राधिकरण	उनकी संबंधित क्षेत्रीय अधिकारिता के भीतर”।

[फा. सं. आईए 3-12/2/2022-आईए. III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण:- मूल अधिसूचना , भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) संख्यांक 638(अ), तारीख 28 फरवरी, 2014 द्वारा प्रकाशित की गई थी ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 30th September, 2022

S.O. 4649(E).—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O.638 (E), dated the 28th February, 2014, namely:-

In the said notification, after S.No.2 and the entries relating thereto, the following S.No.and entries shall be inserted, namely:-

S.No.	Authority/Officer	Jurisdiction
(1)	(2)	(3)
“3.	The State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities	Within their respective territorial jurisdiction”.

[F. No. IA3-12/2/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note:-The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3,Sub-section (ii), vide number S.O.638 (E), dated 28th February, 2014.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-03102022-239323
CG-DL-E-03102022-239323

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4442]
No. 4442]

नई दिल्ली, सोमवार, अक्तूबर 3, 2022/आश्विन 11, 1944
NEW DELHI, MONDAY, OCTOBER 3, 2022/ASVINA 11, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2022

का.आ. 4650(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम की धारा 3 की उपधारा (1) और उपधारा (3) के अधीन इसके द्वारा गठित किए गए राज्य तटीय जोन प्रबंध प्राधिकरण और संघ राज्यक्षेत्र प्रबंध प्राधिकरण को उक्त अधिनियम की धारा 5 के अधीन जारी निदेशों की अपनी शक्ति का, अपनी संबंधित क्षेत्रीय अधिकारिता के भीतर, निम्नलिखित शर्तों और परिसीमाओं के अधीन रहते हुए, प्रत्यायोजन करती है, अर्थात् :-

- (i) ऐसे निदेश राष्ट्रीय तटीय जोन प्रबंध प्राधिकरण या केन्द्रीय सरकार द्वारा किसी विनिर्दिष्ट मामले में जारी किए गए किसी निदेश से अंगसत न हो ;
- (ii) केन्द्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त धारा के उपबंधों का स्वयं अवलंब ले सकेगी, यदि केन्द्रीय सरकार की राय में लोकहित में ऐसी कार्यवाही आवश्यक है।

[फा. सं. आईए 3-12/2/2022-आईए.III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 30 September, 2022

S.O. 4650(E).—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates its powers to issue directions under section 5 of the said Act to the State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities, as constituted by it under sub-sections (1) and (3) of section 3 of the said Act, within their respective territorial jurisdictions, subject to the following conditions and limitations, namely:-

- (i) that such directions are not inconsistent with any direction issued in any specific case by the National Coastal Zone Management Authority or Central Government;
- (ii) that the Central Government may revoke such delegations of powers or may itself invoke the provisions of the said section, if in the opinion of the Central Government such a course of action is necessary in the public interest.

[F. No. IA3-12/2/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

No.18-9/2005-IA-III
Government of India
Ministry of Environment and Forests
(IA-III Division)

Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi - 110003.

Dated the 8th May, 2006

Sub: Proposed construction of a hotel project in Survey Number 71/1 of Velsao village, Salcete Taluka by M/s Saldanha Developers Private Limited - Environmental Clearance - regarding

Reference is invited to letters No.GCZMA/S/90/930, dated 2.8.2005 and No.GCZMA/S/90/1157, dated 7.12.2005 from the Department of Science, Technology and Environment, Government of Goa and subsequent letter bearing No.SDPL/SPR/01-06/S-9, dated 30.1.2006 from M/s Saldanha Developers Private Limited on the above subject. The project proponent have obtained NOC from Goa Pollution Control Board vide Order No.5/2629/03-PCB/3428, dated 3.3.2005.

The project involves construction of a hotel in Survey No.71/1 of Velsao village, Salcete Taluka. The proposal involves construction of 160 rooms comprising of 23 units, two swimming pools and a Sewage Treatment Plant. The main hotel building and the health club have basements. The proposed construction is beyond 200 mts from the High Tide Line. The project area falls in Coastal Regulation Zone-III. Maximum height of the building is 9 mts. The water requirement for the entire project is around 70,000 litres which should be met from the Government Water supply. No eco-sensitive areas are present at the project site.

The proposal has been examined in this Ministry and environmental clearance to the project is hereby accorded, subject to the effective implementation of the following terms and conditions and the general conditions contained in the Annexure: -

- i) There should be no withdrawal of groundwater within 500 m from the HTL for the purpose of the project.
- ii) The project should not be commissioned till the requisite quantity of water is made available by the Municipal Corporation, Goa.
- iii) The proponents should make necessary arrangements for harvesting of roof top rainwater to meet atleast 50% of water requirement.
- iv) The project should not be commissioned till the requisite quantity of power is made available by the State Electricity Department, Government of Goa. DG sets should not be used on a routine basis to meet the regular power requirement of the project.
- v) Public access to the beach on both sides of the hotel project should be provided, in accordance with the guidelines for development of beach resorts contained in Annexure-II of the Coastal Regulation Zone Notification, 1991.
- vi) There should be no constructions within 200 m from the HTL.
- vii) The Ministry reserves the right to revoke the clearance, if implementation of the terms and conditions stipulated is not satisfactory. This Ministry or any other competent authority may also modify or alter the stipulated conditions or may stipulate any other additional conditions for environmental protection, subsequently, if deemed necessary.

:2:

3. The Regional Office of the Ministry located at Bangalore will monitor implementation of the above conditions. Necessary information/data should be provided by the project proponents to the staff of the Ministry during their inspection. The project proponents should send a six monthly report to the Ministry's Regional Office regarding their compliance with the above conditions.

4. These stipulations will be enforced among others, under the provisions of the Coastal Regulation Zone Notification dated 19.2.1991 as amended subsequently, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The project authorities should also ensure that the construction complies with the orders of the Supreme Court passed on 18.4.1996 in the W.P. (C) No. 664 of 1993 to the extent it applies to this case and also the provisions of the Coastal Zone Management Plan of Goa approved by this Ministry.

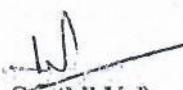

(A. Senthil Vel)
Additional Director

To

Dr. N. P. S. Varde,
Director/Joint Secretary,
Department of Science, Technology and Environment,
Government of Goa, Opp. Saligao Seminary, Saligao,
Goa-403511.

Copy to:

- (i) The Chief Town Planner, Town and Country Planning Department, Government of Goa, Panaji, Goa.
- (ii) The Chief Conservator of Forests, Kendriya Sadan, IV Floor, E&F Wings, Office (SZ), 7th Main Road, II Block, Koramangala, Bangalore - 560034.
- (iii) The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar, Delhi -32.
- (iv) The Chairman, Goa State Pollution Control Board, Panaji, Goa.
- (v) Shri P. Sawant, M/s Saldanha Developers Private Limited, DS-1, 2, Pancharatna, Martires Dias Road, Margao-403601, Goa.
- (vi) DIG (SO), Regional Office Cell, Ministry of Environment and Forests, New Delhi.
- (vii) Guard File.
- (viii) Monitoring Cell.
- (ix) Director (EI), Ministry of Environment & Forests, New Delhi.


(A. Senthil Vel)
Additional Director

ANNEXUREGENERAL CONDITIONS TO BE COMPLIED BY THE PROJECT PROPONENT

- i) The construction of the structures should be undertaken as per the plans approved by the concerned local authorities/local administration, meticulously conforming to the existing local and Central rules and regulations including the provisions of CRZ Notification dated 19-2-1991 and the approved Coastal Zone Management Plan of Goa.
- ii) All safety norms should be ensured and proper arrangements be made for providing fire extinguishers & other equipments as per the relevant regulations/guidelines of the State/Central authorities.
- iii) Adequate provisions for infrastructure facilities such as water supply, fuel, sanitation etc. should be ensured for construction workers during the construction phase of the project so as to avoid felling of trees and pollution of water and the surroundings.
- iv) The project authorities must make necessary arrangements for disposal of solid wastes and for the treatment of effluents by providing a proper wastewater treatment plant. Along with the treatment facilities, it must be ensured that the effluents and the solid wastes are not discharged into the sea or on the beach. These arrangements must be made to the satisfaction of the local authorities competent to inspect and regulate pollution control activities. The treated wastewater shall be completely reused for gardening purpose. These arrangements must be completed before occupancy certificate is granted to the hotel by the local authorities. The project proponent shall also take proper measures for treatment and disposal of the sludge generated in the sludge drying beds. The project authority will have to properly maintain the effluent treatment plant and keep it functional at all times to comply with the prescribed standards.
- v) The quality of treated effluents, solid wastes, emissions from boilers and noise level from diesel generators, etc., must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and the Union Ministry of Environment and Forests under the Environment (Protection) Act, 1986, whichever are more stringent.
- vi) The proponent should comply with the conditions stipulated by the Goa State Pollution Control Board in their Consent for Establishment Order No.5/2675/03-PCB/3429, dated 3.3.2005.
- vii) Sufficient number of trees should be planted in the open areas of the resort. While selecting the plant species for afforestation and plantation around the beach resort, it should be ensured that these are suitable for the local environmental conditions.
- viii) The standby hot water boilers and the diesel generator sets, if any, must be maintained properly by qualified technicians. It is necessary to carry out the air emission tests from the above sources at least once in a month.
- ix) During the construction phase, there may be a marginal increase in the SPM levels of the ambient air, which should be minimized by adopting sprinkling of water on the dusty roads in the project area. During this phase, there may also be an increase in the ambient noise levels in the project area due to heavy vehicle movement. These noise levels should be minimized by proper maintenance of the vehicles and trucks. The noise generated from the generators during operation shall be minimized by providing adequate vibration damping/vibration isolation techniques. The green belt in and around the resort shall also be so developed as to reduce the noise levels appreciably. As such the proponents shall have to evolve a comprehensive environmental management plan to mitigate the likely adverse impacts during the construction phase.

:2:

- x) In case the proposed project falls in a cyclone prone area the proponents must prepare an emergency plan and also the ways and means for minimizing as well as mitigating the cyclone disasters.
- xi) In order to carry out the environmental monitoring during the operational phase of the project, the project authorities should provide a small environmental laboratory to carry out the testing of various environmental parameters. The laboratory should have adequate number of qualified scientific personnel to effectively carry out testing of effluents and monitoring of air emissions periodically. The laboratory should be located within the project area and the equipment/instrument facilities required for monitoring the various environmental parameters should be of standard type.
- xii) The project should be eco-friendly and accordingly it should avoid use of PVC material as far as possible during the construction and operating stages.
- xiii) The proponent should ensure that only non-phosphatic detergents are used at this project at all times, subject to their availability indigenously.
- xiv) The proponent should use all the organic and kitchen waste, etc., for composting purpose, in consultation with the local municipal/village authorities and the Goa State Pollution Control Board.
- xv) The proponents shall provide for a regular monitoring mechanism so as to ensure that the treated effluents conform to the prescribed standards. The records of analysis reports must be properly maintained and made available for inspection to the concerned State/Central officials during their visits.
- xvi) The sand dunes, if any, on the site should not be disturbed in any way.
- xvii) Basement of the Hotel/Resort, if any, will be used only for storage and for keeping the machinery and equipment for services such as air conditioners, water and sewage pumping. NOC from the concerned State Groundwater Board Authority must be obtained to ensure that there shall be no interference with the groundwater flow or no intrusion of saline water into the groundwater. A copy of the NOC obtained shall be submitted to this Ministry.
- xviii) A copy of the clearance letter will be marked to the concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been received while processing the proposal by the State Government.
- xix) The project proponents should inform this Ministry as well as its Regional Office located at Bangalore, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- xx) The Goa State Pollution Control Board should display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's Office/Tehsildar's Office for 30 days.
- xxi) The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen at Website of the Ministry of Environment and Forests at <http://www.envfor.nic.in/>. A copy of the same should be forwarded to the Bangalore Regional Office of this Ministry.

(A. Senthil Vel)
Additional Director

MINISTRY OF ENVIRONMENT AND FORESTS**NOTIFICATION**

New Delhi, the 19th October, 2002

S.O.1100 (E).--- Whereas by the notification of the Government of India in the Ministry of Environment and Forests number S.O. 114(E), dated the 19th February, 1991 (hereinafter referred to as the said notification), the Central Government declared Coastal Stretches as Coastal Regulation Zone (herein after referred to as CRZ) and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas the Central Government deems it necessary to harmonize and elaborate the existing provisions of the said notification;

And whereas the Central Government has considered the requirement of projects relating to generation of power by non-conventional energy sources in CRZ areas, setting up of desalination plants in CRZ, storage of non hazardous cargo such as edible oil, fertilizers and food grain in CRZ of notified ports.

And whereas the Central Government has also considered the requirement for construction of airstrips and associated facilities in CRZ areas in the Islands of Lakshadweep and Andaman and Nicobar.

And whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to amend the said notification;

And whereas sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 provides that, "Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3) of the said rules";

And whereas the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) sub-rule (3) of rule 5 for amending the said notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rules (3) and (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the aforesaid notification, namely:-

In the said notification, -

1. in paragraph 2, in sub paragraph (i), the following proviso shall be inserted at the end, namely:-
 "provided that (a) facilities for generating power by non conventional energy sources and setting up of desalination plants may be permitted within the said zone in areas not classified as CRZ-I(i); and (b) construction of airstrips in the said zone in areas not classified as CRZ-I(i) may also be permitted in the Islands of Lakshadweep and Andaman & Nicobar by Government of India in the Ministry of Environment & Forests".
2. in paragraph 3, in sub-paragraph 2, –
 - (i) after item (i), the following item shall be inserted, namely:-

“(ia) the clearance granted shall be valid for a period of five years for the commencement of the construction or operation.”;
 - (ii) after item (iii c), the following item shall be inserted, namely:-

“(iii d) facilities for generating power by non conventional energy sources, desalination plants and weather radars;

(iii e) airstrips and associated facilities in Lakshadweep and Andaman and Nicobar Islands.”.
3. in Annexure-I, in paragraph 6, in sub-paragraph (2),-
 - (i) under the heading CRZ-I,
 - (a) for the words, brackets and letter “and (c) facilities”, the brackets, letter and word “(c) facilities” shall be substituted,”
 - (b) after the words “activities permissible under CRZ-I”, the following shall be inserted, namely:-

“and (d) installation of weather radar for monitoring of cyclone movement and prediction by Indian Meteorological Department.”;
 - (c) for the words brackets and figure "sub-paragraph (ii)", the following words brackets and figures shall be substituted, namely:-

"sub-paragraphs (i) and (ii)";
 - (d) for the words, brackets and letter “and (d) salt”, the brackets, letter and word “(d) salt” shall be substituted;

(e) after the word "evaporation of sea water" the following shall be inserted, namely:-

"(e) desalination plants,
and (f) storage of non hazardous cargo such as edible oil, fertilizers and food grain within notified ports".

(ii) under the heading CRZ-II, after item (i), the following item shall be inserted, namely:-

"(ia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii).

(ib) desalination plants

(ic) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.

(id) facilities for generating power by non conventional energy sources.

(ie) construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar".

(iii) under the heading CRZ-III, -

(a) in clause (i), after the words "sea water", the words

"facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii), facilities for generating power by non conventional energy sources, desalination plants, weather radars and construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar" shall be inserted.

(b) after clause (ii), the following clauses shall be inserted namely:-

"(iia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended

to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii).

- (iib) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.
 - (iic) desalination plants
 - (iid) facilities for generating power by non conventional energy sources.
 - (iie) construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman & Nicobar."
- (iv) Under the heading CRZ-IV,-
- (a) Under sub-heading Andaman and Nicobar Islands, -
in clause (i), after the word "HTL", the words

"except facilities for generating power by non conventional energy sources, desalination plants and construction of airstrips and associated facilities" shall be inserted.
 - (b) under sub-heading Lakshadweep and small Islands, after clause (i), the following clauses shall be inserted, namely:-
 - (ia) facilities for generating power by non conventional energy sources;
 - (ib) desalination plants;
 - (ic) construction of airstrips and associated facilities; ”.

{F. No. H-11011/6/97-IA.III}

Dr. V. RAJAGOPALAN, Jt. Secy.

The principal notification was published in the Gazette of India vide number S.O. 114(E), dated, the 19th February, 1991 and subsequently amended vide :-

- (i) S.O. 595 (E) dated 18th August, 1994.
- (ii) S.O. 73 (E) dated 31st January, 1997.
- (iii) S.O. 494 (E) dated 9th July, 1997.
- (iv) S.O. 334 (E) dated 20th April, 1998.
- (v) S.O. 873 (E) dated 30th September, 1998.
- (vi) S.O. 1122 (E) dated 29th December, 1998.
- (vii) S.O. 998 (E) dated 29th September, 1999.
- (viii) S.O. 730 (E) dated 4th August, 2000.
- (ix) S.O. 900 (E) dated 29th September, 2000.
- (x) S.O. 329 (E) dated 12th April, 2001.
- (xi) S.O. 988 (E) dated 3rd October, 2001.
- (xii) S.O. 550 (E) dated 21st May, 2002

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 BENCH AT GOA
 WRIT PETITION NO.422 OF 1998
 WITH
 WRIT PETITION NO.99 OF 1999

WRIT PETITION NO.422 OF 1998

The Goa Foundation,)
 represented by its Secretary,)
 Dr.Claude Alvares, with)
 registered office at Rm.7,)
 Above Mapusa Clinic,)
 Mapusa 403 507 Goa.)... Petitioner

Vs.

1. The Panchayat of Candolim)
 through its Sarpanch,)
 Candolim, Bardez, Goa.)
2. The Goa Coastal Zone Management)
 Authority, through its)
 Member-Secretary,)
 Dept. of Science Technology)
 & Environment, Opp.Saligao)
 Seminary, Saligao, Bardez,)
 Goa.)
3. State of Goa,)
 through its Chief Secretary,)
 Secretariate, Panaji.)
4. The Chief Town Planner,)
 Town and Country Planning)
 Department, Old Goa Medical)
 College Complex, Campal,)
 Panaji, Goa.)
5. The Secretary,)
 Ministry of Environment &)
 Forests, Government of India,)
 Paryavaran Bhavan,)
 C.G.O. Complex, Lodi Road,)
 New Delhi 110 003.)

