

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

Execution Application 1/2023(WZ)

In

Original Application 16/2016(WZ)

Salu D'Souza and Anr

.. Applicant

Versus

GCZMA & Ors

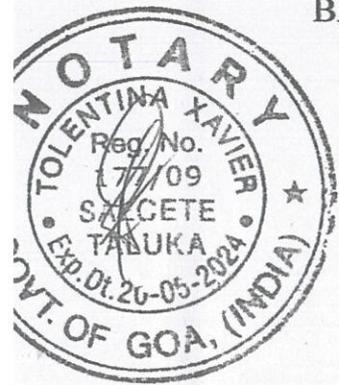
.. Respondent

REPLY OF RESPONDENT NO. 7

MAY IT PLEASE YOUR HONOUR

1. Respondent no. 7 is an operational dry dock facility unit since year 2010.
2. The Respondent no. 7 has procured following permissions from the competent statutory authorities, a details whereof is mentioned hereinbelow:

Sr. NO.	PARTICULARS	DATE
1.	Captain of Ports	19-08-2010 & 28-08-2008
2.	Village Panchayat Cortalim Quelossim Occupancy Certificate for completion of	14-10-2013

	Dry Dock.	
3.	Village Panchayat Cortalim Quelossim permission to operate Dry Dock.	20-12-2013
4.	Health Centre NOC	15-09-2010
5.	Consent to operate by the State PCB under Air Act and Water Act valid upto 9-06-2029.	24-06-2019
6.	GCZMA permission for proposed Dry Dock.	1-02-2010
7.	High Court PIL No. 6 & 10 of 2013 Order where the project proponent directed to approach competent authority to get permission in terms of applicable CRZ regulation within 6 months.	31-07-2017
8.	NGT Principal Bench Delhi in M.A. No. 1343/2018 in O.A. 424/2016 by which Hon'ble Delhi Bench Ordered that in case the repair activity undertaken by this unit which is to be of minor nature not amounting to 'development' the	19-09-2018

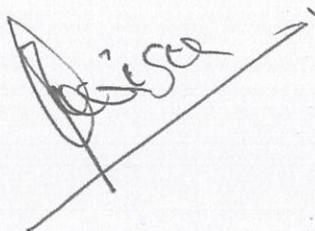


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	same is not covered by order dated 22-11-2017.	
9.	The clarification by the Captain of Ports i.e. the authority under Inland Vessel Act clarifying the list of activities which are repair activities.	13-12-2018
10.	Extract of Meeting of Resolution of 41 st SEIAA which indicates that the Authority decided to consider the proposal for grant of CRZ, However NOC cannot be conveyed as per Judgment dated 22-11-2017 passed by the NGT Principal Bench in the matter listed at Sr. No. 8 above.	5-02-2018
9.	Environment Management Plan.	18-07-2023
10.	Payment made under protest in view of the penalty imposed by the joint committee report along with the receipt.	4-03-2024




3. It is denied that the undersigned unit has been anchoring vessels and ships and causing pollution or dumping waste in CRZ 1 area in violation of CRZ notification.
4. With regards to execution of Order of this Hon'ble Tribunal in OA 16/2016, it is humbly submitted that this unit has procured permissions referred earlier hereinabove.
5. It is denied that the undersigned unit had anchored any vessel in Cortalim creek as alleged and it is submitted that no vessels are anchored by undersigned in Cortalim creek. It is denied that the undersigned is operating by causing pollution and it is submitted that polluter pay principle is not applicable to undersigned.
6. The undersigned in his objection assailing the invocation of methodology adopted for computing compensation on basis of polluter pay principle by joint committee report has submitted detailed reply, which is enclosed herewith and the undersigned craves leave to refer to and rely upon the same inverbatim.
7. The joint committee report in its report where it had collected samples nowhere indicates that the samples tested were indicating pollution being caused by undersigned unit.

A handwritten signature in black ink, appearing to be 'S. S. S.', is written over a diagonal line that extends from the bottom left towards the top right.

8. The polluter pay principle is not applicable to undersigned as the undersigned unit has not caused any pollution.
9. The undersigned unit operated only after securing all the aforementioned permission, which prima facie indicate that the undersigned unit did not commit any illegality or irregularity or pollution.
10. This Hon'ble Court in its Order dated 11/05/2022 was pleased to observe that dropping of proceeding against the private respondents by GCZMA on ground of pendency of clearances before SEIAA is not justified. The said finding in the matter was in reference to respondent no. 7 and the proceedings by the SEIAA are not concluded owing to formation of committee.
11. The undersigned is already in process to file petition before the NGT (WZ) for seeking appropriate direction.
12. The GCZMA in the case of undersigned unit after conducting inquiry and hearing the undersigned unit and officials at length was pleased to discharge the undersigned unit and came to conclusion that the activities of the unit of undersigned is not in contravention of permissions granted.



