

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

Appeal No. 18/2020

In the matter of:

Abhijit Prabhudesai

...Appellant

Versus

Goa State Pollution Control Board & Ors.

Respondents

I N D E X

N.D.O.H-23/11/2021

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**Reply Affidavit on behalf of Respondent No. 1 Goa State Pollution
Control Board (GSPCB)**

I Dr. Shamila Monteiro, d/o Shri Augusto Monteiro, aged about 50 years, r/o House no 5, Uttam Darshan, Opp. Sai Baba Temple, Kadamba Plateau, Chimbhel – Tiswadi - Goa, do hereby on solemn affirmation state as under:

1. That I am currently holding the post of Member Secretary with Respondent No. 1 and being well conversant with the facts of the present case, am competent to depose by way of the present affidavit.
2. That I have gone through the subject Appeal the contents whereof are being denied at the very outset, save and except what has been specifically admitted herein below.
3. That the Answering Respondent is filing the present reply affidavit to the Appeal instead of a para wise reply and craves liberty of this Hon'ble Tribunal to file a detailed further affidavit if so required or as directed by this Hon'ble Court.

4. That at the very outset it is most humbly submitted that the instant Appeal is untenable in law and facts and is liable to be dismissed outrightly. The Impugned Order dated 15.10.2019 warrants no interference from this Hon'ble Tribunal and the Pollution Appeal No. 4/2018/Water and Pollution Appeal No.5/2018/AIR were rightly dismissed by the Ld. Administrative Tribunal Goa interalia observing as under:



- i. The Impugned order is directed against an amendment dated 18.07.2018 granted by the GSPCB to the Consent to Operate dated 05.04.2018 with respect to Berth No. 9. The Impugned amendment dated 18.07.2018 does not refer to handling of any coal/coke at the Berth No. 9 and as such, various averments, submissions and documentation made and relied on by the Appellant as regards coal or coke handling are irrelevant and not at all applicable;
- ii. There is no challenge to the original Consent to Operate dated 05.04.2018 which is valid upto 11.11.2019 and the Appellant has selectively challenged only the amendment dated 18.07.2018 and that too at a delated stage;
- iii. The Berth No. 9 at Mormugao Port was constructed between the years 1976 to 1978 and as such the EIA Notification, 2006 has no application to the said Berth No. 9;
- iv. The Appellant has not made out any grounds as to why the amendment dated 18.07.2018 is contrary to the Water Act, 1974 and/or whether the said Amendment violates any provisions of the said Water Act, 1974;

- v. The Appellant has not placed anything on record to how any pollution at the said Berth No. 9 which is beyond the permissible limit;
- vi. The record reveals that the Respondent No. 1 which is a Statutory Body under the Water Act, 1974, after taking into consideration the relevant facts, has issued the impugned Amendment dated 18.07.2018 and such an order cannot be lightly interfered with on flimsy grounds raised by the Appellant.

5. Infact, it is pertinent to note that in para 17 of the Impugned Order, it has been duly recorded that the Appellant itself admitted that the Respondent Board has not granted consent to operate for handling coal at berth no. 9 and then the Appellant goes on to pray that the Respondent No. 2 should be permanently precluded from handling coal from berth no. 9 which relief was rejected by the Ld. Tribunal.

6. That the relevant and necessary facts for the adjudication of the present case are as under:

a) That vide order dated 05.04.2018, the Consent to Operate vide order bearing no. 5/2556/04-PCB/C1-4013 granted by the Goa State Pollution Control Board ('GSPCB') to the Respondent No. 2 M/s Mormugao Port Trust (MPT) for berth No.9 was renewed, valid upto 11.11.2019 for:

- Iron ore handling of a quantity of 11.50 MT/annum



- E-auctioned iron ore of a quantity as approved by the State Govt.

b) In the 133rd meeting of the Answering Respondent held on 29.06.2018, while deciding on the Application for amendment in Consent to Operate from M/s Mormugao Port Trust (MPT) under the Water and Air Acts for handling all types of dry bulk, container and General Cargo at Berth No. 9, it was decided to in principal grant Consent. It is pertinent to note that neither the Application made by MPT included coal handling nor the Consent to Operate or Amendment thereto granted any permission for coal handling at Berth No. 9.



c) The Board decided to seek clarification as regards to the type of cargo and the quantum to be handled by MPT. The Board received letter dated 06.07.2018 from MPT submitting the breakup of Cargo proposed to be handled at Berth No. 9.

d) Vide order dated 18.07.2018, Amendment No. 5/2556/6-PCB/Tech/8700 was issued to the Consent to Operate granted by the GSPCB to the Respondent No. 2 for:

- Dry Bulk cargo such as ores and minerals of all types, including iron ore, limestone gypsum, bauxite, manganese, fertilizer and fertilizer raw material, river sand, woodchips etc. --- 11.00 MMT
- Break Bulk cargo such as granite, all types of finished steel products, containers, bentonite, bagged cement and fertilizers. --- 0.5 MMT

Total 11.50 MMT

Further, the Board proposed implementation of interalia the following measures for control of Air and Water Pollution:

- The unit shall install sprinklers and mist cannon system on board near cargo transfer points to ensure duct control
- The unit shall put tarpaulin in between the ship and barge to prevent spillage on the sea.

Thus, the Board granted permission only for Dry Bulk cargo and Break Bulk cargo. The amendment granted was not granted for any coal/coke handling at berth no.9 as alleged.



- e) That on 13.08.2018, the Appellant herein filed Pollution Appeal No. 4/2018/WATER challenging the impugned Consent to Operate dated 18.07.2018 under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 before the Ld. Administrative Tribunal, Goa. Further, the Pollution Appeal No. 5/2018/AIR was also filed challenging the impugned Consent to Operate dated 18.07.2018 under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 before the Ld. Administrative Tribunal, Goa.
- f) That on 20.09.2018, a detailed site inspection was carried out by the Technical Advisory Committee of the Board in order to verify the status of compliance with the Consent conditions by the Unit. During the said inspection, no specific violation of the Consent conditions was noted.