- 2 -

6. Mrs.Hilda D'Souza,)
 Major age,)
 resident of Banmonwado,)
 Candolim, Bardez, Goa.).. Respondents

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Ms Norma Alvares, Advocate for the Petitioner.

Mrs.A.Agni with Mrs.N. Narvekar, Advocates for the Respondent No.1.

Shri S.S.Kantak, Advocate General with Ms G.Bhonsale, Additional Government Advocate for the Respondent Nos.3 and 4.

Shri E.P.Badrinarayan, Additional Central Government Standing Counsel for the Respondent No.5.

Shri M.S.Sonak, Advocate for the Intervenor/Respondent No.6.

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WRIT PETITION NO.99 OF 1999

The Goa Foundation,)
 represented by its Secretary,)
 Dr.Claude Alvares, with)
 registered office at Rm.7,)
 Above Mapusa Clinic,)
 Mapusa 403 507 Goa.).. Petitioner

Vs.

1. The Panchayat of Calangute)
 through its Sarpanch,)
 Calangute, Bardez, Goa.)
2. The Goa Coastal Zone Management)
 Authority, through its)
 Member-Secretary,)
 Department of Science,)
 Technology & Environment,)
 Opp.Saligao Seminary, Saligao,)
 Bardez, Goa.)

- 3 -

3. State of Goa,)
 through its Chief Secretary,)
 Secretariate, Panaji.)
4. The Chief Town Planner,)
 Town and Country Planning)
 Department, Old Goa Medical)
 College Complex, Campal,)
 Panaji, Goa.)
5. The Secretary,)
 Ministry of Environment &)
 Forests, Government of India,)
 Paryavaran Bhavan,)
 C.G.O. Complex, Lodi Road,)
 New Delhi 110 003.).. Respondents

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Ms Norma Alvares, Advocate for the Petitioner.

Shri P.A.Kamat, Advocate for the Respondent No.1.

Shri S.S.Kantak, Advocate General with Ms G.Bhonsale,
 Additional Government Advocate for the Respondent
 Nos.3 and 4.

Shri E.P.Badrinarayan, Additional Central Government
 Standing Counsel for the Respondent No.5.

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CORAM : R.M.S.KHANDEPARKAR &

N.A.BRITTO, JJ

DATED : 13th OCTOBER, 2006

JUDGMENT: (Per R.M.S.KHANDEPARKAR, J)

1. Since common questions of law and facts arise in both these petitions, they were heard together and are being disposed of by this common judgment.

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2. Heard. In both these petitions, the petitioners seek to restrain the respondents authorities from granting permission for new residential units or development in the CRZ-III zone contrary to the provisions comprised under clause 6(2) CRZ-III (iii) of Annexure - I (hereinafter called as "the said clause") of the CRZ Notification dated 19th February, 1991 as amended till this date, hereinafter called as "the said CRZ notification", and further to remove all constructions in the said CRZ III zone in the village of Candolim and Calangute which have been constructed in violation of the said clause, as also to conduct an inquiry to fix responsibility for the large-scale violations of the said clause of the CRZ Notification and to take necessary action against and to ensure punishment to those who are responsible for such violations.

3. Under the said CRZ Notification, an area between 200 and 500 meters of High Tide Line, hereinafter called as "the said Zone" is earmarked as 'No Development Zone'. It is the case of the petitioners that the construction activities within the said zone are restricted for residential purposes subject to the conditions incorporated in the said clause, and accordingly it prohibits construction in excess of dwelling units twice the number of dwelling

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units as existed in the said Zone on 19th February, 1991. As of 19th February, 1991 the total number of dwelling units in the said zone in the village of Candolim were 608 whereas in the village of Calangute, they were 946. The grievance of the petitioners is that the respondents authorities in violation of the said clause of the said CRZ Notification have granted approval to the dwelling units in excess of twice the number of the said dwelling units and a large portion of the land in the said Zone in the said two villages is virtually sought to be converted into a concrete jungle which paradoxically the CRZ Notification had designed to prevent. The general principles on which the said CRZ Notification is based include control and restrictions over unwarranted development in the coastal areas essentially for ecological reasons without disturbing traditional rights and customary uses of dwellers and those enjoyed by the people of the coastal villages and that is why the said clause protects right to construct dwelling units and to organise daily life activities for the traditional inhabitants of the coastal villages as per their customary needs. It is the contention of the petitioners that the respondents authorities ignoring the object behind the said clause of the said CRZ Notification had been indiscriminately granting permission for new construction in the said zone which

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not only needs to be stopped but action is required to be taken to restore the situation as was on 19th February, 1991 and to punish the guilty and those who are responsible for violation of the said CRZ Notification.

4. According to the respondents, the figure relating to the total number of dwelling units stated in the petitions is based on the survey which was conducted in the year 1970-71, and considering the same, structures in 1991 would be much more than those claimed by the petitioners. According to the 1991 Census which was conducted in February, 1990, the total number of residential houses in the village of Candolim was 1523 while number of households were 1563. According to the respondents, they have not granted any permission in violation of the said clause of the said CRZ Notification, and apart from the dwelling houses, there are also government buildings, religious premises and school buildings in the said area. The respondents have also sought to dispute the contention of the petitioners as regards the connotation of the expression "dwelling units". According to the respondents, the said expression refers to the entire structure or the building irrespective of the sub-units in a building or structure and the entire building is to be considered

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as the one dwelling unit. Further, the coverage of the plot for the purpose of 33% rule, the same would relate to the plinth area of the building irrespective of how many separate families may occupy the same or how many floors the building has, and further for the purpose of understanding the meaning of doubling of the dwelling units, the same are to be counted plot wise. In a vacant plot, the construction of one or more unit can be permitted provided its total coverage area shall not exceed 33% of the plot area. Similarly, if the plot is already having two dwelling units, maximum of two or more can be permitted with, only restriction being related to the total permissible coverage of the plot i.e. 33% of the plot area. It is also sought to be argued on behalf of the respondents that there is inordinate delay in approaching the Court, and therefore, there is no justification for finding fault with the respondents in relation to the permissions which have already been granted or with the constructions, according to such permissions, which have already been completed in the said area.

5. It is to be noted that at the time of hearing for admission on 17th December, 1998, the learned Government Advocate appearing for the respondent Nos.3 and 4, viz. the State of Goa and the Chief Town

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Planner, Town and Country Planning Department, on instructions from the said respondents, undertook not to grant any approval or licences for construction within the area lying between 200 to 500 meters from HTL and in CRZ III zone in the State of Goa. Similar assurance was also given on behalf of the concerned Village Panchayats. Further, on 6th May, 1999, the Learned Advocate General assured the Court that Coastal Zone Management Authority would not consider any application for approval of construction in the area comprised of said zone lying between 200 to 500 meters of HTL defined as the CRZ III zone in view of the fact that the clarification and further instructions were awaited from National Coastal Zone Management Authority, and further that as and when instructions/clarifications would be received from the said authority, the same would be placed before this Court for further directions. Thereafter, an application was moved being Civil Misc.Application No.329 of 2000 by the Government of Goa for relieving of its statement and assurances, however, the same came to be rejected by a reasoned order passed by this Court on 13th September, 2000.

6. Ms Norma Alvares, the learned advocate for the petitioners, while elaborating the contentions on behalf of the petitioners, submitted that the

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construction activities which are permissible within the areas comprised between 200 and 500 metres of HTL in the coastal zone are essentially restricted to the dwelling houses in accordance with the clause 6(2) CRZ-III(iii) of the said CRZ Notification and the same permits only dwelling units which are within the ambit of traditional rights and customary uses such as fishing villages and gaothans and the total number of dwelling units, which could be allowed, should not be twice the number which existed on 19th February, 1991, total coverage on all the floors being restricted to 33% of the plot size, and the overall height of construction to 9 metres with only two floors including the ground floor. Reliance is sought to be placed in the decision of the Apex Court in the matter of **C.I.T., Madras v. K.S.Ratnaswamy**, reported in (1980) 2 SCC 548, **Smt. Jeewanti Pandey v. Kishan Chandra Pandey**, reported in AIR 1982 SC 3, and **Gulf Goans Hotels Co. Ltd. & Anr. v. Union of India & Ors.**, reported in 2000(2) Goa Law Times 187. Attention has also been drawn to the dictionary meaning of the term "dwelling unit", definition of the said expression under the Planning and Development Authority (Development Plan) Regulations, 2000 and interpretation of the said expression by the Goa Coastal Zone Management Authority, while contending that essentially the dwelling unit is a home, an

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abode, and not merely a habitable place but indicates residency of a more permanent nature.

7. The learned Advocate General, on the other hand, while complaining about the absence of sufficient factual data regarding plot wise violation, if any, so as to appreciate the contention sought to be raised by the petitioners, more particularly in view of the clause (iii) of the said CRZ Notification refers to 33% of the plot size, submitted that the term "dwelling unit" has to be understood with reference to the floor area and pertaining to each plot. According to the learned Advocate General, there is no scope for restricting the dwelling units under the said clause to mean that it relates to an occupation by one family alone. An unit can include sub-units, and therefore, it will relate to the entire building irrespective of number of sub-units which may exist in one unit. Drawing attention to the clause (ii) of CRZ-II of the said CRZ Notification, it was contended that the very notification permits construction of hotels and beach resorts in the said area comprised between 200 and 500 metres of HIL. Being so, there is no scope to define the dwelling unit in the manner it is sought to be contended on behalf of the petitioners. As regards 33% of the plot area, the provision only requires 67% of the plot area

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should remain open. In other words, if 33% of the plot area is occupied by plinth area and the structure, then it would satisfy requirement of keeping 67% of the plot area to be open. Reliance is sought to be placed in the decision of the Apex Court in **Goa Foundation, Goa v. Diksha Holdings Pvt. Ltd. & Ors.**, reported in AIR 2001 SC 184, and of the Calcutta High Court in **People United for better Living in Calcutta- Public & Anr. v. State of West Bengal & Ors.**, reported in AIR 1993 Calcutta 215.

8. The Central Government in exercise of powers conferred under the provisions of the Environment (Protection) Act, 1986 (hereinafter called as "the said Act") and the rules made thereunder (hereinafter called as "the said rules") issued the said CRZ Notification classifying the coastal area in four categories for the purpose of regulating and restricting the development in such area as per the said CRZ Notification. The areas which are ecologically sensitive and important, such as national parks, marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to

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rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government and which lies between Low Tide line and High Tide Line, have been categorised as CRZ-1. The areas which have already been developed upto or close to the shore-line and which are situated within the municipal limits or in other legally designated urban areas which are already substantially built up and which have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains, are classified as CRZ-II. The coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-1, CRZ-II or CRZ-III, are classified as CRZ-IV category.

9. CRZ-III zone, with which we are concerned in the matter in hand, comprises of areas which are relatively undisturbed and those which do not belong to either category CRZ-I or CRZ-II and they include coastal zones in the rural areas, either developed or undeveloped, and also areas within municipal limits or in other legally designated urban areas which are not substantially built up. As regards the areas in this category, the development therein is regulated and restricted under the said CRZ Notification in the following manner:

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"CRZ-III

- (i) The area upto ~~200~~ metres from the HTL is to be earmarked as 'No Development Zone'. ** [No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants]. However, the following uses may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, play fields, forestry and salt

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manufacture from sea water.

- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.
- (iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the HTL permitted so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than

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twice the number of existing units; total covered area on all floors shall not exceed 33 per cent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).

*[Construction is allowed for permissible activities under the notification including facilities essential for such activities. An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CR2 if no

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other area is available for construction of such facilities].

- (iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above."

10. The grievance essentially relates to the alleged non-compliance of the clause (iii) of the said CRZ Notification quoted above. It is the case of the petitioners that the said notification clearly regulates and restricts developments within the area of 200 and 500 metres of HTL as specified in clause (iii) quoted above of the said CRZ Notification. Whilst it regulates development to the extent of 33% of the plot size and permits construction activity to the extent of twice the total number of dwelling units as they existed on 19th February, 1991 and within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans and further the height of construction being restricted to 9 metres and two floors including the ground floor and to be utilised as dwelling units. The clause (iv) thereof further specifies that even reconstruction or alterations should be in terms of the clause (iii) of the said CRZ Notification. It is, therefore, the

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contention on behalf of the petitioners that in the course of grant of permission for new dwelling units, the number of dwelling units cannot be allowed to exceed twice the number of the units which existed on 19th February, 1991. Further that such dwelling units would not include development of land by builders and estate agents for commercial purposes but it would essentially be for the people who traditionally exercise their rights in those coastal areas such as fisherfolk, toddy tappers, horticulturist, etc. It is essentially for the dwelling units by the persons engaged in such traditional occupations which are prevalent in the coastal area.

11. Plain reading of the above quoted CR2-III Notification would undoubtedly disclose that in the area between 200 and 500 metres of HTL, the development is sought to be regulated and restricted in terms of the clauses (ii), (iii) and (iv) thereof. While clause (iv) relates to reconstruction or alterations, it essentially provides that such reconstruction and alterations are permissible subject to the provisions in the clauses (i), (ii), and (iii) thereof. Obviously, clause (i) relates to the area upto 200 metres from the HTL with which we are not concerned in these petitions.

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12. As regards the clause (ii) of CRZ-II of the said CRZ Notification, it undoubtedly permits construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions stipulated in the guidelines at Annexure-II of the said Notification. In addition, the clause specifically refers to "development of vacant plots between 200 and 500 metres of HTL." The expression "vacant plots" is not unintentional or meaningless. The relevancy of the said expression in the said clause can at once be realised on proper reading of the clause (iii) of the said CRZ Notification. The clause (iii) thereof refers to "construction/reconstruction of dwelling units between 200 and 500 metres of the HTL." In other words, while the clause (iii) specifically refers to the development of an area lying between 200 and 500 metres of HTL exclusively for construction or reconstruction of the dwelling units, the open plots in such area are allowed to be utilised for construction of the hotels in terms of the clause (ii) thereof. The expression "construction/reconstruction of dwelling units" in clause (iii) further refers to "within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans". It is settled principle of law of interpretation that no word in a statutory provision including the one in

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the subordinate legislation can be presumed to be redundant or unintentional. Reference to the "traditional rights" and "customary uses" while regulating construction activities of dwelling units in the coastal area is neither unintentional nor insignificant but evidently it discloses the intention of the framers of the law that the construction activities of dwelling units have to be "within the ambit of traditional rights and customary uses" prevalent and practiced in the concerned locality i.e. coastal area. Obviously, it will relate to the persons engaged in traditional occupations in such locality in the coastal area which would include fishing, toddy tapping, plantation, etc., otherwise the framers of the law would not have occasion to restrict the activity of construction of dwelling units "within the ambit of traditional rights and customary uses". The said expression essentially discloses that the law makers have considered the importance and necessity of and have, therefore, granted recognition to the activities of the nature of traditional occupations in such coastal area and that has been described as the ambit of extent to which the construction activities can be permitted to have the dwelling units in the said area.

13. It is pertinent to note that while on one hand

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construction of hotels and beach resorts are permissible in the vacant plots in the said area, on the other hand, construction activity which is permissible under the clause (iii) relates to the dwelling units. It does not relate to construction activity otherwise than dwelling units. Further it restricts such construction activities to be within the ambit specified thereunder. While reading the said provision, one should not ignore the description of the category CRZ-III under the said CRZ Notification which specifically speaks of "relatively undisturbed" area. At the same time, the category CRZ-II which is also close to the shore-line has been specifically classified as "developed area." This apparently shows that the framers of the law did not contemplate any construction activity within the area of 200 to 500 metres of HFL otherwise than the one specifically stated in the clauses (ii) and (iii) of the said Notification and they are dwelling units, with one exception in favour of hotels and beach resorts but only in vacant plots in the said zone. The petitioners are justified in contending that the construction activities in the said zone would not include construction of the buildings by the builders or developers for commercial purposes.

14. The connotation of term "dwelling unit" has

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been of major controversy between the parties. Undisputedly, the term has not been defined either in the said CRZ Notification or under said Environment Act, or the said rules. However, the Planning and Development Authority (Development Plan) Regulations, 1989 issued under Section 141 of the Goa, Daman and Diu, Town and Country Planning Act, 1974 defines the term "dwelling" to mean a building or a portion thereof which is designed or used wholly or principally for residential purpose. Likewise, the Planning and Development Authority (Development Plan) Regulations, 2000 issued under Section 141 of the Goa, Daman and Diu, Town and Country Planning Act, 1974 defines the term "dwelling unit" to mean a habitable place, which should be provided with a kitchen, a W.C. and a bathroom. In common parlance a dwelling unit would obviously mean a built up structure which is meant for habitation provided it is equipped with necessary amenities like kitchen, toilet, living room and bedroom. Normally an unit would include sub-unit. However, considering the provisions of law comprised under the clause (iii) of the said CRZ Notification and various restrictions specified in relation to the dwelling units under the said clause, it is implicit that the expression "dwelling unit" under the said clause refers to unit which is commonly understood as the one sufficient to make a place for habitation in

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the sense that it is equipped with necessary amenities like the living room, bedroom, kitchen and toilet. Any other meaning to the dwelling unit under the said clause would virtually result in rendering the said clause to be totally redundant. It is to be noted that the clause specifically prohibits the increase in the "total number of dwelling units" beyond the "twice number of existing units". It further provides that total covered area on all floors, the total number of floors inclusive of ground floor should not exceed 33% of the plot size. The overall height of construction cannot exceed 9 metres. In addition, as already stated above, construction and/or reconstruction of dwelling units is permissible within the ambit of traditional rights and customary uses. Taking into consideration all these aspects under the said clause, obviously the "dwelling unit" has essentially to be a home or abode indicating residency of permanent nature. Even the National Coastal Zone Management Authority in its meeting held on 6th May, 2004 had accepted that the definition of the word "dwelling unit" has to be in terms of the building by-laws adopted by the State Government. Undoubtedly, the Ministry of Environment and Forests had advised for further examination in detail about the terminology used in the said CRZ Notification. Nevertheless, the concerned authorities have accepted that the same is

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to be understood as defined under the respective building bye-laws. The definition of the said term as provided by the Planning and Development Authorities Regulations in Goa is on par with common understanding of the said terminology i.e. the unit which is equipped with necessary amenities like kitchen, bedroom, toilet and bathroom.