13. The undersigned unit has all necessary permission and also complying with the mandate of the consent to operate.

14. There is no encroachment, not emitting pollutants nor operations without due process of law.

15. In view of the above, it is prayed that the undersigned unit be discharged.

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19-03-2024
Pune

Adv. for Respondent no. 7



AFFIDAVIT

I, Raymond Desa, Desa Engineering Works, on solemn oath state that the contents of the reply are based on my personal knowledge which is from records and no part is false thereof.

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Solemnly affirmed at 26-03-2024

[Handwritten signature]

Deponent

Solemnly affirmed before me by
Shri /Smt. Raymond Desa
who is identified before me by
Shri /Smt. Radhika Candave
who is personally known to me

8238 53519715
A/c H-03 907, Deesa,
Coastal Road, Goa

[Handwritten signature]
TOLENTINA XAVIER
ADVOCATE & NOTARY





Captain of Ports Department

Government of Goa

Dayanand Bandodkar Road,
Panaji - Goa - 403001, India.

Phone Nos.: +91(0832) 2225070/2426109; Fax: +91(0832) 2421483

Website: www.ports.goa.gov.in E-mail: cpt-port.goa@nic.in

No.I-11017/Desa/3082

Dated:- 10/11/2023

✓ To,
M/s. Desa Engineering Works,
H.No.895, Maddant,
Cortalim, Goa.

**Sub:- Renewal of NOC for workshop & dry dock under survey
No.30/8, at Cortalim of M/s Desa Engineering works.**

Sir,

With reference to the above subject, and as per your request vide letter dated 11/10/2023 and inspection conducted on 09/11/2023, this is to inform you that the validity of NOC issued to your workshop vide this office letter No. I-11017/Desa Eng. Works/3751 dated 19/08/2010, is hereby further extended upto 18/08/2024, with same terms & conditions as stipulated in the original NOC.

Yours faithfully,

(Shri. Ram Asare M. Gupta)
Hydrographic Surveyor

No. 1 - 11017/Desa Eng. Works/3757

Government of Goa,
 Captain of Ports Department,
 Panaji Goa.
 Dated: - 19.08.2010.

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 (2)

To,

M/s. Desa Engineering Works,
 Cortalim, Maddant,
 Cortalim Salcete, Goa.

Subject: N.O.C./ Permission to construct Dry Dock along the water front in Zuari River under Survey No. 30/8, at Maddant, Cortalim-Goa.

With reference to your letter No. Nil dated 02/09/2008 and subsequent site inspection carried out by the officials of this Department on 22/01/2009 and on approval of the Government this office sees 'no objection' in permitting you to construct a new Dry dock in a area admeasuring 75.60 Mtrs X 17.60 Mtrs, = 1330.56 along water front in river Zuari under Survey No. 30/8, at Maddant, Cortalim, as shown in the Technical Drawing and subject to the following terms and conditions:-

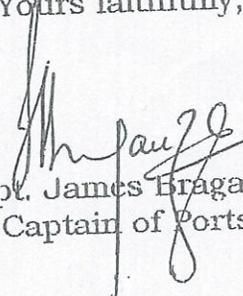
1. M/s. Desa Engineering Works should carry out the Construction of new new dry dock as proposed as approved in the Technical drawing.
2. The new dry dock shall be constructed under Survey NO. 30/8, at the bank of river Zuari as per the arrangement shown in the technical drawing.
3. That M/s. Desa Engineering Works, shall intimate the exact date of the actual commencement of the construction of the dry dock along the water front and shall report the completion of the works along with the complete details of the actual works executed by them so as to conduct the **final inspection** to verify the dimension of the dry dock.
4. That M/s. Desa Engineering Works, shall make the payment of the ports dues in advance annually @ 3/- per sq. mtrs. Per month towards the usage charge for the construction in the river Zuari.
5. That the total calculation of the Government riverine will be used by M/s. Desa Engineering Works, for the workshop and the dry dock will be admeasuring $483+994+470= 1947$ Sq. Mtrs.
6. That M/s. Desa Engineering Works shall pay the ports dues for total area 1947 sq. mtrs. Since the area allotted to them vide N.O.C. I 11017/Desa/2578 dated 28/08/2008, for workshop is also merged along this N.O.C.
7. The applicant shall ensure that no government/private property in the vicinity is encroached or disturbed in any manner.
8. That no construction of any nature shall be carried out in the vicinity other than construction of dry dock as proposed in the technical drawing.
9. That you shall ensure that no navigational hazard or obstruction is caused to vessels or craft navigation along that stretch of river Zuari.
10. That you shall obtain all necessary permission/NOCs from the concerned Government Departments /Authority as applicable.