A copy of site inspection report dated 20.09.2018 is annexed herewith as **ANNEXURE R1/1**.

g) Vide order dated 15.10.2019, the Ld. Administrative Tribunal dismissed the Appeal Nos. 4/2018/WATER and 5/2018/AIR filed by Appellant.

7. That it is being reiterated that vide amendment dated 18.07.2018, the Board granted permission only for Dry Bulk cargo and Break Bulk cargo such as E auctioned ores and minerals of all types, including iron ore, limestone gypsum, bauxite, manganese, fertilizer and fertilizer raw materia, river sand, woodchips etc. and Break Bulli cargo such as granite, all types of finished steel products, containers, bentonite, bagged cement and fertilizers. Neither the Consent to Operate nor the amendment thereto was for any coal/coke handling at berth no.9 as alleged.

8. That infact the said Consent to Operate has already expired on 11.11.2019. On expiry, the Respondent MPT had applied for the renewal of the consent to operate for berth no.9 and the board vide order dated 30.01.2020 granted the renewal thereto. The renewed Consent to Operate also does not permit coal handling at the berth no.9 and is valid till 11.11.2024. In any case, the present Appeal is in respect of the amendment dated 18.07.2018 to consent of 05.04.2018 which already expired on 11.11.2019.

9. That the Respondent No. 2 port was established before the EIA notification 1994 and the Berth no.9 was constructed in the year 1976-1978. Hence the EIA notifications of 1994 and 2006 are not applicable.



10. That the Respondent Board cannot comment on the report of Working Group of Port Sector for the 12th five year plan 2012-2017 as it is the policy of the State Government.
11. That since the subject Consent to Operate is not for handling coal, the issue of transportation causing water pollution in marine environment at Vasco Bay, Zuari River and the sea routes does not arise.
12. That as per the Environmental Impact Assessment Notification 2006, the Board only facilitates the conduct of Environmental Public Hearing. The objections/suggestions received during such hearings are forwarded to the Regulating Authority for the purpose of grant of environmental clearances. It is denied that the Answering Respondent failed to take cognizance of the objections and issues raised during the public hearing as alleged.
13. It is most humbly submitted that the Respondent Board granted consents to the Respondent Unit/Port after considering the ambient air quality in the city of Vasco. The Answering Respondent carries out regular Ambient Air Quality Monitoring to ascertain the contribution of various sources including handling of coal and coke at berth No. 5A, 6A and 7. The Answering Respondent has installed an Ambient Air Quality Monitoring Station in Vasco City. This equipment is manually operated and reading is taken twice in a week and 104 readings in a year.



14. That in light of the aforesaid submissions, the Impugned Order warrants no interference from this Hon'ble Tribunal and the Appeal is liable to be dismissed outrightly with costs.

15. That the annexures are all true copies of their respective originals.




DEPONENT
 Member Secretary
 Goa State Pollution Control Board

Verification:

Verified in _____ on this ____ day of October, 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and as per the records duly maintained. No part of it is false and nothing material has been concealed therefrom.


DEPONENT
 Member Secretary
 Goa State Pollution Control Board


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Dated:

SITE-INSPECTION REPORT

OF

VISIT OF TECHNICAL ADVISORY COMMITTEE (TAC)

Of

The Goa State Pollution Control Board
(GSPCB)



On 20th September 2018

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**Sub:- Pollution Monitoring in Port area and implementation of provisions of
Consent to Operate – Request for issue of Guidelines – reg.,**

- Ref.: 1) MPT letter No. CE/WKS/404/2018/6631 dated 25/01/2018
2) GSPCB letter No. 1/20/17-PCB/Tech/11294 dated 07/09/2018
3) GSPCB Office Order No. 1/20/18-PCB/Tech/11621 dated 12/09/2018
4) GSPCB Office Order No. 1/20/18-PCB/Admn./11675 dated 18/09/2018

As directed by the Member Secretary, Goa State Pollution Control Board (GSPCB) following Board officials along with Technical Advisory Committee (TAC) members conducted inspection on 20/09/18 at 11:00 a.m. of various handling facilities at Mormugao Port Trust (MPT), Headland Sada in-order to verify the present practices adopted and to suggest/recommend any improvements in the handling facilities, mitigation measures for pollution control in-order to improve the working conditions of the facility.

The officials who attended the said inspection include -

1. Dr. Sampatrao D. Manjare, *Associate Professor*, Birla Institute of Technology & Science (BITS), Pillani, Goa Campus – Member, TAC (GSPCB)
2. Mr. Dilip M. Rege – *Member*, TAC (GSPCB)
3. Dr. Mohan R. Girap, *Scientist-C*, GSPCB and Convenor, TAC (GSPCB)

The TAC was assisted by two Board-officials namely, Ms. Connie Fernandes – Sci. C and Mr. Vijay Kansekar – Jr. Env. Engr., during the said site-inspection.

