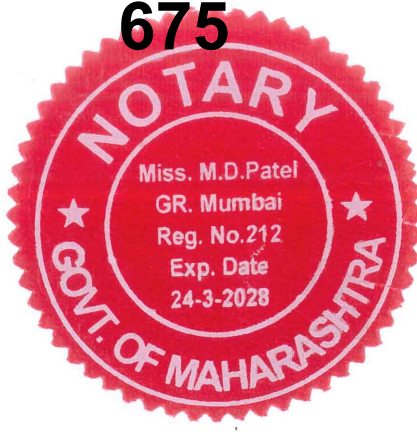


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH AT PUNE

APPEAL No. 29/2024

PARAMPARIK MACHIMMAR BACHAV SAMAJIK KRUTI SAMITEE.....  
APPELLANT

VS

JAWAHARLAL NEHRU PORT AUTHORITY & ORS. ....  
RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4, MAHARASHTRA  
COASTAL ZONE MANAGEMENT AUTHORITY**

I, Abhay Madhukar Pimparkar, Director, Environment and Climate Change Department, Government of Maharashtra and Member Secretary of Respondent No. 4, The Maharashtra Coastal Zone Management Authority (MCZMA), having my office at 15<sup>th</sup> floor, New Administrative Building, Env&CC Department do hereby solemnly affirm and state as under:

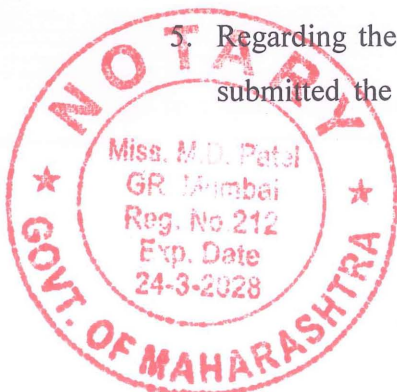
1. I say that I am the Member Secretary Of Respondent No.4, The Maharashtra Coastal Zone Management Authority, and am authorised to affirm the present reply affidavit on

M. D. Patel

*(Signature)*

its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the above-captioned Appeal. Nothing in the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.

2. I say that the present Appeal has been filed challenging the joint CRZ and Environmental Clearance granted to Jawaharlal Nehru Port Authority (hereinafter referred to as 'JNPA'), the Respondent No.1 herein, by the Ministry of Environment, Forests and Climate Change (hereinafter referred to as 'MoEF& CC'), the Respondent No. 2 herein, dated 15/03/2024 bearing reference no. 10/48/2023-IA-III for the "widening of the existing Container Berth at Jawaharlal Nehru Port." which is annexed at Annexure A10 at page No. 136-147 to the Appeal.
3. I say that Respondent No.1 presented the proposal before Respondent No.4 on seeking CRZ Clearance from the present Respondent, i.e. Respondent No.4. The present Respondent considered the proposal in its 163<sup>rd</sup> meeting held on 2<sup>nd</sup> and 3<sup>rd</sup> February 2023. I say that in the said meeting, the Authority enquired Respondent No.1, the JNPT Officials about the Environment / CRZ clearance obtained for existing container berth at JNPT, the Officials of JNPT (i.e. Respondent No.1 herein) informed that the activity of the existing berth was part of the Environment Clearance obtained for the JNPT port in 1989 (i.e. prior to CRZ Notification, 1991). Minutes of the 163<sup>rd</sup> meeting are annexed and marked as Annexure A-3 at Page No. 42-44 of the Appeal.
4. I say that the above mentioned project for widening of Container Berth at Jawaharlal Nehru Port Authority at Sheva, Navi Mumbai was superimposed in 1:4000 Scale CRZ map prepared by IRS, Chennai and the Answering respondent noted that the proposed widening part fell within the CRZ category- CRZ IV-A area.
5. Regarding the allegation in respect of impact on fisheries, I say that, the JNPT i.e. R1 submitted the EIA/ EMP report which was prepared by Mantec Consultants Pvt Ltd)



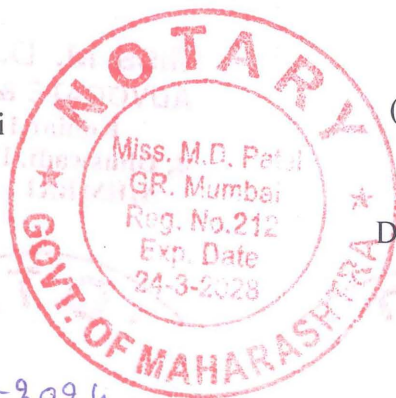
M. D. Patal

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Nabet accredited consultant. The said Mantec Consultants Pvt Ltd considered baseline period from 15<sup>th</sup> September 2022 to 5<sup>th</sup> December 2022 i.e. post monsoon period. The report states that due to continuous ship movement, the fisheries are not well developed in the area. Hence no significant impacts on fisheries are anticipated. The said EIA report is annexed and marked as Annexure A-12 at Page No. 150-283 of the Appeal.

6. I say that in light of above, the present Respondent after due deliberation recommended the proposal to MoEF&CC, New Delhi under CRZ Notification, 2011 subject to conditions mentioned therein and the MOEF & CC considered the proposal of the Expert Appraisal Committee (Infrastructure, CRZ and other miscellaneous projects). The recommendation letter is annexed at Annexure A-4 at Page 45-48 to the Appeal. Upon recommendation by the Answering Respondent, and also considering other factors, Respondent No 2 granted the impugned environmental and CRZ clearance dated 15/03/2024. The Answering Respondent has considered the impact of the proposed project by relying on the EIA/ EMP report which was prepared by Mantec Consultants Pvt Ltd.
7. In view of the aforesaid, it is most humbly submitted that the above-captioned Appeal filed by the Appellant above-named deserves to be rejected.

Place: Mumbai



(Abhay Madhukar Pimparkar)

Deponent

Director, Env&CC Department and

Member Secretary, MCZMA

Date: 12-12-2024

M. D. Patel

**BEFORE ME**

M. D. Patel

VERIFICATION

I, Abhay Madhukar Pimparkar, Age 49 years, Director, Environment & Climate Change Department and Member Secretary of the Maharashtra Coastal Zone Management Authority, having my office address at 15<sup>th</sup> Floor, New Administrative Building, Mantralaya Mumbai, do hereby verify & declare that statements made in the aforesaid Paras are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on this <sup>12<sup>th</sup> December</sup> ~~12<sup>th</sup> day of November~~, 2024

*a M.D. Patel*

*Abhay Madhukar Pimparkar*

( Abhay Madhukar Pimparkar)

Director, Environment &CC

and MS, MCZMA

Deponent

Identified by

**BEFORE ME**

*M. D. Patel*  
*12-12-2024*  
*Sr. No. 601*  
*Bk. No. 4*

**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
**4, Dhuswadi, Dhobitalao,**  
**MUMBAI - 400 002.**