15. Undoubtedly, in a building, there could be more than one unit. However, for the purpose of clause (iii) of the said Notification, it cannot be said that the entire building comprising of such units will have to be understood as the one unit. A building comprising of different units will have to be considered as consisting of more than one unit. We hasten to clarify that this will have to be understood with reference to the area between 200 and 500 metres of HTL i.e. CRZ-III zone. The same definition may not be understood in relation to the other area or zone as the definition has to be understood with reference to the said clause which necessarily relates to an area between 200 and 500 metres of H/L. Albeit, the old houses will have to be distinguished in comparison to the buildings which normally comprise of flats which would obviously disclose separate dwelling units in the same building. Obviously, old bungalow type family house in a village will have to be

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considered as one dwelling unit. Merely because in such a house, with the passage of time, the occupants thereof might have erected partition to protect privacy of couples staying in such houses, that by itself will not transform the house into multiple units. However, the same rule cannot be applied to a building comprising of different flats which is essentially planned and built to accommodate each family separately and independently. The nature of the structure at the time it was built is most relevant factor to be taken into consideration to decide whether it is one unit or more. Subsequent interior changes cannot be of any relevance.

16. As regards the point relating to 33% of the plot size, while it is the contention on behalf of the petitioners that the figure of 33% refers to the total floor area of dwelling units, according to the respondents, it relates to the total plinth area. The basis for the argument about its reference to the plinth area is that since it permits occupation of 33%, it essentially requires 67% of the plot to be kept open. The contention is totally devoid of substance. The provisions of law comprised under the clause (iii) while prescribing permissible limit of coverage to 33% of the plot size specifically refer to "total covered area on all floors". The relevant

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portion in that regard reads thus:-

"total covered area on all floors shall not exceed 33% of the plot size."

The provisions of law being very clear as regards the coverage being referable to the total area of all the floors, one fails to understand the logic behind the argument that 33% covered area would merely require an area of 67% of the plot to be kept open. Once the law clearly provides that the percentage regarding coverage of the plot is referable to the total area of all the floors, the question of referring the coverage to the plinth area does not arise.

17. There is no dispute on the point of maximum height of 9 metres and total number of floors permissible being two floors, including ground floor, under the said clause of the said CRZ Notification.

18. The next point which requires consideration relates to the restriction regarding doubling of the units. The question is whether it is in relation to each plot or to the entire area in a village lying between 200 and 500 metres of H/L. Plain reading of the clause quoted above would disclose that as far as restriction relating to 33% coverage is concerned, the

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same specifically refers to the plot size; however, in relation to the restriction to the extent of doubling the dwelling units, the clause nowhere refers to a plot as such. Indeed, the framers of the law in their wisdom have avoided to refer the clause relating to the restriction of doubling units to a plot area and in our opinion, rightly so. It is to the common knowledge that in the villages, the people usually prefer to live in reasonable proximity to each other. The settlement or the gaathan area in the village is developed consequent to the habitation of the villagers by constructing their residential accommodations. Apart from the safety point, culture and traditions also contribute to this method of habitation by the villagers. Being so, if the restriction regarding doubling of the units is related to the plot size, it may cause great hardship to the villagers in having their dwelling units in such area. For example, if the plot consists of 5000 sq. metres of an area and there are already five dwelling units and on account of increase of family members, if they want to have more dwelling units the restriction of doubling would not permit them to construct more than five units in addition to the existing five units. For that purpose, they will have to have their dwelling units in different plot inspite of the fact that the land for construction of dwelling units

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within their plot is available. At the same time, since undue increase in the dwelling units is to be prevented, the restriction to the extent of 33% of the plot area is required to be observed. Bearing these in mind, therefore, it is difficult to relate the concept of doubling of the units to a plot. It will have to be considered as referable to the total number of units in the total area between 200 and 500 metres of HTL in a village. This is also clear from the very clause which speaks of "total number of dwelling units". While referring to the permissible construction or reconstruction between 200 and 500 metres of HTL, the expression used being "total number of dwelling units", obviously, it has to relate to the entire area situated between 200 and 500 metres of HTL in a village.

19. The Apex Court in **M.C.Mehta v. Union of India & Ors.**, reported in 2004 AIR SCW 4033 had clearly observed that the development has to go on because one cannot lose sight of the need thereof. However, while holding so, the Apex Court also ruled in favour of protection of environment and highlighted the need to strike the balance in that regard, and therefore, cautioned that :-

"..... protection of environment

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would have precedence over the economic interest. Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not always necessary that there should be direct evidence of harm to the environment."

20. Going through the records placed before this Court in relation to the various constructions carried out after 19th February, 1991, particularly in the village of Candolim, it is apparent that in some cases, same person has been allowed to construct more than one unit when in fact some people have been allowed to construct shops, hotel rooms, etc. Permitting the construction of hotels or beach resorts in terms of the clause (ii) in the vacant plots within the said area is totally different from allowing the construction of hotel rooms and shops within the area which is required to be utilised for the construction of dwelling units. Certainly, construction of hotels and beach resorts would not be permissible within the locality wherein there exist the dwelling units. Hotel construction would be permissible only in the vacant plots situated within the said zone. The provision in that regard is very clear under clause

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(ii), as also disapproval for such construction under the clause (iii) of the said CRZ Notification. Obviously, the respondent/authorities seem to have granted permission in disregard to the provisions comprised under the said Notification and in particular the clause (iii) thereof. The permissions appear to have been granted indiscriminately for all types of development in the area which is essentially meant only for construction or reconstruction of the dwelling units in accordance with the provisions of law comprised under the clause (iii) of the said CRZ Notification. Certainly, this is a clear violation of the CRZ Notification by the authorities, and therefore, would require necessary directions in that regard.

21. As regards the decision of the Apex Court in **K.S.Ratnaswamy's case (supra)** is concerned, undoubtedly, it refers to the meaning of the expression "dwelling place". However, that is with reference to the provisions under the Income Tax Act. Being so, that could not be of any help to understand the expression "dwelling unit" under the said Notification which does not relate to the tax matters but essentially relate to the construction activities in the fragile area covered by the CRZ Notification.

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22. The decision in **Jeewanti Pandey's case (supra)** refers to the expression "residence" and the meaning thereof, but the same is in relation to the provision under the Hindu Marriage Act. Obviously, therefore, it is of no help to the petitioners or the respondents in understanding the meaning of dwelling units under the said CRZ Notification.

23. The Apex Court in **Diksha Holdings Pvt.Ltd.'s case (supra)**, while indicating the approach of the Court which should be in the matters concerning environment and development, had taken notice of the decision of the Calcutta High Court in **People United for Better Living in Calcutta's case (supra)**, wherein it was held thus:-

"There is no manner of doubt that this issue of environmental degradation cannot but be termed to be a social problem and considering the growing awareness and considering the impact of this problem on the society in regard thereto, in my view, Law Courts should also rise up to the occasion to deal with the situation as it demands in the present day context; Law Courts have a social duty since it is a part of the society and as such, must

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always function having due regard to the present day problems which the society faces. It is now a well-settled principle of law that socio-economic condition of the country cannot be ignored by a court of law. It is now a well-settled principle of law that while dealing with the matter, the social problems shall have to be dealt with in the way in the manner it calls for, since benefit to the society ought to be the prime consideration of the Law Courts and ecological imbalance being a social problem ought to be decided by a Court of law so that the society may thrive and prosper without any affection."

24. The Apex Court in the said **Diksha Holdings Pvt.Ltd.'s case (supra)** referring to its earlier decision in **Indian Council for Enviro Legal Action v. Union of India**, reported in (1996) 5 SCC 281, had observed that the Apex Court therein had indicated that with a view to protect the ecological balance in the coastal areas, notifications having been issued by the Central Government, there ought not to be any violation and the prohibited activities should not be allowed to come up within the area declared as CRZ

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notification. It was further ruled that "the Court also emphasised that no activities which would ultimately lead to unscientific and unsustainable development and ecological destruction should at all be allowed and the Courts must scrupulously try to protect the ecology and environment and should shoulder greater responsibility of which the Court can have closer awareness and easy monitoring."

25. In **Gulf Goans Hotels Co.Ltd.'s case (supra)**, the Division Bench of this Court had held that the object of the legislation regarding protection of environment is to prevent degradation of the coastal areas including the sand dunes and ecologically sensitive areas. It was sought to be contended on behalf of the Panchayats by Mrs.Agni, the learned advocate appearing for the Panchayats that the contention that the construction activity in terms of the clause (iii) is permissible only by the locals has been rejected by this Court in the matter of **The Goa Foundation v. United Breweries & Ors.**, 2001(2)Goa L.T. 162 and the said issue stands finally decided. The contention is devoid of substance as the said decision nowhere deals with the said issue. It was only observed therein that though it was sought to be initially argued that the construction of the dwelling houses is permissible by the locals, in the course of

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argument, the same was not pressed, and that therefore, it was not necessary to be decided. In any case, it is nobody's case that the development is permissible by locals only. We are concerned with the limitations as prescribed under clause (iii) of the said notification.

26. It was sought to be argued that the restriction for construction of only dwelling units within the area of 200 to 500 metres of HTL would virtually deny the rights of development to the property holders and it would be contrary to the mandate of Article 300-A of the Constitution of India. This contention is also devoid of substance. Article 300-A of the Constitution certainly prohibits deprivation of property save by authority of law. However, imposition of restriction on development does not amount to deprivation of the property. The regulations which are provided under clause (ii) and the restrictions imposed thereunder do not in any way amount to dispossessing or taking away the property otherwise than by authority of law. It merely regulates the construction activities and does not amount to taking away somebody's property.

27. Undoubtedly, the restrictions comprised under the said clause would discourage indiscriminate

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construction activities in such areas. Merely because it will arrest the indiscriminate construction activities, that would not amount to prohibiting the development in such areas. Certainly, large-scale development is permissible in the area beyond the 500 metres of HTL. The restrictions have been imposed from the point of view of protection of environment and ecology and to avoid degradation thereof. Till and until the CRZ notification is in force, it has to be given effect in letter and spirit. Merely because some restrictions are imposed on the enjoyment of the property in relation to the construction activities in the coastal belt of 300 metres width, that by itself cannot amount to impose illegal or unwarranted or arbitrary restrictions. The restrictions are essentially for proper protection of the environment and ecology. It is well said that we have not inherited the earth from our fathers, but we have borrowed it for our children. Injudicious over exploitation of natural resources, including the land mass, would undoubtedly result in enormous degradation of the environment.

28. As regards the point relating to the objection raised by the respondents on the ground of laches, it is to be noted that it is a public interest litigation. The matter pertains to indiscriminate

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violation of CRZ notification and in particular relating to the CRZ-III zone. The Apex Court in **Bombay Dyeing & Mfg. Co. Ltd. v. Bombay Environmental Action Group & Ors.**, reported in 2006 AIR SCW 1392 had clearly ruled that the delay should not be the sole ground to throw out a public interest litigation irrespective of merit of the matter or the stage thereof and that keeping in view the magnitude of public interest, the court may consider the desirability to relax the rigours of the accepted norms relating to the applicability of rule of laches. In cases where the public authorities by misuse of their power try to virtually render the statutory provisions made for environment protection to be nugatory and act in a manner detrimental to the protection of environment in clear violation of the provisions of law made in that regard, the laches and delay cannot be a justification to give clean chit or carte blanche to such enemies of environment and allow them to go scot free at the cost of destruction of environment and ecology. No amount of delay can legalise the illegal acts, more particularly so, when the same relate to violation of environmental law and that too in relation to the CRZ-III zone.

29. The Courts are not only empowered but are also duty bound, as the enforcing authority of the

- 36 -

constitutional objectives to prevent all actions and activities, not only of the citizens but also of the State and public authorities which can upset or even affect the environmental balance. To protect and improve environment is the solemn duty of the every citizen, and albeit of the State and every public body. Environmental management while assuring due protection to the environment and ecology, is the obligatory function of every public body and that of the State, and in case of failure thereof, the Courts cannot remain to be silent spectators.

30. Undoubtedly during the period from 19th February, 1991 onwards the respondents authorities who were required to ensure proper implementation of CRZ notification did not bother to pay any attention towards performance of their obligation in that regard. The respondents have not bothered to give exact yearwise increase in dwelling units from 1991 onwards in CRZ-III zone in Goa. Considering the nature of controversy and their obligations under the Constitution and statutory provisions, the respondents were required to have all the data ready with them and ought to have disclosed the same to the Court, without waiting for the Court to inquire about the same. In fact, it appears that they have not bothered to maintain any record in that regard till this day. As

- 37 -

regards the exact number of dwelling units which were there in the CRZ-III zone in Goa on 19th February, 1991 and datewise increase thereof subsequent thereto, undoubtedly the concerned authority will have to undertake necessary survey as well as inquiry, which shall include physical verification of the dwelling units in such area, taking into consideration of the panchayat records relating to payment of house taxes, ration cards of the residents in the concerned area, licences granted for construction or reconstruction in the said area on or after 19th February, 1991, census reports, etc. and various other evidence which could be of help in the preparation of such record. Based on such survey and inquiry the concerned authority will have to identify the number of dwelling units in CRZ-III zone in each of the coastal villages and towns of Goa, which were in existence on 19th February, 1991 and which have been built thereafter. In case the number of dwelling units are found to have increased in excess of double the units which were there on 19th February, 1991, then the authorities will have to identify those units with reference to the date of permission granted to them for such construction and to take necessary action in respect of such unit according to law. The authorities will have to also ascertain whether any hotel or shop or any structure other than dwelling unit had been permitted and

- 38 -

constructed in such area, not in open plots, but in the locality comprised of dwelling units after 19th February, 1991 and to take appropriate action in relation thereto in accordance with the provisions of law. Of course, garage or a store room would form part of a dwelling unit. The respondents will have to identify whether there is any construction of the nature not permissible, has been permitted and/or constructed after 19th February, 1991 in the CRZ-III zone in Goa and to take action against the same in accordance with the provisions of law. Needless to say that rule of non-permissibility for construction other than dwelling house after 19th February, 1991 would not apply to such other structure which was already in existence in coastal zone on 19th February, 1991. The respondents are also required to take action against those who are responsible for violation of the provisions of CRZ notification in relation to the CRZ-III zone.

31. The concern shown by the petitioners for preventing degradation of environment and ecology in Goa and in particular on its coastal belt, specifically relating to CRZ-III zone is certainly appreciable.

32. The fall-out of the above discussion is that

- 39 -

the petitions succeed. While making the rule absolute in above terms, we hereby give the following directions to the respondents:-

- (A) To conduct survey and inquiry as regards the number of dwelling units and all other structures and constructions which were existing in the CRZ-III zone in Goa, village or townwise as on 19th February, 1991 and increase in number thereof thereafter, datewise.
- (B) To identify on the basis of permission granted for construction of the dwelling units which are in excess of double the units with regard to those which were existing on 19th February, 1991.
- (C) To identify all types of structures and constructions made in CRZ-III zone, except the dwelling units, after 19th February, 1991 in the locality comprised of the dwelling units and to take action against the same for their demolition in

- 40 -

accordance with the provisions of law.

(D) To identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilisation thereof before they are being allowed to be utilised for such construction activities.

(E) Till and until the survey and inquiry is completed, as directed above, no new licence for any type of construction in CRZ-III zone shall be issued or granted, and no new structure of whatsoever nature shall be allowed to be constructed in CRZ-III zone, except repairs and renovation of the existing houses which shall be subject to the appropriate order on completion and result of the survey and inquiry to be held as directed above and this should be specifically stated in the licenses to be granted for the purpose of repairs and/or

- 41 -

renovation of the existing houses.

(F) The respondent No.5 to conduct inquiry and fix responsibility for the violation of the CRZ notification in relation to clause-III of CRZ-III zone and to take appropriate action against the persons responsible for such violation of the provisions of the Environmental Protection Act and the said notification in relation to the CRZ-III zone.

(G) All these directions stated above are in relation to the CRZ-III zone in Goa in terms of the said notification.

(H) The survey and the inquiry should be conducted as expeditiously as possible and should be concluded preferably within a period of six months, and in any case, by 30th May, 2007, and report in that regard should be placed before this Court in the first week after the

- 42 -

Summer Vacation of 2007, for necessary further order, if any.

- (I) Meanwhile, on conclusion of the survey and the inquiry, necessary action should proceed against the offending structures and report in that regard also should be placed along with the above referred report.
- (J) The respondent Nos.3 and 4 shall ensure prompt compliance of the directions given in this judgment and shall be responsible for submitting the report required to be submitted as stated above.
- (K) All the records relating to the survey and the inquiry should be made available to the public and in that regard a web-site should be opened and the entire material should be displayed on the web-site. The respondent No.3 should ensure due compliance of this direction by 10th June, 2007.

- 43 -

- (L) The respondent nos.1 and 3 shall pay costs of Rs.10,000/- in each of the petitions to the petitioners.
- (M) Report to be received from the respondents should be placed before this Court in the third week of June, 2007.
- (N) Rule is made absolute in above terms.

(R.M.S.KHANDEPARKAR, J)

(N.A. BRITTO, J)



Government of Goa
 Department of Science, Technology & Environment
 Opp. Saligao Seminary, Saligao, Bardez - Goa. 403511
 Phone nos. 0832-2407189, 2407187, 2407530 Fax no. 0832-2407176

No: GCZMA / H. COURT MATTER / 07 / 656 / Part IV / 311 Date: 10th June, 2011.