The said inspection team was assisted by –

(a) Representative of M/s Mormugao Port Trust (MPT)

- (i) Smt. L. A. Mathews, Chief Engineer
- (ii) Shri. G. R. Jirge, S.E. (E & C)
- (iii) Shri. Manizer Gazi, Jr. Engr.,

(b) Representatives of M/s Adani Mormugao Port Trust Private Limited (AMPTPL)

- (i) Shri. Manguesh Sangodkar, Dy. General Manager
- (ii) Shri. Sanjay Naik, Sr. Engineer

(c) Representatives of M/s South West Port Limited (SWPL)

- (i) Shri. A. Kamble, Unit In-charge
- (ii) Shri Vitthal Jadhav, Sr. Engineer (E & S)



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Observations:

The visiting team inspected various handling facilities /Berths (refer Figure – 1) at Mormugao Port Trust, Headland Sada,

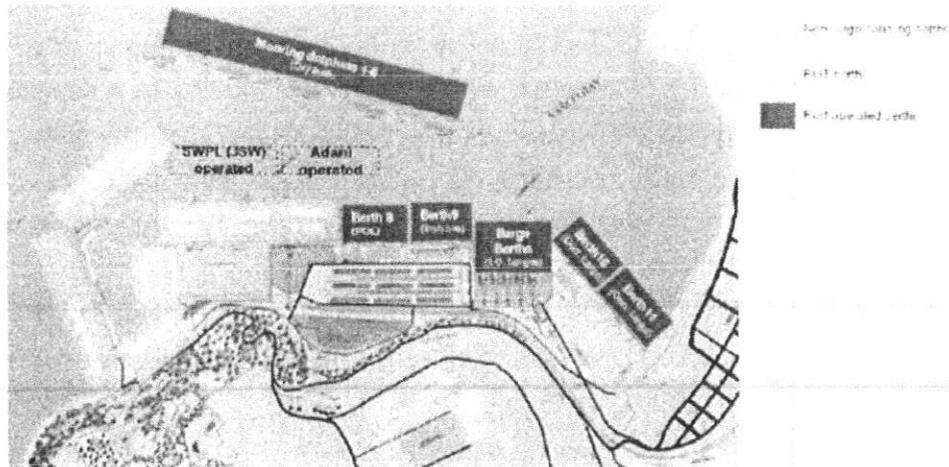


Figure – 1 : Existing Berthing Facilities at the MPT

(Source : Draft EIA report, MPT, November 2017)

Brief descriptions of the above berthing facilities are given below (Source : Draft EIA report, MPT, November 2017).

Berth 1, 2 and 3 (Shipyard) - Berth 1, 2 and 3 form part of a modern ship repair complex with floating dry dock facilities leased to M/s Western India Shipyard Limited (WISL).

Berth 4 (Non-Cargo Berth) - Berth 4 is a Non-Cargo Berth, presently being used for port crafts berthing. This berth can accommodate vessel up to LOA 190 m.

Berths 5 and 6 (Steel Products and Coal) - The Berths 5 and 6 are operated by SWPL (subsidiary of JSW). Berth 5 is dedicated for export of steel products from JSW steel plant in Tornagallu in Vijayanagara, located about 410-kms. from the Mormugao port and berth 6 is dedicated for import of coking coal that is required at the plant. The total length for berths 5 and 6 is about 450 m with an available draft of -14.1 m CD. These berths are planned for handling about 70,000 DWT vessels. These berths are equipped with 3 mobile harbour crane having a total discharge capacity of 40,000 TPD. The receiving conveyors (from berth to stackyard) have a rated capacity of 3,000 TPH and the despatch conveyors (from stackyard to despatch) have a rated capacity of 1,800 TPH. The stackyard has the cargo storage capacity of about 180,000 T (3 stockpiles of 280-mts. long with 10-mts. stacking height) served by two Stacker / Reclaimer units of 2,400 TPH nominal capacity for

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stacking and 1,800 TPH nominal capacity for reclaiming. An in-motion wagon loading station connected by pipe conveyor has been installed for loading one full rake of 59 wagons (3,600 T) in about 1 hour. The wagon loading station has a silo of 4,000 T.

Berth 7 (Coal) - Berth 7 is leased to M/s. Adani Mormugao Port Terminal Private Limited (AMPTPL). This berth with a length of 300 m has a design draft of -16.5 m CD and is designed for handling upto 160,000 DWT ships. The berth is equipped with two mobile harbour cranes, each with a rated capacity of 1,750 TPH. The fully mechanised material handling system consisting of conveyor systems, two tripping conveyors in the yard closer to the berth and one stacker cum reclaimers unit with stacking capacity of 3,500 TPH and reclaiming capacity of 2,500 TPH has been provided, in the other yard parallel to the berth. The stackyard has a total area of 97,000 m² with effective storage area of about 54,000 m². An in-motion wagon loading system with a silo of capacity 4,000 T is provided for faster evacuation through rail. Two truck loading stations, with an independent hopper of capacity of 500 T, are provided for evacuation through trucks.

Berth 8 (Liquid Bulk) -Specialised facilities are available at berth 8 for handling petroleum products and other liquid cargoes like caustic soda, ammonia, molasses etc. Generally, hoses are used to transfer bulk liquids between the tankers and onshore pipeline system. A mobile mechanical unloading arm is provided to handle Ammonia.

Berth 9 and Barge Jetties (MOHP) - The berth 9 is dedicated for the handling of Iron Ore with Mechanized Ore Handling Plant (MOHP). This berth is 357 m long and having dredged level of -14.1 m CD. It can handle vessel up to LOA 335-mts. However, due to the Supreme Court's ban on iron ore exports from Goa and subsequent restrictions on iron ore exports, the berth is not being utilised at present. The port also has total 5 numbers of barge berths for unloading of iron ore, brought to the port through barges.

Berths 10 and 11 (Bulk and Breakbulk) - These two berths have combined length of about 520 m and are operated as general cargo berths by the MPT. The major cargo handled in the berths include containers, steel coils, granite blocks, MOP, wood chips etc. Some quantity of Phosphoric acid and petroleum products are also handled at these berths.



Mooring Dolphins - Six mooring dolphins capable of accommodating panamax size vessels are also available for handling ore and other bulk cargo using ship's own gears.

Berths for Cruise Ships - The berth along lee side of the Breakwater is used for berthing of the Cruise Ships.