RC SKG
 17/11
 12/8/11

-2-

11. That adequate steps are taken to keep the dry dock as well as the surrounding clean and tidy and that no rubbish, waste, oils and other polluting items area allowed be dumping on the land or throwing into the river.
12. That the applicant shall ensure that no siltation is caused in the vicinity.
13. That M/s. Desa Engineering Works, shall insure that the vessel deployed for the construction works should have Registration certificate, Survey validity and insurance are submitted to this Department.
14. That M/s. Desa Engineering Works shall arrange for inspection fortnightly.
15. The applicants shall pay all dues, as applicable to the Captain of Ports Department as and when the rate is increased
16. All the aforementioned work, in the course of execution of the works; or executed in pursuance to this N.O.C., shall at all times be open for the inspections or supervision of the authorized representative of this department.
17. M/s. Desa Engineering Works, shall give an undertaking in writing within 7 (Seven) days on receipt of this N.O.C. stating that they will abide by above terms and conditions of this N.O.C.
18. That the Captain of Ports reserves the right to withdraw or cancel this NOC at any time without assigning any reasons if any of the above conditions s are found to have been violated by them.
19. That this NOC is valid for a period of one year from the date of its issue.

Yours faithfully,


(Capt. James Braganza)
Captain of Ports

19/8/10



No. I 11017/DESA/2578

Government of Goa,
Captain of Ports Dept.,
Panaji, Goa.
Date: 28.08.2008

To,

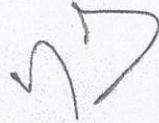
M/s Desa Engineering Works,
H.No. 907, Maddant,
Cortalim, Goa.

SUBJECT: Permission for setting up for New barge repairing workshop activities at Cortalim, Goa.

Sir,

With reference to your letter dated 23rd May, 2008 and the site inspection carried out by the officials of this Department is hereby granted permission for the use of encroached and Government Riverine land or water frontage admeasuring 483 + 994, sq. mtrs, situated at Cortalim Village and adjacent to plot bearing survey No. 30/8, for the purpose of carrying out repairs of Inland vessels subjected to the following terms and conditions:

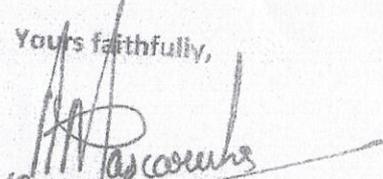
- 1) The M/s Desa Engineering Works shall use encroached Government Riverine land, water frontage admeasuring 483 and 994 sq. mtrs solely for the purpose of barge repairs of Inland vessels in the plot bearing Survey No. 30/8.
- 2) The M/s Desa Engineering Works shall not use any additional Government riverine Land or open plot in the vicinity without prior permission of the COP.
- 3) The M/s Desa Engineering Works shall not dump any mud into the Govt. riverine land or encroached upon the Govt riverine land in the vicinity of Workshop or allow to cause siltation in the area.
- 4) The M/s Desa Engineering Works shall not throw any stores, materials, scrap, etc. into the river or in the vicinity of the Workshop so as to cause any danger or hindrance to safe navigation in the area.
- 5) The M/s Desa Engineering Works shall not discharge any oils or throw any pollutants into the river so as to cause pollution in the river


ASSISTANT SURVEYOR OF WORKS
ASSISTANT SURVEYOR OF WORKS
C. O. V (PHE), PWD
ALTIHO, PANAJI

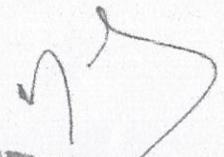
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- 6) The M/s Desa Engineering Works shall not cause any nuisance in the area or cause any damage to public or private property in the vicinity.
- 7) The M/s Desa Engineering Works shall pay port dues/rental charges on Government Riverine Land used by them in advance annually, at the rate of Rs. 3/- sq. meter per month and any further increase in port dues/rental as/and when the same is notified by the Government.
- 8) The M/s Desa Engineering Works shall obtain all relevant NOC's as required from other concerned Govt. Depts. Authorities.
- 9) This NOC shall be valid for a period of one year from the date of issue and the same shall be renewed/ extended for further period on the application from the party at least one month in advance of the expiry date.
- 10) This NOC is subject to be withdrawn or cancelled at any time of any of the above terms and conditions are found to have been violated or if the Govt. requires the Govt. riverine land for its own use. In that event, the applicant shall not be eligible for any claim or compensation thereof.
- 11) The M/s Desa Engineering Works shall give an undertaking stating therein they agree to abide by the above conditions within the period of 7 days from the date of issue/receipt of the NOC.
- 12) The M/s Desa Engineering Works shall ensure that encroached portion of Government Riverine Land will not be regularized and the same is required to restore the land to its pristine condition after the applicant have no use of it.
- 13) No construction of any nature should be carried on the area of the Government riverine land of 483 and 994 given for use.