Policy for utilization of available open plots in CRZ-III Zone for the purpose of establishing Hotels / Beach Resorts.

Background

1. As per paragraph 32(D) of the directions contained in the Judgement and Order of the Hon'ble High Court of Bombay at Goa, Panaji in Writ Petition No. 422 of 1998 (*Goa Foundation v/s Village Panchayat of Candolim & ors.*) with Writ Petition No. 99 of 1999 (*Goa Foundation v/s Village Panchayat of Calangute & ors.*); the State Government has been directed,

"to identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof before they are being allowed to be utilized for such construction activities."

2. The Goa Coastal Zone Management Authority (GCZMA) / Department of Science, Technology and Environment (DSTE), Government of Goa; entrusted this task of identifying and delineating the open vacant plots above an area of 4000 sq. mts., in CRZ-III zone along the coastline of the State of Goa to M/s Remote Sensing Instruments (RSI), Hyderabad. This Agency had carried out the task of identification of structures existing as in 1991 when the CRZ Notification, 1991 came into force and the structures that came up subsequently by temporal study of satellite imagery between 1991 and 2006 followed by field checks; as per directions of the Hon'ble High Court in the same Writ Petitions detailed above. These reports were periodically submitted before the Hon'ble High Court and the data products / mapping of structures in form of survey plans were submitted to the Coastal Village Panchayats / Municipality in terms of the directions of the Hon'ble High Court in M.C.A No. 427 of 2007 in W.P. No. 422 of 1998 dated 18th March, 2008.

3. M/s RSI, Hyderabad has interpreted rectified satellite data, on line to identify and delineate contiguous open plots measuring 4000 sq. mts. and above in the CRZ-III areas of Goa. By overlaying the geo-referenced revenue maps, the locations of each of these open plots in terms of survey numbers and sub-division number have been tabulated and broad landuse patterns in these plots have also been tabulated.

An atlas of the open plots in CRZ-III of all the villages has been made on 1:5000 scale and an table in MS Excel format showing the identification number (ID No) of each plot, its locations in terms of survey of sub-division number and broad landuse / landcover pattern in these open plots has also been prepared.

M/s RSI, Hyderabad has submitted a soft copy in portable document format.

4. In its report M/s RSI, Hyderabad has indicated certain minor limitations to this study, as interpretation of the satellite data is with reference to the year 2005 and the landuse / landcover would need to be ascertained by interpreting latest satellite imagery and /or field checks. Some of the open plots appear to fall in forest, which can be separated by overlaying the reserved forest map of the Forest Department, as and when required. Similarly some open plots fall in sand dune area, which can be identified and separated. Many open plots fall in cultivated areas which need to be identified to ascertain the present status of cultivation / landuse. These features can be identified during site inspection separately.

Provisions of New CRZ Notification, 2011.

5. The Ministry of Environment and Forests (MoEF), Govt. of India; has notified the new Coastal Regulation Zone (CRZ) Notification, 2011 (S.O. No. 19(E) dated 06th January 2011). Annexure-III to the CRZ Notification, 2011 defines the requirements and guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests. The same is enclosed as *Appendix-I*.

For any new development of a Hotel / Beach Resort / Motels or any structure with rooms for the purpose of temporary accommodation of visiting tourists, to be undertaken within 200m to 500m; shall require to follow the guidelines as detailed above, subject to the State Government Development and Planning Regulations and Policy.

Provisions contained in Regional Plan for Goa, 2021.

6. The Town and Country Planning Department, Govt. of Goa, has prepared the draft Regional Plan for Goa - 2021 (RPG-21). As per draft RPG-21, all CRZ areas are classified as Other Eco-Sensitive zones (ECO-2), except CRZ-I areas, which are classified as Eco-Sensitive zones (ECO-1). Any development in ECO-2 areas will be as per CRZ guidelines.

The Town and Country Planning Department has vide Final Report, RPG-21 (Release One) dated 23rd November, 2010; has specified guidelines and has indicated that beach resorts / hotels / motels would be permitted on special conditions in Settlement Zone as mapped and defined in the land use maps approved by the Government {*Reference: Appendix XI of the Final Report, RPG-21 (Release One)*}.

The Final Report, RPG-21 (Release One) also indicates a policy for Coastal and Hinterland Eco-Tourism for development in backward talukas for specific areas

earmarked as a marker for development in the plans approved by the Government.
{Reference: Chapter 4.2.2 (a) of the Final Report, RPG-21 (Release One)}.

NOT APPLICABLE TO HOTEL PROJECTS APPROVED EARLIER...
Guidelines for considering project proposals for Hotels / Beach Resorts in CRZ-III 7 AND 8
areas.

7. Every proposal received by the GCZMA, will be forwarded for examination and assessment by the Goa State Expert Appraisal Committee (Goa-SEAC), in the first instance. While examining the proposal of any new Hotel related project in the open plots / spaces available, the Goa-SEAC, shall follow the guidelines as given below and incorporate the same in the Terms of Reference for the project proponents case:

- (i) The land use / land cover as on site will be verified on ground by inspection. The surrounding land use pattern will be considered to determine the suitability of the land to be utilised for the purpose concerned.
- (ii) The recommendations or findings of the Environmental Impact Assessment (EIA) report, will not be the sole criteria for determining the land use / suitability of the plot, for the purpose concerned. Additional reports on environmental standards / parameters pertaining to the site concerned, shall be identified and project proponents would be required to comply with the same.
- (iii) Only those land area, which are classified as "Settlement" in terms of RPG-21, will be considered for the purpose concerned.
- (iv) The proposed project should essentially meet the requirements of recycling of effluents / sewage, efficient solid waste management practices and such other measures as directed by the Goa State Pollution Control Board.
- (v) The proposed project's endeavour should be to meet 'Green' initiatives such water harvesting (wherever feasible), use of solar and other renewable energy resources for lighting, heating etc.
- (vi) The proposed project should be compliant to the standards prescribed under Environment (Protection) Rules, 1986 (as amended) and should also provide for compliance to the standards and conditions under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- (vii) All guidelines prescribed in CRZ Notification, 2011 shall be strictly followed.

8. On receipt of the proposal duly assessed and appraised by the Goa-SEAC, the same will be taken up for consideration by the GCZMA. Thereafter, the recommendations of the GCZMA and the appraisal of the Goa-SEAC, in respect of the project proposal shall be submitted to the Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for its recommendations. Only on obtaining its favourable recommendations and with approval of the State Government, shall the project proposal be submitted to the MoEF for its consideration, in term of the CRZ Notification, 2011.

9. The conditions at para (7) and para (8), shall not apply to the hotel projects approved earlier by the State Government / MoEF or are in the process of being considered for approval by MoEF based on earlier State Govt. / GCZMA approvals.
10. This policy issues with the approval of the Government of Goa vide U. O. No. 96 dated 27th May, 2011.

Sd/-
(Michael M. D'Souza)
Director / ex-Officio Jt. Secy. (STE)

*Appendix-I***Annexure-III**

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

- (a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between (Low Tide Line and High Tide Line in CRZ III)⁽¹⁾;
- (b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;
- (c) Live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (d) no flattening of sand dunes shall be carried out;
- (e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
- (h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
- (i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetative cover;
- (j) the construction shall be consistent with the surrounding landscape and local architectural style;
- (k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
- (m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;
- (n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

(1) In Annexure III, in item 1(a), in line 2, the words "Low Tide Line and High Tide Line" be read as at (1) above vide S.O. 651(E) dated 29/03/2011.

P.N.: The Policy above is printed in Official Gazette Series I No 11 dated 16th June, 2011.



Saldanha Developers (P) Ltd.

Pawan Palace, Sillodolvi Temple Road,
Mumbai - 400 016
Tel: 022-24314300, 24314301
Fax: (91) 022-24314344
Email: mumbai@office@saldanahgroup.com

302, Mathias Plaza, 18th June Road,
Panaji - 403 001, Goa, INDIA
Tel: (0832) 2224485, 2220568, 2220569
Fax: (91) 0832-2420439
E-mail: sales@saldanahgroup.com

DS-1, 2, Pancharelna, Martires Dias Road,
Margao - 403 601, Goa, INDIA
Tel.: (0832) 2733576, 2737330
Fax: (91) 0832-2734017
E-mail: goaoffice@saldanahgroup.com

Ref:- SDPL/SPR/10/11-PS-23

Date:- 04/10/2011

To

The Town Planner
Office of the Associate Town Planner
Town and Country Planning Department
Mormugao Goa

Sub:- Application for construction of hotel project in property Sy No 71/1 of
Velaso Village at Mormugao
Your Letter Ref:- DH/4177/4/MTP/9-10/709 dated 21/01/2010

Sir,

With reference to our above referred application and your letter Ref:-
DH/4177/4/MTP/9-10/709 dated 21/01/2010 we wish to inform you that it is
come to our knowledge that the Govt has complied with the directions given by
the Honorable high court of Bombay at Goa in writ petition No 422/1998 and
99/1999 and also new CRZ Notifications are notified by the Central Government .

In view of the above we request you to kindly look into the matter and scrutinize
the plans submitted and grant necessary approval at your earliest.

Thanking you.

Sincerely

For Saldanha Developers Pvt Ltd


P Sawant
CE



RECEIVED
TC PD Mormugao
Date 04/10/2011



Saldanha Developers (P) Ltd.

6 Pawan Palace, Sittladevi Temple Road,
Lahim - Mumbai - 400 016
Tel.: 022-24314300, 24314301
Fax: (91) 022-24314344
E-mail: mumbaioffice@saldanhagroup.com

302, Mathias Plaza, 18th June Road,
Panaji - 403 001, Goa INDIA
Tel.: (0832) 2224485 2220568, 2220569
Fax: (91) 0832-2420439
E-mail: sales@saldanhagroup.com

DS-1, 2, Pancharatna, Marires Dias Road,
Margao - 403 601, Goa, INDIA
Tel.: (0832) 2733576, 2737330
Fax: (91) 0832-2734017
E-mail: goaoffice@saldanhagroup.com

Ref:- SDPL/SPR/02/12-PS-26
Date:- 25/02/2012

To

The Dy Town Planner
Office of the Associate Town Planner,
Mormugao Taluka
Town and Country Planning Department
Mormugao Goa

Sub:- Application for construction of hotel project in property Sy No 71/1 of
Velsao Village at Mormugao Taluka
Your Letter Ref:- DH/4177/4/MTP/2011-12/7768 dated 16/02/2012

Sir,

With reference to our above referred application and your letter Ref:-
DH/4177/4/MTP/2011-12/7768 dated 16/02/2012, (copy enclosed) as requested
we hereby submit copy of Judgment passed by the Hon. High Court in writ
Petition No 422/1998 and 99/1999 and a copy of the CRZ Notification as notified
by the central government.

we request you to kindly look into the matter and scrutinize the plans submitted
and grant necessary approval at your earliest.

Thanking you.

Sincerely

For Saldanha Developers Pvt Ltd


P Sawant
CE


RECEIVED
TCPD Mormugao
Date 27/02/2012



Saldanha Developers (P) Ltd.

5 Pawan Palace, Silladevi Temple Road,
Mumbai - 400 016
Tel: 022-24314300, 24314301
Fax: (91) 022-24314344
mail: mumbaioffice@saldanahgroup.com

302, Mathias Plaza, 18th June Road,
Panaji - 403 001, Goa, INDIA
Tel: (0832) 2224485, 2220568, 2220569
Fax: (91) 0832-2420439
E-mail: sales@saldanahgroup.com

DS-1, 2, Pancharatna, Martires Dias Road,
Margao - 403 601, Goa, INDIA
Tel.: (0832) 2733576, 2737330
Fax: (91) 0832-2734017
E-mail: goaoffice@saldanahgroup.com

Ref - SDPI/SPR/07/12-PS-34

Date:- 10/07/2012

To
The Dy. Town Planner
Office of the Associate Town Planner,
Mormugao Taluka
Town and Country Planning Department
Mormugao Goa

Sub:- Application for construction of hotel project in property Sy No 71/1 of Velsao
Village at Mormugao Taluka

Sir,

In continuation to our letter dated 01/06/2012 and our discussions with your good self we are hereby submitting copy of the Policy for utilization of available open plots in CRZIII Zones for purpose of establishing Hotels/beach resorts framed by Government of Goa, Department of Science Technology and Environment, as per the directions of the Honorable High court of Bombay at Goa in writ petition no 422 of 1998 and 99 of 1999.

We would like to bring to your kind attention Para 9 of the said Policy which states that The conditions at Para (7) and Para (8) shall not apply to the hotel projects approved earlier by the state Government /MOEF or are in the process of being considered for approval by MoEF based of earlier state Govt/GCZMA approvals.

We request you to kindly look into the matter and scrutinize the plans submitted and grant necessary approval at your earliest.

Thanking you.
Sincerely

For Saldanha Developers Pvt Ltd


P Sawant
CE

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T.C.P.D. Mormugao
Date 12-07
2012 H/L



Saldanha Developers (P) Ltd.

awan Palace, Sitaladevi Temple Road,
M - Mumbai - 400 016
022-24314330, 24314301
(91) 022-24314344
E-mail: mumbaioffice@saldanhagroup.com

302, Mathias Plaza, 18th June Road,
Panaji - 403 001, Goa, INDIA
Tel. : (0832) 2224485, 2220568, 2220569
Fax : (91) 0832-2420439
E-mail: sales@saldanhagroup.com

DS-1, 2, Pancharatna, Martires Dias Road,
Margao - 403 501, Goa, INDIA
Tel.: (0832) 2733576, 2737330
Fax: (91) 0832-2724017
E-mail: goaoffice@saldanhagroup.com

Ref: - SDPL / SPR / 1107

Dated: - 06 Nov 2012

To
The Town Planner,
Office of the Associate Town Planner,
Town and Country Planning Department,
Mormugao.

Sub: - Application for construction of hotel project in property by No 71/1 of Velsao Village of Mormugao Taluka.

Our letters / references: -

- 1) SDPL / SPR / 07 / 12- PS-34 dated 10/07/2012.
- 2) SDPL / SPR / 02 / 12-PS-32 dated 01/06/2012 in reply to your letter dated *DH / 4177 / 4 / MTP / 2011-12 / 768* dated 16/02/2012.
- 3) SDPL / SPR / 02 / 12-PS-26 dated 25/02/2012.
- 4) SDPL / SPR / 10 / 11-PS-23 dated 04/10/2011 in reply to your letter Ref: - *DH / 4177 / 4 / MTP / 9-10 / 709* dated 21/01/2010.
- 5) SDPL / SPR / 10 / 09 / S-81 dated 09/10/2009.

Dear Sir,

We are making references to various communication listed above, sent to your office from time to time, as well as the response received from your office with the reference details are mentioned above.

Besides the above communication / letters sent to your office we have made numerous visits to the office as well as telephone calls to follow up on the matter.

RECEIVED
TCPD Mormugao
Date 9/11/12 by [Signature]

Continuation Sheet No. _____



P/S/c

By perusal of the above communication it is clear that we have provided all information sought by you verbally and by various letters to your office

Considerably time has elapsed since providing you with information / clarification sought from time to time.

We therefore request you that if your office is unable to process the said application for reason best known to you, kindly intimate to us the said facts / and or reason why the application is not being processed as great and substantial loss is ensuring to us due to the pending of the application.

We therefore request you to either process the application and or in the event this application is not being processed for any legal impediment to kindly intimate to us the reason and / or ground of such impediment.

Thank you and looking forward to your response.

Yours faithfully,

Benedict Saldanha
Managing Director,
Saldanha Developers Pvt.Ltd.

CC: - Chief Town Planner,
Dempo Tower,
Patto.

P/S
8/11/2022

Town & Country Planning Department
Government of Goa
Panaji - Goa

CC: - Senior Town Planner - South,
Margaõ.

Ref. No. DH/H177/4/MTP/2012/1220
 Office of the
 Mormugao Taluka
 Town and Country Planning Department
 Mormugao-Goa.

5/12/2012

To,
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 C/o. Department of Science, Technology & Environment,
 Opp. Saligao Seminary,
 P.O. Saligao, Bardez, Goa 403 517.

Sub:- Proposed construction of a Hotel Project in Survey
 No. 71/1 of Velsao village, Mormugao Taluka.

Ref:- 1. MoEF letter No. 18-9/2005-IA-III dated 08/05/2006.
 2. GCZMA NOC issued vide No. GCZMA/S/90/1614
 dated 19/06/2006.

Sir,

This office has received proposal of M/s. Saldanha Developers (P) Ltd. for issue of NOC from planning point of view for a Hotel project. The said proposal was issued NOC by the GCZMA vide No. GCZMA/S/90/1614 dated 19/06/2006 was forwarded by the V.P of Velsao-Pale-Issorcim by letter dated 19/7/2006.

By order dated 13/10/2006 in W.P. No. 422 of 1998 with W.P. No. 99 of 1999 the High Court of Bombay at Goa has given directions, one of them being 32(E) i.e. no new licence for any type of construction in CRZ-III zone shall be issued or granted till and until the survey and inquiry is completed as directed in the said order dated 13/10/2006 and hence the NOC was not granted at that time.

The applicant by his letter dated 10/07/2012 has submitted copy of policy for utilization of available open plots in CRZ-III zone for the purpose of establishing Hotels/Beach resorts framed by the Department of Science, Technology & Environment by Ref. No. GCZMA/HCourt/natter/07/656/Part IV/311 dated 10/06/2011 and requested to scrutinize and convey the approval of the plans earlier approved by MoEF and GCZMA vide letter No. 18-9/2005-IA-III dated 08/05/2006 and GCZMA/S/90/1614 dated 19/06/2006 respectively.

In view of the above, you are requested to inform whether the NOC issued by GCZMA vide No. GCZMA/S/90/1614 dated 19/06/2006 can be considered for issue of NOC for development from planning point of view.