Berth for Navy/Coast Guard Vessels - The mole berth adjoining the head of breakwater is used for berthing of the Navy and Coast Guard Vessels.

Understanding the prime objective of above-referred berth facilities engaged in various types of cargo-handling operations (refer Annexure - 1), the Technical Advisory Committee (TAC) has reiterated that such a facility needs to adapt to Environmental Regulations as well as Pollution Control measures in respect of -

- (i) Implementation of effective Dust-control system to arrest the windward movement.
- (ii) Maintenance of stockpile based on their likelihood of getting air-borne.
- (iii) Installation of tire-bath.
- (iv) Construction and maintenance of settling ponds to prevent direct discharge / release into sea.
- (v) Continuous cleaning, seeping, sprinkling and water-spraying of internal-roads.

Keeping this view-point, berth-wise observations are enumerated as under -

Berths operated by Mormugao Port Trust (MPT) –Berth nos. 10 /11

- a. Inspecting team first visited Berth nos. 10 and 11 (refer Figure -2). It was noted that the Berth no. 10 was handling / off-loading import of iron-ore (refer Figure - 3) while, Berth no. 11 was engaged in on-loading (i.e. for export purpose) of Granite-blocks (refer Figure - 4).



Figure -2 :Google map (aerial view) of Berth nos. 10 /11 operated by the MPT

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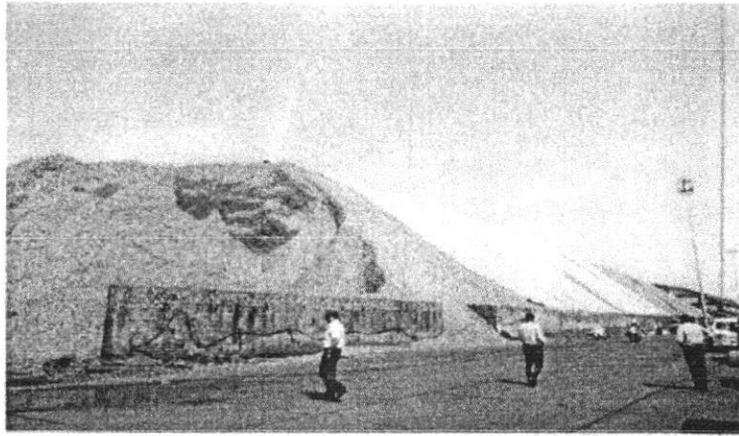


Figure - 6 : Wooden-chip being stacked within the premises along Berth no. 11

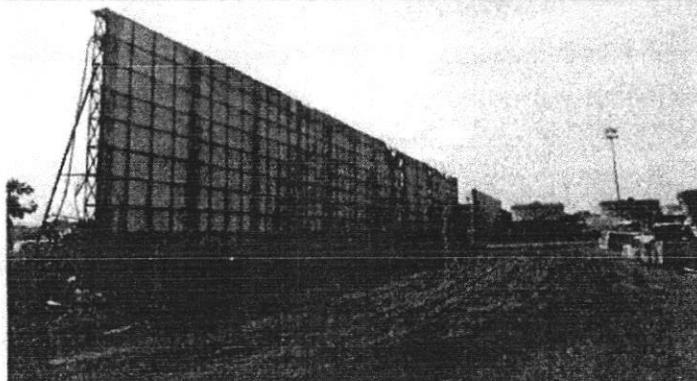


Figure -7 : Provision of a wind-breaking wall within the premises (*perpendicular to coast-line*) Berth nos. 10 & 11 operated by MPT

However, on verification of Consent issued by the Board to MPT w.r.t. Berth nos.9 and 10 (Annexure-2), it was observed that -

- (i) the said Consent has been granted for handling of General-cargo / Containers & others.
- (ii) as per general condition no. (xiv) referred in the Consent, the MPT has been instructed to restrict the height of cargo (*i.e. stack-height*) to a maximum of 8 mts. from the ground, and the same shall be covered at all times with tarpaulin during the storage. However, it was noticed that stacked wooden-chip was stored with a height of approx. 13/14 mts. and partially covered (*refer Figure -6*).
- (iii) as per general condition no. (xv) referred in the Consent, it was mandated that the vehicle-fog system (*i.e. mobile unit*) shall be

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effectively utilized during unloading/loading of the cargo material to avoid dust escaping from the active area of operations. It was observed that the unit has been complying with the said condition (*refer Figure – 5(a) / (b)*).

Based on the observations referred above (i) to (iii), the inspecting team opined that the MPT be instructed to comply with the Consent conditions with specific reference to (a) restricting / reducing the stack-height of the wooden chips below the wind-breaking wall (*i.e. upto 8-mts. As compared to present height of 13-mts.*) and (b) covering the stacked-cargo securely to avoid getting it air-borne. Further, it is also recommended that the MPT to provide / install wind braking walls (*refer Figure – 7*) in all the three directions except along the off-shore side (*i.e. open to sea*).

Subsequently, the inspecting team visited and inspected Mooring Dolphins nos. 1, 2, 3, 4, 5 & 6, located off-shore (*refer Figure – 8*) on-board a trawler. No operational activity was noted on-site during the period of the said visit as such no specific recommendations have been proposed.

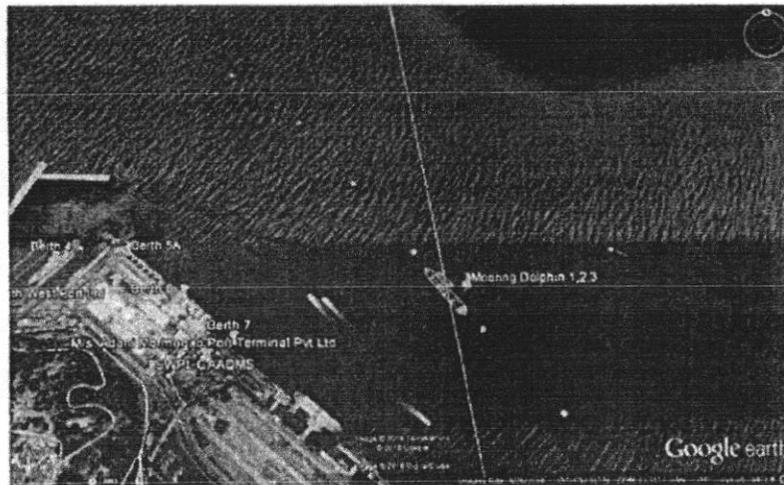


Figure – 8 : Locations of Mooring dolphin nos. 1,2,3,4,5,6

Later, Inspection team further inspected MPT's Berth no. 9 and has noted that it was not in-operation (*refer Figure – 9*). However, it was informed that activities proposed to be operational at Berth no. 9 were being handled at Berth no. 10. Thus, it appears to be a violation of Consent issued by the Board but, could not be verified / ascertained on-site.

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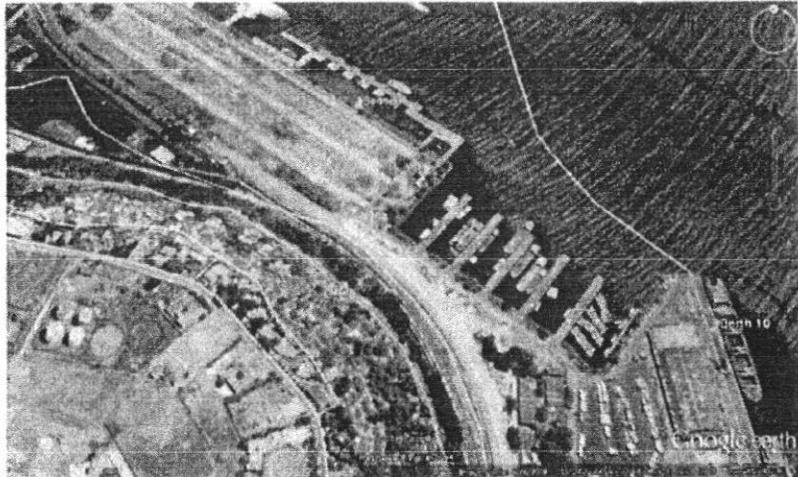


Figure – 9 : MPT’s Berth no. 9, where no activity was observed during the site-inspection

Thus, it is proposed to seek clarification /status-update from the MPT as regard to the proposed activity / observation at Berth no. 9, *as referred in para-above*, for more clarity prior to proceed further in the matter, as applicable.

Subsequently, the inspecting team visited Berth no. 7 (*refer Figure- 10*) being leased to and operated by M/s. Adani Mormugao Port Terminal Pvt. Ltd. (AMPTPL). No loading/unloading activities were operational at the said Berth. M/s AMPTPL has installed a Mechanized truck-loading system with wheel-wash system at its plot ‘B’.

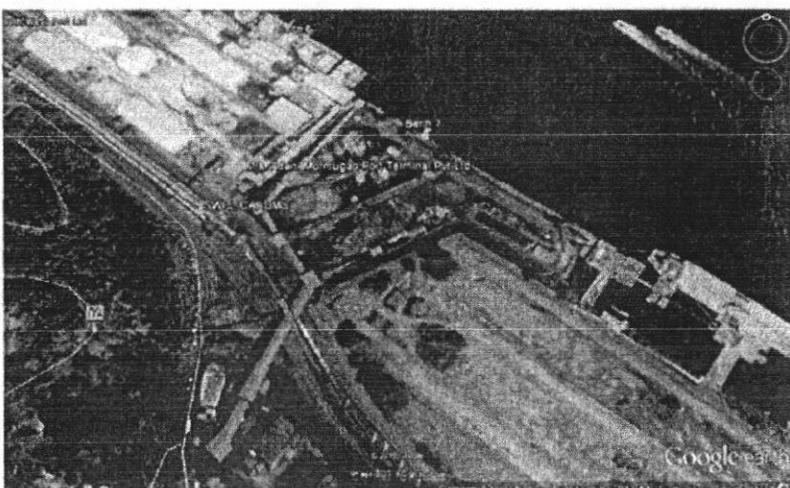


Figure – 10 : Berth no. 7 being operated by M/s AMPTPL

It was also informed that M/s AMPTPL has provided an additional stock yard at its plot ‘A’ wherein unloaded coal has been unscientifically stocked / piled with manual handling. Such stock-piles were not even properly covered (*refer Figure – 11(a)*). It was quite noticeable that truck transportation has been carried out from this stock-plot yard with very poor house-keeping (*refer Figure – 11(b)*). In addition, no

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air-pollution control (APC) measures were observed on-site to suppress /minimize likelihood generation of dust pollution.