Yours faithfully,

(Signature)
 30-12-2012

(M.K.C. Srikanth)

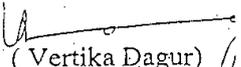
Deputy Town Planner

Addl. charge Mormugao Taluka office

A set of plans submitted by M/s Saldanha Developers are enclosed herewith for your reference. It may be noted that proposal for construction for hotel is required to be submitted to the Govt. for approval and before issuing Technical Clearance, this office would require endorsement by the GCZMA.

You are requested to clarify and confirm the points referred above and if the same can be considered the plans may be endorsed for authentication.

Yours faithfully,


(Vertika Dagur)
Town Planner

Encl: as above

Ref. No. DH/4177/4/MTP/15/878
 Town & Country Planning Dept
 Government of Goa
 2nd Floor, Government Center
 Vasco-da-Gama, Goa
 Date: 14/09/2015

To,
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 C/o. Dept. of Science, Technology & Environment,
 Opp. Saligao Seminary,
 P.O. Saligao,
 Bardez-Goa

Sub: Proposed construction of a Hotel Project in Survey No. 71/1 of Velsao Village, Mormugao Taluka.

Ref:- 1) MOEF letter No. 18-9/2005-IA-III dated 8/5/2006.
 2) GCZMA NOC issued vide No. GCZMA/S/90/1614 dated 19/6/2006.
 3) This office letter No. DH/4177/4/MTP/2012/1226 dated 5/12/2012.

Sir,

Please refer this office letter dated 5/12/12 referred at 3 above, wherein it was stated that this office is in receipt of proposal of M/s Saldanha Developers (P) Ltd for issue of NOC from planning point of view for a Hotel Project for which your office has given approval vide No. GCZMA/S/90/1614 dated 19/6/2006 for the Hotel Project in Sy. No. 71/1 at Velsao Village, Mormugao Taluka.

As you are aware that High Court of Bombay at Goa vide order of 13/10/2006 in W.P No 422 of 1998 with W.P No 99 of 1999 has given directions, that no new licence for any type of construction in CRZ-III zone shall be issued or granted till and until the survey and inquiry is completed.

It is to inform you that M/s. Saldanha Developers (P) Ltd vide his letter dated 1/7/12 has submitted copy of policy for utilization of available open plots in CRZ-III zone for the purpose of establishing Hotels/Beach resorts framed by the Department of Science, Technology and Environment by Ref No. GCZMA/HCourtmatter/07/656/Part IV/311 dated 10/6/2011 and requested to scrutinize and convey the approval of the plans earlier approved by MoEF and GCZMA vide letter No. 18-9/2005-IA-III dated 8/5/2006 and GCZMA/S/90/1614 dated 19/6/2006 respectively.

In view of the above, you are once again requested to inform whether the NOC issued by GCZMA vide No. GCZMA/S/90/1614 dated 19/6/2006 can be considered for the issue of NOC for development from planning point of view.

Supera
 14/8/15
 Member Secretary
 Goa Coastal Zone Management Authority
 Dempo Towers, 3rd Floor
 Palto Panaji Goa 403601
 Ph: 2438511

Yours faithfully,

Vertika Dagon
 Town Planner

-2-

Hotel Policy 2011 was adopted which provided guidelines for considering the project proposals for Hotels / Beach Resorts in CRZ - III areas. The Hotel Policy 2011 has approval of Government of Goa vide U.O. no. 96 dated 27/05/2011.

It may be pointed out that as per Para 9 of the Hotel Policy 2011 conditions at Para (7) and para (8) of the Hotel Policy does not apply to the hotel project approved earlier by the State Government / MoEF or are in the process of being considered for approval by MoEF based on earlier State Government/ GCZMA approvals. A copy of said hotel policy is enclosed herewith as Annexure 'II'. However, the GCZMA has not received any proposal from M/s. Saldana Developers Pvt. Ltd., for revalidation of approval or for fresh approval in terms of the CRZ Notification 2011. The present project proponent had obtained Environmental Clearance from the Ministry of Environment and Forests (MoEF) as recommended by the GCZMA vide letter dated 02/08/2005 bearing No. GCZMA/S/90/930.

In view of above, you are requested to examine the building plans submitted by the project proponent in terms of the CRZ Notification 2011, as ammended and building regulations in force and inform the office accordingly.

Yours faithfully,


(Srinet N. Kothwale)
Member Secretary (GCZMA)

Encl: As above.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
Dempo Tower, 3rd Floor, Patto Panaji-Goa.

Ref. No. GCZMA/S/90/2000/1860

Date 02/11/2015

To,

The Town Planner
Town and Country Planning Department,
2nd Floor, Commerce Center,
Vasco-da-Gama, Goa.

Sub: Proposed construction of a Hotel Project in Sy. No. 71/1 of Velsao Village,
Mormugao Taluka by M/s. Saldana Developers Pvt. Ltd.

Ref: (1) Environmental Clearance issued by the Ministry for Environment and Forests
bearing No. 18-9/2005-IA-III dated 08/05/2006
(1) This Office Approval bearing No. GCZMA/S/14-15/90/1614 dated 19/06/2015.
(2) Your Letter No. DH/4177/MTP/15/878 dated 14/09/2015.

Madam,

With reference to your letter dated 14/09/2015 on the above mentioned subject, I am to inform you that the proposed construction of a hotel project in Survey No. 71/1 of Velsao village, Mormugao - Goa was discussed and deliberated in the 21st GCZMA Meeting held on 23/11/2004 and 24/11/2004 and the same was accordingly recommended to the Ministry of Environment and Forests, Government of India, New Delhi for its approval. Thereafter, the Environmental Clearance was granted by Ministry of Environment and Forests vide Clearance bearing No. 18-9/2005-IA-III dated 08/05/2006. (a copy of said Environmental Clearance is enclosed herewith as Annexure 'I')

Thereafter, an order was passed by the Hon'ble High Court of Bombay at Goa in W.P. No. 422/98 and W.P. 99/99 dated 13/10/2006 with the directions that: "till and until the survey and inquiry is completed no new licence for any type of construction in CRZ -III Zone shall be issued or granted, and no new structure of whatsoever nature shall be allowed to be constructed in CRZ - III Zone". Since this project attracts High Court directions, the GCZMA has not process this proposal further and the same was pending before the GCZMA.

It may be noted that, as per paragraph 32 (D) of the directions contained in the judgement and order of the Hon'ble High Court of Bombay at Goa in W.P. No. 422/1998 (Goa Foundation V/s Village Panchayat of Candolim & Ors.) with W.P. 99/99 (Goa Foundation V/s Village Panchayat of Calangute & Ors.), the State Government was directed "to identify the open plots in CRZ - III Zone which are available for construction of hotels and to frame appropriate policy / regulation for utilization thereof before they are being allowed to be utilized for such construction activities".

Accordingly the Goa Coastal Zone Management Authority / Department of Science, Technology and Environment (DSTE) was entrusted with the task of identifying and delineating the available plots in CRZ -III Zone with the help of M/s. RSI, Hyderabad. Accordingly, the

Inward No. 4
Town & Country Planning Department
Government of Goa
2nd Floor, Commerce Center
Vasco-da-Gama, Goa
Date 11/11/2015

-2-

Hotel Policy 2011 was adopted which provided guidelines for considering the project proposals for Hotels / Beach Resorts in CRZ - III areas. The Hotel Policy 2011 has approval of Government of Goa vide U.O. no. 96 dated 27/05/2011.

It may be pointed out that as per Para 9 of the Hotel Policy 2011 conditions at Para (7) and para (8) of the Hotel Policy does not apply to the hotel project approved earlier by the State Government / MoEF or are in the process of being considered for approval by MoEF based on earlier State Government/ GCZMA approvals. A copy of said hotel policy is enclosed herewith as Annexure 'II'. However, the GCZMA has not received any proposal from M/s. Saldana Developers Pvt. Ltd., for revalidation of approval or for fresh approval in terms of the CRZ Notification 2011. The present project proponent had obtained Environmental Clearance from the Ministry of Environment and Forests (MoEF) as recommended by the GCZMA vide letter dated 02/08/2005 bearing No. GCZMA/S/90/930.

In view of above, you are requested to examine the building plans submitted by the project proponent in terms of the CRZ Notification 2011, as amended and building regulations in force and inform the office accordingly.

Yours faithfully,



(Srinet N. Kotiwale)
Member Secretary (GCZMA)

Encl: As above.

Ref. No. DH/4177/4/MTP/15/1158
 Town & Country Planning Dept.
 Government of Goa
 3rd Floor, Commerce Center
 Vasco-da-Gama, Goa
 Date: 15/12/2015

To,
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 C/o. Dept. of Science, Technology & Environment,
 Opp. Saligao Seminary,
 P.O. Saligao,
 Bardez-Goa

Sub:- Proposed construction of a Hotel Project in Survey No. 171/1 of Velsao Village, Mormugao Taluka.

Ref:- 1) This office letter No. DH/4177/4/MTP/2012/1220 dated 5/12/2012.
 2) GCZMA NOC issued vide No. GCZMA/S/90/2000/1860 dated 2/11/2015.

Sir,

This has reference to your letter dated 2/11/15 which has been issued in reply to this office letter dated 14/9/15. Accordingly, the revised plans submitted by M/s. Saldanha Developers have been scrutinized. In the revised plan, the area statement for plot areas falling on either side of the public road (plot A and plot B) have been submitted separately. The number of blocks, design and floor area in plot A (part) remains the same and floor area in plot A has been reduced by two blocks to conform to the permissible FAR. The design of the blocks and location of blocks in plot A is remains the same as that of the approval granted by GCZMA vide reference dated 19/6/2006. In plot B portion also, the number of units/designs remain the same except that one unit no. D has been redesigned and made smaller in order to maintain the existing well.

The building block A of plot A has basement provisions as per CRZ Regulations 2011, permission of Ground Water Authority is required in case the proposed construction involves basement floor.

The proposal as submitted confirms to the Building Regulations and the CRZ Regulations-2011. However, this office requires the following clarification:-

- 1) The 200 mts distance from the High Tide Line i.e NDZ as marked in the approved plan dated 19/6/2006 and as per the revised plans submitted shows straight line. However, the 200 mts line delineation as issued by the DSLR dated 25/5/2012 shows 200 mts line more towards the eastern side and in a curved form. It is required to confirm as to the 200 mts line considered in the approval dated 19/6/2006 can still be honoured and considered.

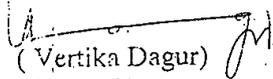
CC to Secy
17/12/15
 O/o. Member Secretary
 Coastal Zone Management Authority
 Dempo Towers, 3rd Floor,
 Patto Panaji Goa 403801
 Ph : 2438511

3/c

A set of plans submitted by M/s Saldanha Developers are enclosed herewith for your reference. It may be noted that proposal for construction for hotel is required to be submitted to the Govt. for approval and before issuing Technical Clearance, this office would require endorsement by the GCZMA.

You are requested to clarify and confirm the points referred above and if the same can be considered the plans may be endorsed for authentication.

Yours faithfully,


(Vertika Dagur)
Town Planner

Encl: as above

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
Dempo Tower, 3rd Floor, Patto Panaji-Goa.

Ref. No. GCZMA/S/90/180

Dated: 26/04/2016

To,
The Town Planner,
Town and Country Planning Department,
2nd Floor, Commerce Center,
Vasco-da-Gama, Goa.

Sub: Revised plan for the proposed construction of a Hotel project in Survey No. 71/1 of Velsao Village Mormugao Taluka..... regarding

Ref: Your application no. DHU/4177/4/MTP/15/1158 dated 15/12/2015.

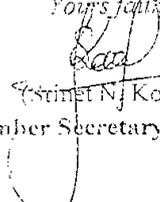
Madam,

With reference to your letter dated 04/03/2016 on the above mentioned subject, I am to inform you that this Office has already granted permission to M/s. Saldana Developers(P) vide this office letter No. GCZMA/S/90/1614 dated 19/06/2006. Further you have requested to approve the revised plans due to some technical observation.

It is further informed that the GCZMA has already decided that matters like obtaining occupancy certificate, minor revisions of plans, other NOCs etc. once the CRZ clearance is granted, shall not be referred back to the Authority for issuing clearance again.

As such the revised plans submitted by your office is referred back to you for further needful action at your end in accordance of law.

Yours faithfully,


(Srinet N. Kothwale)
Member Secretary (GCZMA)

Encl: As above

Ref.No: DH/4177/4/MTP/16/444
Town & Country Planning Dept.,
Govt of Goa,
4th Floor, Centre Vasco-da-Gama.
Dated: 06/06/2016

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
C/O Dept. of Science, Technology & Environment,
Opp: Saligao Seminary,
P.O. Saligao, Bardez Goa.

Sub: Proposed construction of Hotel project in survey-no. 71/1 of Velsao,
Village Mormugao Taluka.

Ref: 1) This office letter no. DH/4177/4/MTP/15/878 dated 14/9/2015.
2) Your letter no. GCZMA/S/90/2000/1860 dated 2/11/2015.
3) This office letter no. DH/4177/4/MTP/15/1158 dated 15/12/2015.
4) Your letter no. GCZMA/S/90/180 dated 26/4/2016.

Sir,

Please refer your letters dated 2/11/2015 and 26/4/2016 as cited above. On receipt of above, the proposal was submitted to the Government for approval, wherein, Principal Secretary (TCP)/ Chief Secretary has made an observation that in many cases, variations of HTL is noticed on ground and that shown on map. The Chief Secretary has therefore directed to ascertain the status of HTL as on the ground.

In view of the above, you are requested to kindly intimate the status of HTL on ground, as regards to the proposal referred in subject matter for the purpose of re-submitting the proposal to Government.

Yours faithfully,


(Vertika Dagur)
Town Planner


07/06/16
O/o. Member Secretary
Goa Coastal Zone Management Authority
Dempo Towers, 3rd Floor,
Paxo Panaji Goa 403001
Ph: 2438511

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
7th Floor, Pandit Deendayal Upadhyay Bhavan, Pundalik Nagar, Porvorim-Goa.
Email: dir-ste.goa@nic.in, goacoastalzone@gmail.com.

Dated: 14/02/2017

Ref. No. GCZMA/S/90/2163

To,
The Senior Town Planner,
Town and Country Planning Department,
Government of Goa,
Centre Vasco-da-Gama, Goa.

Sub: Proposed Construction of Hotel Project in Survey No. 71/1 of Velsao Village
Moemgao Taluka.

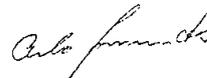
Ref: Your letter No. DB/4177/4/MTP/16/444 dated 06/06/2016.

With reference to your letter dated 06/06/2016 on the above cited subject, I am to inform you that the project proponent had obtained the Environmental Clearance bearing EC No. 18-9/2005-IA-III dated 08/05/2006 from Ministry of Environment and Forests (MoEF), and also No Objection Certificate from Goa Coastal Zone Management Authority (GCZMA) bearing No. GCZMA/S/90/1614 dated 19/06/2006 (copy enclosed).

Further informed that as per para 9 of the Hotel Policy 2011 condition at para (7) and the Hotel Policy does not apply to the hotel project approved earlier by the State Government MoEF.

As such your office may process the case in accordance of the clearance granted by the Ministry including approval plan granted subject to compliance of all the regulation in accordance of law.

Yours faithfully,



(Agnelo Fernandes)
Member Secretary (GCZMA)

14/02/2017
14/02/2017
14/02/2017

Ref. No. DM- /4147/MTP/2017/218
 Town and Country Planning Deptt.
 Mormugao Taluka Office
 Vasco-da-Gama.
 Goa.
 01/05/2017

Office of the Town Planner,
 Town and Country Planning Deptt.
 Mormugao Taluka Office
 Vasco-da-Gama.
 Goa.

TECHNICAL CLEARANCE ORDER

Technical Clearance is hereby granted for carrying out work of proposed construction of Hotel Project as per the enclosed approved plans in the property zoned as Settlement in Outline Development Plan of Mormugao 2001 and Regional Plan for Goa 2021 (presently kept on hold) situated at Velsao Village, Mormugao Taluka bearing Survey No. 71, sub division 1, with the following Conditions:-

1. Construction shall be strictly as per the approved plans. No changes shall be affected in the approved plans/approved built spaces without the prior permission of this Authority.
2. The permission granted shall be revoked if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the application will not be entitled for any compensation.
3. The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
4. The Developer/applicant should display a sign board of minimum size 1.00 mts x 0.50 mts with writing in black color on a white background at the site, as required under the Regulations.
5. The soak pit should not be located within a distance of 15.00 mts from any existing well in the surrounding area.
6. The commencement and the completion of the work shall be notified to the authority in writing in appropriate forms.
7. Completion order has to be obtained from this office before applying for Occupancy Certificate from the licensing authority.
8. Storm water drain should be constructed along the boundary of the affected plot abutting the road.
9. Adequate Utility space for the transformer etc. should be reserved within the plot area.
10. In case of any cutting of sloppy land or filling of low-lying land, beyond permissible limits, prior permission of the Chief Town Planner has to be obtained before the commencement of the works as per the provisions of Section 17(A) of the Goa Town and Country Planning Act 1974.
11. The ownership of the property and the traditional access if any passing through the property shall be verified by the Village Panchayat Office before issue of construction licence.
12. All the setbacks shown in the approved site plan has to be strictly maintained.
13. No completion order shall be issued if the construction is carried out in violation of the approved plan.
14. Adequate arrangement shall be made for the collection of garbage and its safe disposal at the satisfaction of the Village Panchayat.

14. Verification of the tenancy position as on 2/11/1990 and thereafter shall be made by the licensing body before issuing the licence
15. As regards complaints pertaining to encroachments, judicial orders/directive, and other legal issues, the same may be verified and confirmed by the concerned Village Panchayat before issuing licence.
17. The Village Panchayat shall ensure about the availability of power and water supply and other required infrastructure before issuing licence.
18. The internal access road shall be effectively developed before applying for completion order.
19. The open terraces shall not be covered at any point of time.
20. Conversion for Commercial purpose shall be obtained from the Competent Authority before commencement of proposed construction and Village Panchayat shall ensure the same before issuing the Construction licence.
21. This Technical Clearance order is issued based on Clearances/NOC's issued by the concerned Authority as below :-

- i) Environmental Clearance granted by Ministry of Environment and Forest vide No. 18-09/2005-4-III dated 8/5/2006.
- ii) Approval by Goa Coastal zoning Management Authority vide letter No. GCZMA/S/90/1614 dated 19/6/2006.
- iii) Letter bearing No. GCZMA/S/90/2163 dated 14/02/2017 issued by Goa Coastal Zoning Management Authority informing that the Hotel Policy does not apply to the project approved earlier by the State Govt. and Ministry of Environment and Forests.
- iv) Approval conveyed by Govt. vide Note No. DH/4177/4/MTP/2017/139 dated 30/03/2017.

Engineer who has design the RCC structure of the project proponent is liable for Structural Designs and stability of the project. Structural liability certificate dated 09/05/2017 issued by Engineer, Mr. Rajan L. Prabhu Moya. TCP Reg. no. SE/0004/2010

Note - Pursuant to this office assessment Order No. DH/4177/MTP/2017/200 dated 02/05/2017 the applicant has paid the Infrastructure Tax for an amount of Rs. 72,23,032/- (Rupees seventy two lakhs twenty three thousand and thirty two only) vide Challan No. Infra-tax/MTP/2017 dated 02/05/2017

THIS ORDER IS ISSUED WITH REFERENCE TO THE APPLICATION DATED 19/07/2006
THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE OF CONSTRUCTION LICENCE PROVIDED THE CONSTRUCTION LICENSE IS ISSUED WITHIN THE PERIOD OF THREE YEARS.

U. ————
(Vertika Dagur)
Town Planner

To,
Mrs. Saldanha Developers (P) Ltd.
302, Mainias Plaza,
18th June Road, Panaji-Goa

Copy to -
The Sarpanch/Secretary
Village Panchayat of Velsao-Pale-Issorcim,
Mormugao-Goa

Village Panchayat Building Licence



Village Panchayat of Velsao-Pale-Issorcim, Goa.

CONSTRUCTION LICENCE

NO. VP/VP/2017-2018/16

Date: 31/03/2018

Licence is hereby granted for carrying out the :-

- a) Construction of Hotel Project as per the enclosed approved plans in the property zoned as Settlement in Outline Development Plan of Mormugao 2001 and Regional Plan for Goa 2021 (presently kept on hold) situated at Velsao Village, Mormugao Taluka bearing Survey No. 71/1 of approved Technical Clearance Order No. DH/4177/MTP/2017/218 dated 09/05/2017 and in terms of Resolution No. 2(1) dated 27/03/2018 with the following conditions:-
 - 1) The applicant shall strictly comply all the conditions imposed in the Technical Clearance Order reference No. DH/4177/MTP/2017/218 dated 09/05/2017 issued by the Town Planner, Town & Country Planning Department, Mormugao, Goa.
 - 2) The permission granted shall be revoked if any information, plans, calculations, documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of the permission and the application will not be entitled for any compensation.
 - 3) The development permission will not entitle the applicant for making/laying any claim on water and any other connection from the Government of Goa.
 - 4) The construction should maintain the minimum prescribed horizontal and vertical clearances from any overhead electrical line passing adjacent to the construction.
 - 5) All RCC/Structural works shall be designed and supervised by the Engineer who has signed the Structural Liability Certificate submitted to the Panchayat.
 - 6) No material for construction or earth from excavation or any other construction material shall be stacked on the public roads.
 - 7) The building should not be occupied unless the occupancy certificate is obtained from the Panchayat.
 - 8) The applicant should construct a separate soak pit in order to derivate in the sewage water.
 - 9) The ventilation pipe of the septic tank should be provided with a mosquito net.
 - 10) The applicant should connect the pipelines from their latrines/WC's to the sewerage line at their own cost, when the sewerage line is commissioned.
 - 11) The applicant should fix a board at a prominent place whenever the construction is started, indicating the number, the date and the authority for which the licence for development work has been granted.
 - 12) All the building material and other rubbish should be cleared from the construction site before applying for the Occupancy certificate.
 - 13) Water storage tanks shall be provided with mosquito proof lids and over flow pipes. The tanks should be provided with access ladders wherever necessary.
 - 14) The drains surrounding the plot, if any, should be constructed with PCC and should be covered with removable RCC slabs of sufficient thickness.
 - 15) The applicant should gift the road widening area to the Village Panchayat before applying for the Occupancy Certificate, if the applicant has utilized the extra FAR in lieu of the road widening affecting the plot.
 - 16) Completion Order has to be obtained from this office before applying for Occupancy Certificate from the licensing authority.
 - 17) Storm water drain should be constructed along the boundary of the affected plot abutting the road.
 - 18) Garages and Parking areas shown in the approved plan shall be strictly used for parking purposes only and should be easily accessible to vehicles. No commercial activities shall be allowed in these areas.
 - 19) Adequate arrangement shall be made for the collection of garbage and its safe disposal at the satisfaction of the Village Panchayat.
 - 20) Space for parking of vehicles is clearly demarcated on the ground.
 - 21) Verification of the tenancy position as on 02/11/1990 and thereafter shall be made by the licensing body before issuing the licence.
 - 22) Fire Escape staircases, if applicable shall be constructed as indicated in the approved plans.
 - 23) The internal access road shall be effectively developed before applying for completion order.

-2-

- 24) The applicant should maintain all existing natural drains in the plot and should not block them at any stage.
- 25) The open terraces shall not be covered at any point of time.
- 26) The plot boundary should be cordoned off by continuous sheet fencing either of wood or metal during the construction period.
- 27) The developers/applicant should display a sign board of minimum size 1.00 mts x 0.50 mts with writing in black colour on a white background at the site, as required under the Regulations.
- 28) This Technical Clearance order issued based on Clearances/NOC's issued by the concerned Authority as below:
- i) Environment Clearance granted by Ministry of Environment and Forest vide No.18-09/2005-A-III dated 8/5/2006.
 - ii) Approval by Goa Coastal Zone Management Authority vide letter No. GCZMA/S/90/1614 dated 19/6/2006.
 - iii) Letter bearing No.GCZMA/S/90/2163 dated 14/02/2017 issued by Goa Coastal Zoning Management Authority informing that the Hotel Policy does not apply to the project approved earlier by the State Govt. and Ministry of Environment and Forests.
 - iv) Approval conveyed by Govt. vide Note No.DH/4177/4/MTP/2017/139 dated 30/03/2017.
 - v) Conversion Sanad bearing No.AC-II/MOR/SG/CONV/88/2016/2116 dated 12/02/2018.
- 29) The applicant should give 80% of jobs/employment to the villagers of Velsao-Pale-Issorcim.
- 30) The applicant shall not obstruct existing water bodies and waterways at any point of time.
- 31(a) Applicant shall dispose the construction debris at his/her own level and/or the same shall be taken to the designated site as per the disposal plan given by the applicant in the Affidavit at his own expenses.
- 31(b) Applicant shall produce the certificate issued by the concerned PWD officials of designated sites as mentioned in the said Notification dated 07/03/2018.
- 31(c) Failing to comply clause (a) and (b) the penalty shall be imposed to the Applicant at the rate of 0.5% on the total cost of the project and also the construction licence issued to the Applicant shall be withdrawn/cancelled.
- 31) All set backs shown in the approved site plan has to be strictly maintained.
- 32) Drinking water well should be 15 meters away from any soak pit.

THIS LICENCE IS VALID FOR A PERIOD OF THREE YEARS FROM THE DATE OF ISSUE OF THIS LICENCE. RENEWAL IF REQUIRED SHALL BE APPLIED WITHIN THE PERIOD OF THE VALIDITY OF THE LICENCE. APPLICANT HAS PAID CONSTRUCTION FEES OF Rs. 5,19,880/- VIDE RECEIPT NO. 115/43 DATED 31/03/2018.



V.P. Secretary
Village Panchayat Velsao-Pale-Issorcim.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,
Porvorim, Bardez- Goa-403 521, Phone: (0832) 2416561
E-mail: dir-ste.goa@nic.in, goacoastalzone@gmail.com

Ref.No.GCZMA/S/ILLE-COMPL/18-19/05/233

Dated: 01/06/2018

**SHOW CAUSE NOTICE CUM STOP WORK ORDER ISSUED UNDER
SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ
WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.**

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS, the Office of the GCZMA has received a complaint letter dated 09/05/2018 from Mr. Jose Fernandes & others R/o of Prial waddo, Near infant Jesus Academy, Velsao-Goa with regard to the alleged massive construction proposed in the property bearing Sy.No. 71/1 of Village Velsao, Goa within the No Development Zone (NDZ) in CRZ area. The complainant also alleged the said illegal activity is being carried out without obtaining prior permission/approval from the concerned Authorities.

A copy of the complaint letter dated 09/05/2018 from Mr. Jose Fernandes & others is annexed hereto and marked as **Annexure A**.

WHEREAS, Accordingly a site inspection was carried out on 28/05/2018 by Expert Members of GCZMA. It was noted that the said construction activity was carried out by Saldanha Developers (p) Ltd. The Expert Members of GCZMA submitted an inspection report which has inter alia noted observations/findings depicting violation of CRZ Notification 2011.

A copy of the inspection report of the Expert Member of GCZMA is annexed hereto and marked as **Annexure B**.

WHEREAS, Further on 29/05/2018 and 30/05/2018 Saldanha Developers (p) Ltd have submitted a reply/clarification inter alia stating that delay in commencement of work from the date of obtaining the N.O.C / Permission from GCZMA.

Copies of replies dated 29/05/2018 and 30/05/2018 is annexed hereto and marked as **Annexure C Colly**.

WHEREAS, upon close perusal of the said complaint letter 09/05/2018 from Mr. Jose Fernandes & others, inspection report of Expert members of GCZMA the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

Sr.no	Name of the Party/alleged violator	Survey No. / Village	Type of Construction	Distance from HTL
1.	Saldanha Developers (p) Ltd	Sy.no. 71/1 of Village Velsao	Illegal construction of concrete foundation and destruction of sand dune	within NDZ, in CRZ area

WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

WHEREAS, all proposed 're-construction/construction/development/repair' between 200 mts. to 500 mts. of the High Tide Line (HTL) from Sea and 100 mts. from the River, and those permissible activities, require the prior approval of the GCZMA under the CRZ Notification, 2011.

NOW THEREFORE, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, delegated to the GCZMA, the GCZMA hereby directs you to **STOP WORK** with immediate effect and **SHOW CAUSE** as to why a direction to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply along with valid construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto, Porvorim, Bardez- Goa on or before 12/06/2017. Further you are directed to submit superimpose approved plans if any upon relevant survey plan clearly depicting H.T.L and No Development Zone (NDZ) from the Directorate of Settlement and land Records on or before aforesaid date. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further

notice which inter alia includes order of demolition of structures, disconnection of water / power supply, restoration of land to its original condition etc.



(Ravi Jha)

Member Secretary (GCZMA)

o/c

Encl: As above

To,
Saldanha Developers (p) Ltd,
Having office at 302,
Mathias Plaza,
18th June Road,
Panaji- Goa.

Copy to:

1. The Secretary (Environment) / Chairman GCZMA, Secretariat, Porvorim Goa....*for information.*
2. The Collector & District Magistrate (South), Office of the Collector (South), Mathany Saldanha Administrative Complex, Margao-Goa... *for information and necessary action.*
3. The Dy.Collector & SDO of Mormugao, Mormugao - Goa..... *who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.*
4. The Secretary, Village Panchayat of Velsao, Pale, Issorcim.....*who is required to enforce these directions and also ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.*
5. Mr. Jose Fernandes, r/o of Prial waddo, Near infant Jesus Academy, Velsao-Goa....*for information.*

EXTRACT OF MINUTES OF THE 176TH MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 22/06/2018 (FRIDAY) AT 3:30 P.M. IN THE CONFERENCE HALL, 2ND FLOOR, SECRETARIAT, PORVORIM – GOA.

Case No 1.6

To decide on a complaint letter dated 09/05/2018 from Mr. Jose Fernandes & others R/o of Prial waddo, Near infant Jesus Academy, Velsao-Goa with regard to the alleged massive construction proposed in the property bearing Sy.No. 71/1 of Village Velsao, Goa within the No Development Zone (NDZ) in CRZ area.

Proceedings: The Authority noted that during the inspection by the Expert Members it is observed that demarcation of HTL and 200mt line was demarcated by the NIO and a Clearance was issued by MOEF in the year 2006, based on the recommendation made by the Authority.

The Authority noted that as far as allegation of construction on sand dunes is concerned the National Centre for sustainable Coastal Management (NCSCM, Chennai) has carried out the sand dunes mapping and the report indicates that there are no sand dunes shown in concerned survey numbers .

The main issue in question is the validity of the clearance granted to the respondent. In view of the amendment to the CRZ Notification 1991, issued by the MoEF in the year 2002, specifying the validity of a clearance granted for 5 years. Even conceding the fact that there was a moratorium by the Hon'ble High Court of Bombay for the period upto 2011, the validity of the clearance would have expired in the year 2016. The submission of the respondent developer is that he could only obtain the final approval from Town and Country Planning Department in Year 2017.

Decision: The Authority after hearing the complainant and respondent decided to continue the order for stoppage of work and forward the complaint and the reply received by the respondent to the Ministry of Environment Forest to decide the validity of the clearance issued by the Ministry in the year 2006.

ASO (CC2)

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
 1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,
 Porvorim, Bardez- Goa-403 521. Phone: (0832) 2416561
 E-mail: dir-ste.goa@nic.in., ms-gczma.goa@nic.in

Ref.No. GCZMA/SIZ/CE-COMPL/18-19/05/588

Dated: 09/07/2018

To,
Shri. Aravind Nautiyal, Director,
 CRZ Infrastructure and Building Construction,
 Ministry of Environment, Forests and Climate Change,
 Government of India,
 Paryavaran, CGO Complex, Lodhi Road-New Delhi 110003.

Sub: A complaint dated 09/05/2018 received from Mr. Jose Fernandes and others R/o Prial waddo, Near Infant Jesus Academy, Velsao-Goa with regard to alleged massive construction in the property bearing Survey No. 71/1 of Velsao village, Mormugao Taluka.

Sir,

This office is in receipt of an complaint from Mr. Jose Fernandes with regard to the alleged massive construction of Hotel project in survey No. 71/1 of Velsao village Mormugao Taluka. The said project has been granted Environmental Clearance by the Ministry of Environment, Forests and Climate Change (MoEF & CC) No. 18-9/2005-IA-III dated 08/05/2006. (copy of the complaint is enclosed as Annexure 'A'). On the receipt of the said complaint the site was inspected by the Expert members of the GCZMA (Copy of the report is enclosed as Annexure 'B'). Pursuant to the said inspection the Authority issued Show Cause Notice and Stop Work Order (copies SCN and Stop Work Order is enclosed as Annexure 'C'). Thereafter personal hearing was granted in the 176th GCZMA Meeting held 22/06/2018 wherein both parties were heard. (Extract of the minutes of the GCZMA Meeting are enclosed as Annexure 'D'). The Authority noted that there are two basic issues in the matter:

- (a) The complainant has alleged that there are sand dunes at the proposed site of the construction of Hotel project in Survey No. 71/1 of Velsao village Mormugao Taluka. In this regard the National Centre for Sustainable Coastal Management (NCSCM) has conducted a sand dune mapping report for the whole State of Goa, pursuant to Order passed by the National Green Tribunal. On the perusal of said report it is seen that there are no sand dunes shown on the said survey No.-71/1 of Velsao village where the proposed hotel is being constructed.
- (b) The other issue is about the validity of Environmental Clearance granted by the (MoEF & CC) to the said project in the year 2006. In this regard may

kindly note that due to the order of the Hon'ble High Court of Bombay at Goa there was moratorium for construction in CRZ-III area till 2011. It is submission of the project proponent that he could finally obtain all permissions only in the year 2017 after which he commenced the construction of said hotel project. The GCZMA decided to continue the order for stoppage of work and forward the complaint and the reply received by the respondent to the Ministry of Environment, Forest to decide the validity of the clearance issued by the Ministry in the year 2006.

Accordingly, the matter is being forwarded to you for appropriate decision.

Yours Faithfully,



(Ravi Jha, IAS)
Member Secretary (GCZMA)

Copy to;

1. P.A to Secretary (Environment) / Chairman (GCZMA), Secretariat, Porvorim.....for kind information.
2. Mr. Jose Ernandes & Others, Pial waddo, near Infant Jesus Academy, Velsao-Goafor information.
3. Mr. Benedict Saldana, Saldana Developers, 300 Mathias Plaza, 18th June Road, Panaji-Goa..... for information.

Annex F

1

wp1028-19dt.20-01-20

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1028 OF 2019

1) M/s. Saldanha Developers Pvt. Ltd.
A Private Limited Company, with its
registered Office at 5/6, Pawan Palace,
Sitladevi Temple Road, Mahim,
Mumbai 400 016, with its local office
at 302, Mathias Plaza, 18th June Road,
Panaji, Goa 403 001, represented by
its Managing Director, Mr. Benedict
Saldanha, son of Joseph M. Saldanha,
businessman, residing at
La Marvel Colony, Dana Paula, Goa.

2) Mr. Benedict Saldanha,
son of Joseph M. Saldanha, 59 years
of age, Indian National, businessman,
residing at La Marvel Colony,
Dana Paula, Goa.

.... Petitioners.

Versus.

1) The Goa Coastal Zone Management
Authority, c/o. Department of Science,
Technology & Environment, First Floor,
Pt. Deen Dayal Upaday Bhawan,
Pundalik Nagar, Alto Porvorim,
Bardez, Goa 403 521.