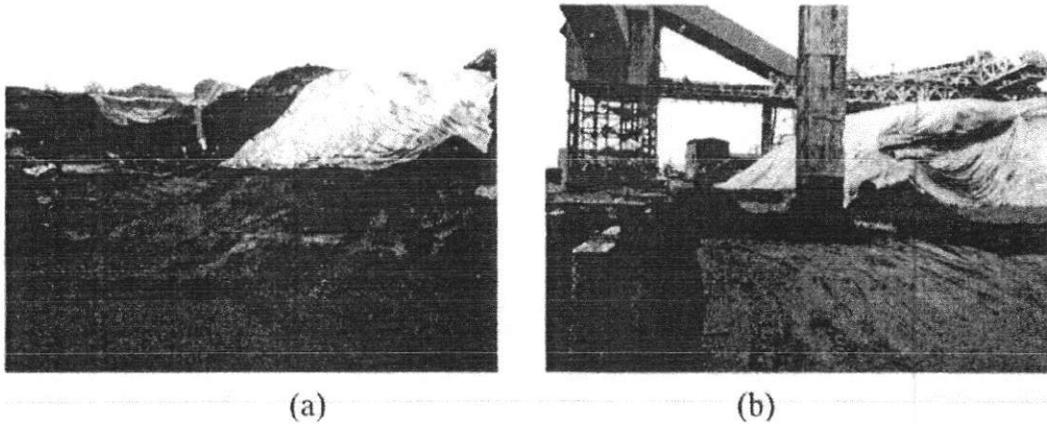


Figure - 11 : Manual-handling /truck-transportation appears to have been carried-out at M/s AMPTPL's plot 'A' as inferred from tyre marks of wheel loader / trucks at site.

It was also observed that M/s AMPTPL has a settling-pond, the overflow of which is directly released into the sea across the berth (refer Figure - 12).

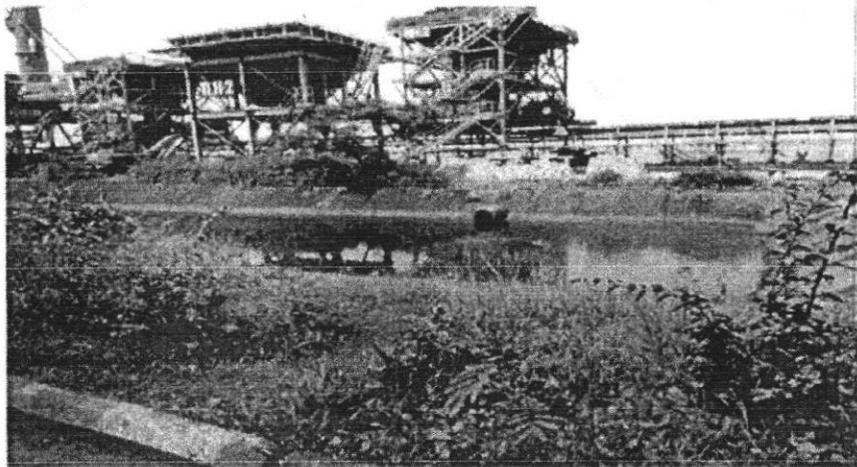


Figure 12 : M/s AMPTPL's settling-pond showing outlet into sea across the berth

However, on verification of consent issued by the Board to M/s AMPTPL (Annexure - 3), it was observed that -

- b. As per consent condition referred at sr. no. 3 (xiii), loading of trucks should be carried out at all times through fully-mechanised truck-loading system. However, as observed during inspection, M/s AMPTPL has stacked the ore at designated plots ('A' and 'B') and stored through small heaps to be transported through wheel-loader and then onto conveyor belt. Thus, ore-handling system does not comply with the Consent issued by the Board.

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- c. Poor house-keeping has been maintained at M/s AMPTPL's plot 'A' wherein material handled has been haphazardly spilled with either no proper collection system or disposal-mechanism.
- d. Waste- water from sprinkling. After getting channelized in a settling-pond appears to have been directly discharged into sea through Hume pipes. Thus, the purpose of construction of settling-pond gets compromised without any regular maintenance / periodic de-silting to achieve its effectiveness.
- e. M/s AMPTPL has installed Silo for loading of Racks with water-sprinkling system and complies with the Consent issued by the Board.

Based on the above-referred observations, it is proposed that M/s AMPTPL be directed to stop all manual-handling / truck-loading-unloading at its berth and instead provide mechanized re-claimer in the stock-piling yard for all coal-related operations.

This was followed by the visit to Berth nos. 5A and 6A being leased to and operated by M/s. South West Port Ltd. (SWPL). It was noted that these berths were not in operations (*i.e. no loading/un-loading activities*) during the time of inspection (*refer Figure -13*). On inquiry, M/s SWPL official clarified that the firm has exhausted cargo-handling capacity (*Coaking cola /Coke*) for the month of September 2018 (*i.e. 0.4 million metric-tons per month – MMT/M*) as per the Consent issued by the Board (**Annexure - 4**).

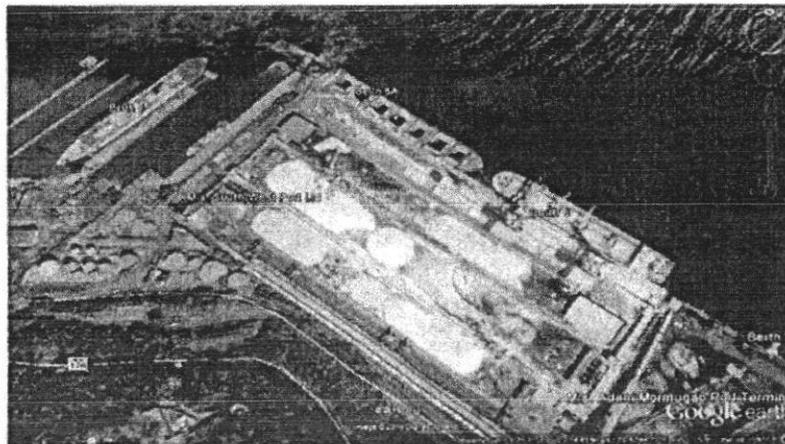


Figure – 13 : Berth nos. 5A & 6A, leased to M/s South West Port Ltd.,

Although, no activity has been observed on berths loading of rail-racks through automated silo-operations with sensor-controlled water sprinkling system was in operation (*refer Figure 14*).