2) Union of India, through the
Secretary, Ministry of Environment,
Forest and Climate Change,
Government of India,



2

wp1028-19dt.20-01-20

Indira Paryavaran Bhavan,
166, Jorbagh Road, Lodi Colony,
New Delhi 110 003.

..... Respondents.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Sagar Rivankar ,
Advocate for the Petitioners.

Ms. Ankita Kamat, Additional Govt. Advocate for Respondent
No.1.

Mr. Raviraj Chodankar, Additional Standing Counsel for Respondent
No.2.

*Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.*

Date : 20th January, 2020.

ORAL JUDGMENT : (Per M.S. SONAK, J.)

Heard Mr. J.E. Coelho Pereira, learned Senior Advocate along with Mr. Sagar Rivankar for the Petitioners, Ms. Ankita Kamat, learned Additional Govt. Advocate for Respondent No.1 and Mr. Raviraj Chodankar, learned Additional Standing Counsel for Respondent No.2.

2. Rule. Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. In this Petition, a limited relief sought for by the



3

wp1028-19dt.20-01-20

Petitioners is to direct Respondent No.2 to take an appropriate decision on the Resolution dated 22nd June, 2018, passed by Respondent No.1 at its 176th Meeting and/or on the letter dated 9th July, 2018, bearing reference No. GCZMA/S/ILLE-COMPL/18-19/05/588 of the Member Secretary of the Respondent No.1, which is at page 126 of the paper book to this Petition.

4. Perusal of the communication dated 9th July, 2018 indicates that Respondent No.1 was in receipt of a complaint from one Jose Fernandes with regard to the construction which was being carried out by the Petitioners. This complaint was considered by Respondent No.1 in its meeting held on 22nd June, 2018 wherein both the parties were heard. Respondent No.1 noted that two issues arise in the matter and upon deliberations, decided to continue with the order of stoppage of work and to forward the complaint of Jose Fernandes and reply of the Petitioners herein to Respondent No.2 to decide the validity of the clearance issued by Respondent No.2 in the year 2006.

5. Though the reference in terms of the communication dated 9th July, 2018 was made in July, 2018, till date, there is no decision forthcoming from Respondent No.2. Hence, the present Petition.



6. According to us, Respondent No.2 will have to answer the reference made to it vide the communication dated 9th July, 2018, one way or the other, within some reasonable period. At this stage, it is not for this Court to go into the rival contentions, but one thing is clear that is, that Respondent No.2 will have to dispose of this reference one way or the other within a reasonable period, in accordance with law and on its own merits.

7. Accordingly, we direct Respondent No.2 to dispose of the reference in terms of the communication dated 9th July, 2018, on its own merits and in accordance with law, as expeditiously as possible and, in any case, within a period of six weeks from today.

8. The Petition is disposed of with the aforesaid directions.

9. The learned Additional Standing Counsel to forthwith communicate this order to Respondent No.2, so that the reference is disposed of within the time indicated by us.

10. All concerned to act on the basis of an authenticated copy of this Judgment and Order.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.



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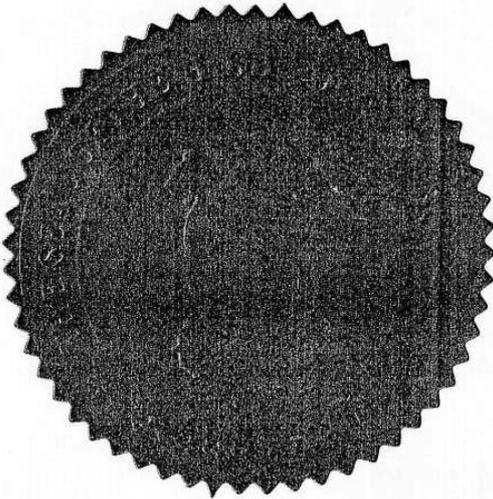
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Section Officer
High Court of Bombay at Goa
Panaji-Goa

214
23/1/2020

F.No.18-9/2005-IA III
 Government of India
 Ministry of Environment, Forest and Climate Change
 IA.III (CRZ) Section

Tel:011-24695405
 e-mail: saranya.p@gov.in

Indira Paryavaran Bhawan,
 Jor Bagh Road,
 New Delhi-110003
 Dated: 18th February, 2020

To,

The Member Secretary,
 Goa Coastal Zone Management Authority,
 Department of Science, Technology & Environment,
 1st Floor, Pandit Deendayal Upadhyay Bhawan,
 Behind Pundalik Devasthan, Near Sanjay School,
 Porvorim, Bardez-Goa-403521

Sub: Reference from Goa CZMA regarding alleged massive construction of Hotel project in survey No. 71/1 of Velsao village, Mormugao Taluka, Goa by M/s Saldanha Developers Pvt. Ltd - reg.

Ref: Order of Hon'ble High Court of Bombay at Goa dated 20.01.2020 in WP No. 1028 of 2019

Sir,

I am directed to refer to Goa Coastal Zone Management Authority (GCZMA) dated 09.07.2018 & 07.08.2019 on the above mentioned subject. The matter was examined in this Ministry in the context of the Order of the Hon'ble High Court dated 20.01.2020.

2. In this regard, I am directed to inform that the CRZ clearance issued by this Ministry's letter dated 08.05.2006 has expired and the project proponent has reportedly started construction in 2017 without a subsisting clearance which constitutes violation of the CRZ regulations. Also, the project proponent has not availed the provision of post facto clearance issued vide this Ministry's Notification S.O.1002(E) dated 06.03.2018 for regularization of permissible projects in CRZ areas with certain conditions.

3. Further, it is to inform that for the purpose of implementation and enforcement of the provisions the CRZ Notification, 2011 and compliance with the conditions stipulated there under, the powers either original or delegated are available under the Environment (Protection) Act, 1986 with the State Government and the State Coastal Zone Management Authority (SCZMAs).

O/c

Letter issued on ~~18~~ 19/2/20. *[Signature]*

The main function of these Authorities also include matters related to violation of the provisions of the CRZ Notification, 2011 and taking appropriate action under Section 5, 10 and 19 of the Environment (Protection) Act, 1986.

4. This issues with approval of the Competent Authority

(Dr. Saranya P)
Deputy Director (CRZ)

(Dr. P. SARANYA)

वैज्ञानिक 'सी' / Scientist 'C'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

M/o Environment, Forest and Climate Change

भारत सरकार, नई दिल्ली

New Delhi - Delhi

Copy to:

1. M/s Saldanha Developers Pvt. Ltd, 302, Mathias Plaza, 18th June Road, Panaji
403 001, Goa.
2. Office copy/Guard file

No. GCZMA/S/111e-Comp1/18-19/05/67
Goa Coastal Zone Management Authority,
Behind Pundalik DEvastham,
Porvorim Goa.
Dt. 15/5/2020.

To,
The Dy. Director (CRZ)
Ministry of Env't, Forests & CC,
IA.III Section,
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi - 110003

Sub : Reconsideration of the opinion rendered vide letter bearing No. F. No. 18-9/2005-IA III dated 18/2/2020.

Ref : Representation received from Saldanha Developers P. Ltd. and decision taken by the Authority in the 223rd Meeting held on 18/3/2020

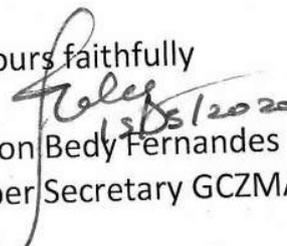
Sir,

The Authority had received representation from Saldanha Developers P. Ltd., pertaining to the opinion given by your office in relation to the validity of the EC granted to him on 19/6/2006 and thereafter the various hindrances which he had to face on account of the Court proceedings pertaining to formulation of Hotel Policy in the State of Goa as well as the bottlenecks that he had to face on account of the grant of approvals by the Town and Country Planning Department.

This representation was examined in depth by the Authority and the decision taken therein is enclosed herein which is self explanatory.

We are enclosing the representation alongwith the decision taken by the Authority for taking a holistic approach on account of the peculiar circumstances which the project proponent was riddled with.

Yours faithfully


Johnson Bedy Fernandes
Member Secretary GCZMA

CC. to

Benedict Saldanha, Saldanha Developers P. Ltd, 302 Mathias Plaza, 18th June
Road, Panaji Goa.

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.712 OF 2021 (FILING)

SALDANHA DEVELOPERS
PVT. LTD., REP. BY ITS
MANAGING DIRECTOR,
BENEDICT SALDANHA
AND ANR. ... Petitioners.
VS
UNION OF INDIA, THR. THE
SECRETARY AND 3 ORS. ... Respondents.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. V. Braganza and Mr. Vilas Pavithran, Advocates for the Petitioners.

Mr. R. Chodankar, Central Government Standing Counsel for Respondents No. 1 and 2.

Coram: M.S. SONAK &
SMT. M.S. JAWALKAR, JJ.

Date: 5th April 2021

P.C.:

After this matter was heard for some time, the learned Senior Advocate for the Petitioners submitted that for the present, the Petitioners would be satisfied if the Ministry of Environment and Forests i.e Respondent No.1 disposes off the Petitioners' representation, which is forwarded by the GCZMA to the Ministry under cover of letter dated 15.05.2020 within some reasonable period.

2. The GCZMA annexure dated 15.05.2020 is at Annexure Q, page 234 of the paperbook of this petition. This annexure states that a representation has indeed been made by the Petitioner and the same has

been forwarded by the GCZMA to the Ministry, under cover of letter dated 15.05.2020.

3. Mr. Chodankar, the learned Standing Counsel for the Ministry states that this representation will be disposed of on its own merits and in accordance with law within four months from today.

4. Accordingly, we accept the statement of Mr. Chodankar and direct the Respondent No.1 to dispose of such representation within four months from today and communicate its decision to the Petitioners as well as the GCZMA.

5. Mr. Chodankar states that in case the Petitioners wish to be personally heard, then, they will be personally heard in the matter by the concerned officials of the Respondent No.1.

6. We make it clear that we have not gone into the rival contentions and therefore, it will be for the Ministry to dispose of the representation on its own merits and in accordance with law.

7. All contentions of all parties are specifically kept open should any further occasion arise to adjudicate the same.

8. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act based on authenticated copy of this order.

SMT. M.S. JAWALKAR, J.

M.S. SONAK, J.

jfd/-

MINUTES OF THE MEETING OF M/S SALDANHA DEVELOPERS PVT LTD

A meeting was held on 02/08/2021 to provide personal hearing through Video Conferencing (VC) due to prevalent pandemic situation with M/s Saldanha Developers Pvt. Ltd., (Project Proponent) under the Chairmanship of Dr. S. K. Bajpayee, Joint Secretary (CRZ). The meeting was held in reference to a representation from M/s Saldanha Developers Pvt. Ltd regarding their CRZ clearance for constructions of hotel/resort.

2. The Hon'ble High Court of Bombay at Goa, *vide* its order dated 05/04/2021 has directed this Ministry to dispose of the representation of M/s Saldanha Developers Pvt. Ltd. on its own merits and in accordance with law within four months from today. In the instant matter, the MoEFCC was respondent No. 5.

3. The Ministry in compliance to the said directions has decided to provide a personal hearing to the M/s Saldanha Developers Pvt. Ltd. on 14/07/2021 and It was also decided that the Member Secretary, Goa CZMA shall be present during the personal hearing to be held through Video Conference.

4. The meeting could not proceed on time since Mr. Dashrath Redkar, Member Secretary Goa CZMA could not log-in due to technical difficulty and Chairman decided to go ahead with the personal hearing and requested to Mr. Benedict Saldanha, Director of M/s Saldanha Developers Pvt. Ltd., (Project Proponent) to put forth his submission alongwith project background.

5. Mr. Saldanha submitted that the project was given clearance by MoEF on 08/05/2006 and by Goa CZMA 19th June 2006 had accordingly submitted the building plans to Town & Country Planning Department for approval under the Goa Land Development and Building Act. During the processing of the approval by Town & Country Planning Department, observations were raised by Town & Country Planning Department which needed reply from Goa CZMA. In the meanwhile, in the matter of WP No. 422/1998 & WP/99/1999 filed in the Hon'ble High Court of Bombay at Goa, the Hon'ble High Court have issued directions pronouncing that "until the survey and inquiry is completed no new license for any type of construction in CRZ-III zone shall be issued or granted and no new structure of whatsoever nature shall be allowed to be constructed in the CRZ-III Zone". It was also stated that the State Government was directed "to identify the open plots in CRZ-III zone which are available for construction of hotels and to

frame appropriate policy/regulation for utilization thereof". The embargo was finally lifted by the Hon'ble High Court of Bombay at Goa on the 10/06/2011 on the submission of the of the Hotel Policy 2011 by the Government of Goa & Goa CZMA.

6. M/s Saldanha Developers Pvt. Ltd also submitted that they had again approached the Town & Country Planning Department on 6th November 2012. The Town & Country Planning Department wrote to the Goa CZMA for clarification that approval granted by Goa CZMA can be considered for issue of NOC for the development and construction of hotel. After considerable delay the Goa CZMA replied to the Town & Country Planning Department stating that Hotel Policy which was framed & finalized on 10/06/2011 based on the directives of the Hon'ble High Court in WP No. 422/1998 & WP/99/1999 states that Para 9 of the Hotel Policy 2011, conditions at Para (7) and Para (8) of the Hotel Policy does not apply to the hotel project approved earlier by the State Government / MOEF or are in the process of being considered for approval by MOEF based on earlier State Government / Goa CZMA approval.

7. Mr. Dashrath Redkar, Member Secretary Goa CZMA, who joined the meeting late, was asked by the Chairman to explain the details of instant issue. Mr. Redkar informed that they could not go through the case in detail and requested for rescheduling the meeting. The Chairman then opined that it would not be proper to continue the personal hearing and adjourned the meeting to the later date with instruction to Mr. Dashrath Redkar, Member Secretary Goa CZMA to come up with all necessary facts of the matter.

8. In view of above, the meeting was rescheduled and held on 14/07/2021 through Video Conferencing (VC) due to prevalent pandemic situation under the Chairmanship of Dr. S. K. Bajpayee, Joint Secretary (CRZ) along with Member Secretary, Goa CZMA and M/s Saldanha Developers Pvt. Ltd. The list of participant's present is given at **Annexure**.

9. The Chairman, Joint Secretary(CRZ) sought the details from Member Secretary Goa CZMA with reference to decision taken in the 223rd meeting held on 18/03/2020 by Goa CZMA and the representation sent by the M/s Saldanha Developers Pvt. Ltd. The Member Secretary Goa CZMA explained that as per the Hotel policy formulated by Government of Goa and application filed in the Hon'ble High Court of Bombay at Goa, wherein in the Hotel Policy 2011, states that Para 9 of the Hotel Policy 2011, conditions at Para (7) and Para (8) of the Hotel Policy shall not apply to the Hotel project approved earlier by the State

Government / MOEF or are in the process of being considered for approval by MOEF based on earlier State Government / Goa CZMA approval/recommendation.

10. Accordingly, the Member Secretary Goa submitted that various letters were sent to the TCP directed the office of Town & Country Planning Department to process the case in accordance of the clearance granted by the Ministry and Goa CZMA which was framed and finalized based on the directives of the Hon'ble High Court in WP No. 422/1998 & WP/99/1999.

11. The Chairman (Joint Secretary) asked the Member Secretary Goa CZMA about his views on the representation of the M/s Saldanha Developers Pvt. Ltd. The Member Secretary Goa CZMA reiterated that the authority in its 223rd meeting held on 18/03/2020 by Goa CZMA supports representation of the M/s Saldanha Developers Pvt. Ltd., and for which the minutes have been forwarded to the Ministry for taking a holistic approach on account of peculiar circumstances which the project proponent was faced.

12. The Chairman (JS) asked MS-Goa CZMA, is there any similar matter pending with the Goa CZMA. The MS Goa CZMA stated that this is the only matter. The Chairman (Joint Secretary) also asked to M/s Saldanha Developers Pvt. Ltd., if he had any more submission to make. M/s Saldanha Developers Pvt. Ltd., submitted that based on the letters of Goa CZMA, he could not take benefit of the provision of the post facto clearance issued *vide* Ministry's Notification date 06/03/2018 for regularization of permissible projects in CRZ area which was available to him. M/s Saldanha Developers Pvt. Ltd., has also mentioned that the final approval was granted by the TCP, and the project file was sent by the Town and Country Planning Department to the Govt. of Goa for approval and Government of Goa had accorded approval of the project and conveyed the same to TCP Department *vide* note DH/4177/4.

13. M/s Saldanha Developers Pvt. Ltd., further submitted that he has incurred expense ₹2.89 crores in fees to various Government of Goa Departments to obtain these approval besides incurring cost of another ₹2.00 cores on other construction related activities, besides the land cost and had obtained loan from Maharashtra State Financial Corporation and Economic Development Corporation (Government of Goa) for the purchase of land. M/s Saldanha Developers Pvt. Ltd., pleaded with the Chairman that the Ministry take a positive view of the representation made and the view of the Goa CZMA.

14. Based on the deliberations held it was observed that the matter is a procedural delay by Goa GCZMA and Town Planning Authority and the case may be considered as a special case and not as a precedent. The Chairmen also observed that M/s Saldanha Developers Pvt. Ltd., has already taken prior CRZ clearance for the project *vide* letter dated 08/05/2006. Therefore, based on that, the case may be processed for consideration of the Competent Authority for re-validation of the existing clearance as a special case.

The meeting ended with a vote of thanks to the Chair.