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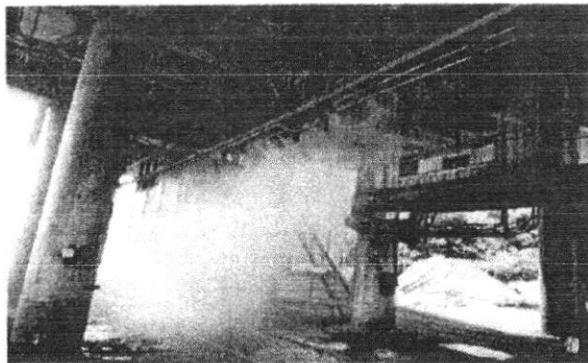


Figure – 14 : M/s SWPL’s automated wash system while rail-rack loading

M/s. SWPL has installed a Continuous Ambient Air Quality Monitoring System (CAAQMS) station within its leased area. The inspecting team noted that the same is located within a close-proximity to its activity utility area and felt the necessity to ascertain its compliance to CPCB-prescribed guidelines. It was also noted that the said CAAQMS locations is flanked on one-side by internal cargo-handling / transportation trucks (refer Figure -15) operated by M/s AMPTPL while, on another side there is a rail-siding.

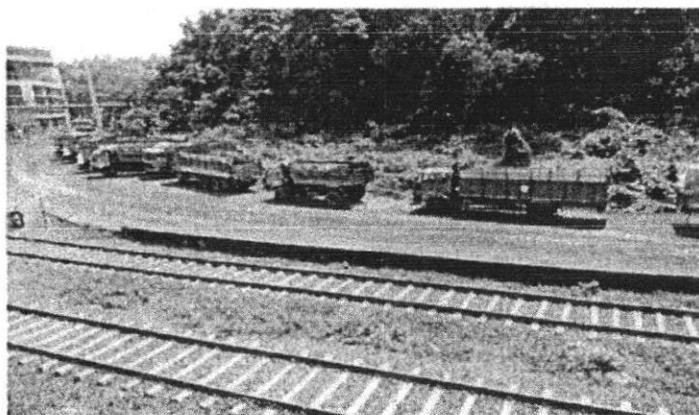


Figure -15 : Internal cargo-handling truck transportation road-route of M/s AMPTPL being flanked on one-side of CAAQMS location operated by M/s SWPL.

The coal-stacks have observed to be effectively covered with tarpaulin (refer Figure – 16) in compliance with the Consent condition issued by the Board.

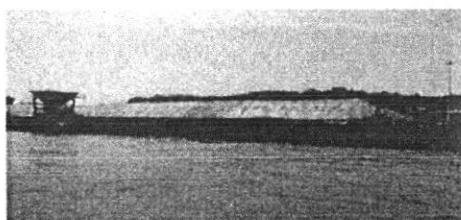


Figure – 16 : Properly covered coal-stacks at immediate periphery of Berth nos. 5A/6A leased toM/s SWPL.

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Later, the inspecting team felt it is appropriate to also visit the National Ambient Air-quality Monitoring (NAMP) location operational at Fire-station within the proximity to Berths 5A/6A and 7 (*i.e. within MPT-port limits*). It was observed that this location is situated well-within the close-proximity of working zone of berths being operated by M/s AMPTPL and SWPL. It was informed that the NAMP location at Fire-station was established and approved by the CPCB during 2004 in compliance to the CPCB-prescribed guidance during which Berth no. 7 was not operational. Subsequently, during 2013 Berth no. 7 was leased to M/s AMPTPL for coal-cargo handling. Thus, the inspecting team opines that the said NAMP station, *under the present circumstances*, appears to be compromising with the CPCB-prescribed guidelines to serve the purpose of ambient air-quality.

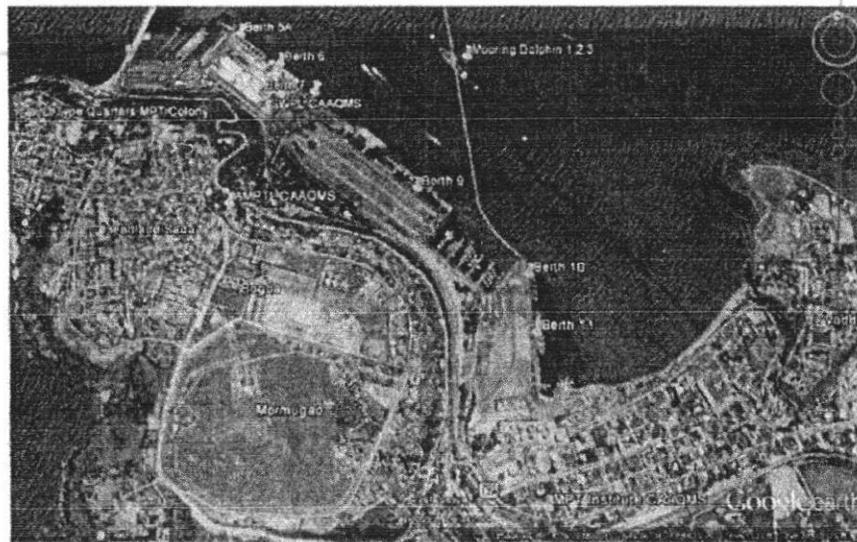


Figure – 17 : site-specific locations of CAAQMS stations of M/s AMPTPL and M/s MPT

Further, the inspecting team noted that CAAQMS stations being operated by M/s AMPTPL and M/s MPT are located within the residential zones and outside the boundary limits of MPT berth-related operations (*refer Figure – 17*). Accordingly, the inspecting team desired to know the modality of establishing such a CAAQMS station within the working-zone of M/s SWPL, as noted above, so as to have logical reasonability of establishing / interpreting a data generated by all these three CAAQMSs' to prescribe follow-up actions based on CPCB guidelines.