Annexure

S. No	Name of Participant/ Designation	Organisation	E-mail
1.	Dr. Sujit Kumar Bajpayee, Chairman & Joint Secretary (CRZ)	MoEF&CC, New Delhi	sujit.baju@gov.in
2.	Shri Dashatrath Redkar Member Secretary, GCZMA	Goa, Coastal Zone Management Authority	goagoastalzone@gmail.com
3.	Mr. Benedict Saldanha	Director of M/s Saldanha Developers Pvt. Ltd.	ben@saldanhagroup.com
4.	Dr. H. Kharkwal Additional Director & MS (CRZ)	MoEF&CC, New Delhi	h.kharkwal@nic.in
5.	Dr. Saranya P Joint Director (CRZ)	MoEF&CC, New Delhi	saranya.p@gov.in
6.	Dr. Bhawana Kapkoti Negi Technical Officer (CRZ)	MoEF&CC, New Delhi	bhawana.knegi@gov.in

MINUTES OF THE 298th MEETING OF EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 26th MAY, 2022

The 298th meeting of the Expert Appraisal Committee for projects related to Coastal Regulation Zone was held on 26th May 2022 at Teesta Hall, IPB, Ministry of Environment, Forest and Climate Change, New Delhi. The list of Members presents in the EAC (CRZ) is at **Annexure**.

The deliberations held and the decisions taken are as under:

2.0 CONFIRMATION OF THE MINUTES OF THE LAST MEETING

The Committee has noted that the Minutes of the 295th meeting held on 27th April 2022 are in order and confirmed the same with suggestions that in case any typographical/grammatical errors are noticed in due course, the same may be corrected suitably.

3.0 RECONSIDERATION OF PROPOSALS FOR CRZ CLEARANCE

Item No. 3.1

Development of marine infrastructure for laying emergency sea water intake pipeline for firefighting from Bocha Creek to WRPL for IOCL, Mundra, District Kutch, Gujarat by M/s Indian Oil Corporation Ltd.-CRZ Clearance regarding [IA/GJ/CRZ/259145/2022] [F.NO.11-09/2022-IA.III]

1. The project proponent informed the Committee that alternate arrangement for emergency water requirement has been made with M/s *HMEL (HPCL-Mittal Energy Limited)*. Accordingly, it was requested that the EAC may consider that the proposal for development of facility in CRZ area is withdrawn.

2. **Deliberations in the EAC:**

The Committee, taking note that alternate arrangement for emergency water requirement has been made by the PP and considering their request, recommended for withdrawal of project by the PP.

Accordingly, the proposal was **RETURNED** in its present form.

Item No. 3.2

Construction of out fitting jetty and floating dry dock with allied infrastructure along path finder inlet creek of Gulf of Kachchh lies between the two islands, Kalubhar Tapu and Narara Bet near DPT Jetty, Vadinar, District Devbhumi Dwarka, Gujarat by M/s Deendayal Port Trust-CRZ Clearance regarding [IA/GJ/CRZ/253940/2022, F.No.11-11/2022-IA.III]

The proposal was earlier considered and deferred by the EAC in its meeting held on 23rd March, 2022. The EAC noted that the project proponent has not made available

the EIA / EMP report alongwith other documents for appraisal of the Committee and deliberation on the proposal without a detailed examination of the project may not serve the purpose. The Committee desired that the proposal shall be examined at a later stage and the project proponent shall circulate the EIA / EMP report and mangrove and coral reef conservation plan and other requisite documents as per the Agenda.

1. The project proponent and their consultant made a detailed presentation of salient features of the project and informed that:

- (i). The proposal is for CRZ clearance to the project for out fitting jetty and floating dry dock with allied infrastructure along path finder inlet creek of Gulf of Kachchh, between Kalubhar Tapu and Narara Bet islands, near DPT Jetty, Vadinar, District Devbhumi Dwarka, Gujarat by M/s Deendayal Port Trust.
- (ii). The out fitting Jetty will be 500 m in length 12 m in width, approach Trestle from the existing structure will be 120 m in length and 10 m width. The proposed Outfitting jetty will have 300 Nos of Piles, with 1.0 meter diameter each. Spacing between piles will be 5 meter both transversely and longitudinally. Approach Trestles will have 48 numbers of pile of 1.0 meter diameter each. Spacing between piles will be 5 meter transversely and 5 meter longitudinally.

Structure	Zone	Length in m	Width in m	Number of piles	Foot print in m ²
Outfitting Jetty	Subtidal	500	12	300 of 1 m diameter	235.5
Trestle	Subtidal	120	10	48 of 1 m diameter	37.68
Total Foot print Area					273.2

- (iii). The proposed activity is in the CRZ-IV Area. Floating dry dock and outfitting jetty shall be located beyond the Eco sensitive zone of Marine National Park and Sanctuary.
- (iv). The Gujarat Coastal Zone Management Authority (GCZMA) has recommended the proposal for CRZ clearance vide letter No. ENV-10-2021-122-T dated 11/02/2022.

2. **Deliberations in the EAC:**

The EAC deliberated on the proposal. The Committee noted that the proposed facility is coming adjacent to the other oil terminals like M/s Nayara Energy / Oil Terminal, causing safety and risk issues to other facilities. The Committee also observed that Safety and risk along with modelling studies has to be carried out for effective assessment and management. The Committee also found various deficiencies in the proposal and desired for additional information / inputs. The Committee also desired that considering the importance of the project and requirement/commitment of the PP in various aspects of the project, a senior level officer from M/s Deendayal Port Trust may participate in the EAC

meeting. Considering the location of the project site adjacent to Ecologically Sensitive Areas and other oil terminal facilities, it was desired to have site visit by a sub-committee.

The Committee after detailed deliberation, desired for additional information/inputs in respect of the following:

- (i). Safety and risk assessment along with modelling studies.
- (ii). Construction methodology and safe guards for environment.
- (iii). Details of other reception facilities in the vicinity of the proposed project
- (iv). Solid waste management plan
- (v). Hazardous waste management plan
- (vi). Oil / Ballast / waste water management plan.
- (vii). Transportation Management
- (viii). Compliance / commitment of GCZMA recommendations
- (ix). Commitment that non-vegetated mud flat area shall not be used for mangrove plantation.

The proposal was accordingly DEFERRED for additional information.

MISCELLANEOUS PROJECTS

Item No. 3.3

Construction of a Hotel project in Survey No.71/1 of Velsao Village Goa by M/s Saldanha Developers Pvt. Ltd. – reg [F.NO.18-9/2005-IA.III]

1. The project proponent made a detailed presentation of the project and informed that:
 - (i). The proposal is for permission for work / extension of the validity of the CRZ clearance dated 8th May, 2006 as per the CRZ Notification, 1991 issued to project 'Construction of a hotel project' in Survey No.71/1 of Velsao Village Goa by M/s Saldanha Developers Pvt Ltd.
 - (ii). PP has informed that subsequent to grant of environmental clearance (CRZ) by the Ministry on 8th May, 2006, the Hon'ble High Court of Bombay at Goa, on 13th October, 2006 (in the matter of WP No. 422/1998 & WP/99/1999) *have issued directions pronouncing that "until the survey and inquiry is completed no new license for any type of construction in CRZ-III zone shall be issued or granted and no new structure of whatsoever nature shall be allowed to be constructed in the CRZ-III Zone".* It was also stated that the State Government shall *"identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof"*.
 - (iii). The restriction was lifted by the Hon'ble High Court of Bombay at Goa on the 10th June, 2011 based on the submission of the Hotel Policy 2011 by the Government of Goa & Goa CZMA.

- (iv). Thereafter, application was submitted by project proponent to the Town Planning Department on 04/10/2011, 25/02/2012, 10/07/2012 and 06/11/2012. The Goa Town Planning Department has sought clarifications on 05/12/2012 and 14/09/2015 from the Goa CZMA regarding consideration of the NOC issued by GCZMA vide No. GCZMA/S/90/1614 dated 19/06/2006 for issue of NOC for development for planning point of view.
- (v). The Government of Goa by note No. DH 4177/4/MTP- 2017/139 on 30/03/2017 has conveyed its approval for the hotel project and technical Clearance from Town Planning Department, Goa for carrying out work of proposed construction of Hotel project has been obtained on 9/05/2017. Permission for conversion of land obtained on 12/02/2018 and construction license was granted by the Village Panchayat for construction on 31/03/2018. However, based on the complaint received, the GCZMA has issued Show Cause Notice cum work stoppage order on 1st June, 2018 against the PP (M/s Saldanha Developers Pvt Ltd). The GCZMA has forwarded the matter and asked Ministry to decide the validity of the clearance issued in the year 2006.
- (vi). In response to the GCZMA letter dated 9th July, 2018 and subsequent communication dated 7th August, 2018, the Ministry vide letter dated 18/02/2020 has informed that the CRZ clearance dated 08/05/2006 has expired and the project proponent has reportedly started construction in 2017 without a subsisting clearance which constitutes violation of the CRZ regulations. Also, the project proponent has not availed the provision of post facto clearance issued by the Ministry vide Notification S.O.1002(E) dated 06/03/2018 for regularization of permissible projects in CRZ areas with certain conditions.
- (vii). The Goa CZMA vide letter dated 15th May, 2020 has requested the Ministry to reconsider the opinion rendered vide Ministry's letter dated 18/02/2020 on the above project.
- (viii). The project proponent has approached the Hon'ble High Court of Bombay at Goa (W.P No. 712 of 2021). The Hon'ble High Court vide order dated 5th April, 2021 has directed to dispose of the representation of the PP forwarded by the GCZMA vide letter dated 15th May, 2020 on its own merits and in accordance with law within four months. It was also mentioned to provide personal hearing to the PP.
- (ix). Personal hearing and meeting on the matter was held on 14/07/2021 and 02/08/2021 through Video Conferencing (VC). The Member Secretary Goa CZMA reiterated that the authority in its 223rd meeting held on 18/03/2020 supports the representation of the M/s Saldanha Developers Pvt. Ltd., and informed the Ministry for taking a holistic approach on account of peculiar circumstances which the project proponent was faced. It was observed that the matter is a procedural delay by Goa GCZMA and Town Planning Authority and the case may be considered as a special case and not as a precedent.
- (x). The PP has also presented the present environmental setting of the area.
- (xi). PP has requested that as CRZ clearance has already been granted by the Ministry vide letter dated 08/05/2006, and considering the orders of Hon'ble Court,

recommendations of GCZMA, the proposal may be considered as a special case and assured that the project will be completed within three years.

2. **Deliberations in the EAC:**

The Committee made detailed deliberation on the proposal. The Committee observed that the situation arises due to delay in taking decision by the State Government Authorities and not communicating the correct rule position by the regulatory authorities to the project proponent. The Committee noted that the Goa CZMA has recommended to the Ministry to consider the project as a special case and grant extension of the validity of the clearance. The Hon'ble High Court has also directed to consider the matter in its own merits and in accordance with law. The EAC also noted that the present Hotel Policy of Goa is not causing any impediments to the hotel project approved earlier by the State Government and MoEF.

The Committee also deliberated on the present environmental setting of the area. The Committee observed that no major changes happened to the CRZ area of the project site and no need further additional EIA report etc. The Committee appraised the status of the project and desired that the PP shall submit details regarding construction of project after issue of stop memo. The PP submitted an undertaking stating that no construction has been done after the receipt of the stop work order dated 01/6/2018. The Committee suggested to the PP that modular waste water treatment plan shall be followed and no waste water shall be discharged. The treated waste water may be used for gardening and flushing.

The Committee after detailed deliberations, taking into account the order of Hon'ble High Court, recommendations of the Goa CZMA and CRZ clearance granted by the Ministry vide letter dated 8th May, 2006, recommended for granting three years period for completion of the project as per the scope of the work envisaged in the CRZ clearance, as one time relief based on the submission of factual position at site, with all other terms and conditions remain unchanged.

Item No. 3.4

Deployment of Sample Artificial Reef Modules made of concrete in the Sea near Solai Nagar fishing Village, Puducherry -reg.

[F.NO.19-84/2020-IA.III]

The Member secretary informed the Committee that the Ministry has received communication from the Puducherry Coastal Zone Management Authority (PCZMA) seeking comments for deployment of Sample Artificial Reef Modules made of concrete in the Sea. It is informed that the Department of Fisheries and Fishermen Welfare, Government of Puducherry has sought opinion from the Puducherry CZMA for the deployment of sample Artificial Reef modules made of concrete in the sea near Solai Nagar fishing village by M/s Kuddle Life Foundation.

2. The MS, PCZMA has requested the Ministry to clarify whether the deployment of the Artificial modules will attract the CRZ notification 2011 and necessary statutory clearance has to be obtained from the PCZMA or MoEFCC, since this activity is carried out for the benefit of the fishing communities and for their livelihood, or whether the activity can be exempted from the purview of the statutory clearance considering the benefit of fishermen for their livelihood.

3. The project has been conceptualized for the purpose of livelihood enhancement of the fishermen. As per the proposal submitted by M/s Kuddle Life Foundation, for which comments were sought by the CZMA, sample artificial modules shall be first deployed on trial basis. Thereafter based on the outcome, eventual deployment will be undertaken. It is noted that 3 to 4 modules will be deployed in the sea bed at the identified site first. Each module weighs about 500 kgs and has a height of 3 ft, which is made of concrete. The modules will be deployed with the help of fishermen. The depth of the deployment site is 17.2 meters and distance from the shore is about 3.6 kms. After the trial, 200 to 400 modules of artificial reef will be deployed forming one artificial reef. It is stated that the reef will help the fishermen with increase in fish catch and enhance their livelihood.

4. The Ministry has sought the comments of NCSCM. The NCSCM vide email dated 30.04.2022 has mentioned that as per the CRZ Notification 2011/2019, activities impugning on the sea and tidal influenced water bodies will be regulated and permitted or regulated project activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.

5. In the present case of deployment of sample artificial reef modules made of concrete in the sea, a rapid assessment of the possible impact of the concrete material used and the presence of the artificial reef on the marine environment and a monitoring program including ecological, socio-economic and fishery aspects to evaluate the reef's after-effects after the deployment, are required as part of the CRZ clearance process.

Thus, prior CRZ clearance is required for deployment of sample artificial reef modules made of concrete, in the sea near Solai Nagar fishing village, Puducherry.

6. In view of the above, it was desired to obtain the comments of the EAC.

2. Deliberations in the EAC:

The Committee made detailed deliberations of the proposal. The Committee noted that the Ministry had issued CRZ Notifications, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, and to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming. As per para (8) (IV) of the CRZ Notification, 2011, in CRZ-IV areas, the activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities. The proposed activity is for enhancing the fishery resources in the sea and is being practised in the coastal areas since many years.

The Committee after detailed deliberations noted that the proposed activity does not require any prior permission as per the CRZ Notification, 2011. However, in order to avoid

conflict between other activities, the concerned CZMA may issue general guidelines for undertaking such activities with the following terms and conditions:

- (i). The artificial modules/strictures shall not be deployed in or over the natural living coral reef or seagrass areas, if any.
 - (ii). These structures shall not hinder the navigational channel or the monitoring stations/units deployed in the sea.
 - (iii). The CZMA/Fisheries Department undertake monitoring and analyse the changes in biodiversity/fisheries and seabed morphology after complete deployment through necessary studies.
 - (iv). There shall be encouragement for use of green artificial modules/reef structures to utilize marine resources in a sustainable way.
4. Any other item with the permission of the Chair.

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

Annexure**List of the Expert Appraisal Committee (CRZ) Members participated during Video Conferencing (VC) Meeting held on 26th May 2022.**

S. No.	Name of Members	Designation
1.	Dr. Deepak Arun Apte	Chairman
2.	Prof. Mukesh Khare	Member
3.	Shri Manmohan Singh Negi	Member
4.	Shri S. Jeyakrishnan	Member
5.	Dr. J. Chandra Babu	Member
6.	Shri. R.P.S Verma	Member
7.	Dr. H. Kharkwal	Member Secretary
MoEF&CC		
8.	Dr. Nobi E. P	Scientist 'B'

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Government of India
Ministry of Environment, Forest and Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi – 110003
Dated: 2nd January, 2024

To,
Chairman, Goa Coastal Zone
Management Authority and Secretary,
Department of Environment & Climate Change,
Government of Goa,
Panaji - 403 001, Goa
E-mail: secyenv.goa@gov.in

Subject: Construction of a Hotel project in Survey No.71/1 of Velsao Village, Goa by M/s Saldanha Developers Pvt. Ltd. – Extension of validity of CRZ Clearance - regarding.

Sir,

This is with reference to the letter of M/s Saldanha Developers Pvt. Ltd. and communications from Goa CZMA related to the proposal for extension of validity of the CRZ clearance dated 8th May, 2006 granted for 'Construction of a Hotel project' in Survey No.71/1 of Velsao Village, Goa by M/s Saldanha Developers Pvt. Ltd.

2. The matter has been examined by EAC (CRZ) in its 298th meeting held on 26/05/2022. After detailed deliberation, EAC (CRZ) has recommended for validity extension of three years for completion of the project as per the scope of the work envisaged in the CRZ clearance, as one time relief based on the submission of factual position at site, with all other terms and conditions remaining unchanged.

3. However, the Ministry decided to seek legal opinion of Ministry of Law and Justice (MoLJ) on Re-validation of the existing clearance dated 8th May, 2006 as a special case w.r.t. extant provisions of CRZ Notification.

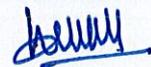
4. The MoLJ has opined the following:

".....in absence of any provision empowering the Ministry to grant extension/relaxation or re-validate the Environmental Clearance dated 08/05/2006 which, as per the Ministry, has already been expired, we are of the opinion that re-validate the Environmental Clearance dated 08/05/2006 appears to be not viable."

5. In view of above, it is to inform that proposal of M/s Saldanha Developers Pvt. Limited for extension of validity of the CRZ clearance dated 08/05/2006 cannot be considered as per extant provision of CRZ Notification 2011.

6. The Goa Coastal Zone Management Authority is requested to inform the decision of the Ministry to all concerned.

7. This issues with approval of the Competent Authority.



(Dr. H. Kharkwal)
Scientist 'E' (CRZ)

E-mail: h.kharkwal@nic.in

Copy to:

1. The Member Secretary, Goa Coastal Zone Management Authority, Department of Environment & Climate Change, 4th Floor, Dempo Towers, Panaji- 403001, Goa
E-mail: dir-env.goa@gov.in, goacoastalzone@gmail.com
2. Guard File / Office Copy.