For the purpose of comparative analysis, the inspecting team perused the ambient air-quality data (*for a period from April 2018 – September 2018*) pertaining to two NAMP locations – one located at Fire-station set-up within the MPT-port limits and Fuse-call office set-up within Vasco city-limits (**refer Annexure – 5**). It was observed that Air Quality Index (AQI)* at Fuse-call office ranged from Good to

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Satisfactory except during the month of September 2018, wherein it was reported to be moderately-polluted. While, the AQI in case of Fire-station did not show any peculiar trend. However, AQI during pre-monsoon (i.e. April 2018) was Moderately-polluted and from June to September, it ranged from Good to Satisfactory. Thus, it is interpreted that air-quality was relatively better during monsoon months at both locations. However, during non-monsoon months air-quality was moderately-polluted at MPT than the within the Vasco city.

* AQI is a CPCB-prescribed parameter calculated using formula taking into account daily-average concentration of (i) SO₂, (ii) NO_x, (iii) PM₁₀ and (iv) PM_{2.5}

Recommendations:

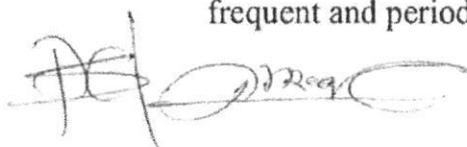
Based on the on-site observations as well as interactions held with the officials concerned representing the firms concerned, it is proposed that –

A. M/s MPT be instructed /directed to –

- (i) To stop handling of Iron ore at Berth no. 10 which resulting in violation of consent condition as applicable to Berth no.09.
- (ii) To reduce the height of the wooden stock-pile from its existing height of 13-mts. to 8-mts.at Berth no. 10 and maintain the level below existing wind-breaking wall.
- (iii) To provide wind-breaking wall along three-sides of the Berth no. 10 to minimise dust-dispersion along dominant wind-direction towards settlement area.

B. M/s AMPTPL be instructed / directed to –

- (i) To stop manual handling of coal through wheel-loader and its internal transportation by truck as observed at its plot 'A' and devise and alternative to manhandle the cargo-handling operations.
- (ii) To maintain a good house-keeping by deploying a mechanism for continuous sweeping of road as well as periodic water-sprinkling on coal stack-piles. Such stock-piles be totally covered to minimize a risk of getting it air-borne during non-handling periods.
- (iii) To immediately stop release / discharge of overflowing of waste-water, stored in a settling pond, into the Sea and maintain the same with frequent and periodic de-silting to achieve its efficiency.

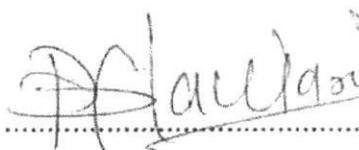


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In addition, it was opined that the site-specific locations of NAMP station (at Fire-station) as well as CAAQMS location of M/s SWPL be re-considered / reviewed from the view-point of its compliance to CPCB-prescribed guidelines. In addition, CPCB may be requested to ascertain its feasibility vis-a-vis data generation / interpretation to prescribe logical representation. This has been proposed considering the site-specific locations of M/s AMPTPL and M/s MPT which are operational outside the boundary-limits of active work-zone as compared to NAMP and M/s SWPL locations which are within operative port-limits (i.e. core-zone).

Further, AQI calculated for two NAMP locations indicate that Fire-station shows relatively higher particulate matter (i.e. PM_{10}) during non-monsoon months as compared to that recorded at Fuse-call office. Particulate matter ($PM_{2.5}$) could not be established as the Fine Particulate Sampler (FPS) was non-functions during the period of data-gathering.

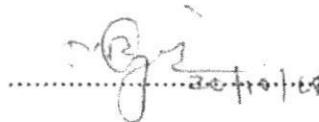
Dr. Sampatrao D. Manjare,
Associate Professor, BITS, Pillani,
Goa Campus & Member (TAC).


20/10/2018

Mr. Dilip M. Rege,
Member (TAC).


20/10/2018

Dr. Mohan R. Girap,
Scientist 'C', GSPCB


20/10/2018

Date: 20th Sept 2018
Place: Saligao, Goa.

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**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) PUNE BENCH
Appeal No. 18/2020**

In the matter of:

Abhijit Prabhudesai

... Appellant

Versus

Goa State Pollution Control Board & Ors.

Respondents

KNOW ALL to whom these presents shall come that We **Goa State Pollution Control Board**, the above named **Respondent No. 1** do hereby appoint **Ms. Ruchira Gupta Advocate**, hereinafter called the advocates to be my/our Advocates in the above noted case and authorize them:-

1. To act, appear and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the First instance or in Appeal or letters patent appeal for review or revision or execution or in any other stage of its progress until its final decision.

2. To sign, file, verify and present pleadings, appeals, letters patent appeal, petition of appeal to Supreme Court, cross objections or petitions or execution, review, revision, withdraw compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.

3. To file and withdraw documents and to admit and/or deny the documents filed by the opposite party; to take execution proceedings.

4. To withdraw or compromise or compound the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.

5. To receive moneys and grant receipts there for and to do all other acts and things which may be necessary to be done for progress and in the course of the prosecution of the said case.

6. To employ any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred on the Advocates whatever they may think fit to do so.

And I/We hereby agree to ratify whatever the Advocates or their substitute shall do in the premises.

And I/We hereby agree not to hold the Advocates or their substitute responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fees agreed by me/us to be paid to the Advocates is remaining unpaid, they shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have explained to and understood by me, on this the _____ day of _____, 2021.

Accepted.

Advocate

RUCHIRA GUPTA

Email. No - 011253-c101

Email - ruchira@chambersofry.com

M - 9810350333



Member Secretary
Goa State Pollution Control Board



Client(s)

GSPCB (Respondent No. 1)