Yours faithfully,


 (Capt. A. E. Mascarenhas)
 Captain of Ports

cc : Goa State Pollution Control Board
 cc : Goa Coastal Zone management Authority
 cc : Village Panchayat Cortalim


 ASSISTANT SURVEYOR OF WORKS
 C. O. V (P.E.E), PWD
 ALIENHO, PANAJI



Date : 14.10.2013

Ref. No. VP/CQ/8(b)/2013-14/2262

OCCUPANCY CERTIFICATE

- Ref: 1. Construction licence No.20/2010-11/1188 dtd 30.09.2010
2. Completion certificate No.DH/4688/5/MTP/13/640 dtd 19.9.13
3. Resolution No. VII(4) dtd 11.10.2013
4. Occupancy Certificate from PHC, Cortalim, vide No.PHCC/Cort/NOC/13-14/630 dtd 04.10.2013.
5. GCZMA Ref.No.GCZMA/GEN-COMPL/12-13/1166 dtd 14.12.12.
6. Captain of Ports Ref.No.1-11017/Desa Engineering/2803 dtd 26.08.2013.

In pursuance of completion certificate issued by Town & Country Planning Department cited at Sr.no.2 above, and its subsequent approval by this Panchayat in terms of this office resolution cited at Sr.no.3 above, it is certified that the Dry Dock constructed vide construction licence cited at Sr.no.1 above in the property bearing survey no. 30/8 of Village Cortalim of Mormugao Taluka is safe secure and fit and there is no objection whatsoever, on part of this Panchayat to occupy the said premises by its owners.

It is further certified that the said premises bears the following house no.

S.No.	Name of the owner	House nos.	Amount	Area in sq.m.
1	M/s Desa Engineering works	895/1	H.T. 84=00 L.T. 5=00	8.40



(Asha S. Mesta)
Secretary
V.P. Cortalim-Quelossim.

TRUE COPY

To,
M/s Desa Engineering Works,
Maddant, Cortalim.

**Office of the Village Panchayat**

CORTALIM - QUELOSSIM

Cortalim - Mormogoa - Goa, 403710

Ref. No. VP / CQ /

Date : 20/12/13

4. This permission is liable to be revoked or withdrawn in case of any court orders or if it is found at any stage that the application contained false information or any misrepresentation of any documents passed or approved on which the permission was passed.
5. This permission is also liable to be revoked immediately on the day of order if passed against the operation of Dry Dock by Goa Coastal Zone Management Authority.

Given under my hand and seal of this office of Village Panchayat Cortalim-Quelossim dated 08.11.2013.




(Asha S. Mesta)
Secretary
V.P.Cortalim-Quelossim

To,
M/s Desa Engineering works,
Maddant, Cortalim.



Office of the Village Panchayat

CORTALIM - QUELOSSIM

Cortalim - Mormogoa - Goa, 403710

Ref. No. VP/CQ/44/2013-14/2733

Date : 20/12/2013

PERMISSION

Permission is hereby granted to **M/s Desa Engineering works**, Maddant, Cortalim for operation of "**Dry Dock**" to the existing trade of barge repairs in the property bearing sy.no.30/8 of Village Cortalim vide assessment No.560 in the year 2008 within the jurisdiction of this Panchayat and in pursuance of Panchayat resolution No.VII(4) adopted in its meeting held on 11.10.2013 and in pursuance of the following approvals/permissions/NOCs.

1. Approval from Town & Country Planning Department. Vasco vide No.DH/4688/5/MTP/13/640 dtd 19.09.2013.
2. NOC from the Office of Captain of Ports dept. Panaji-Goa vide No.11017/Desa Engineering/2863 dtd 26.08.2013.
3. NOC from Primary Health Center, Cortalim vide No.PHCC/Cort/NOC/13-14/630 dtd 04.10.2013.
4. Approval from Goa State Coastal Zone Management Authority, Bardez-Goa vide No.GCZMA/5/349/478 dtd 01.02.2010.
5. Consent to operate from Goa State Pollution Control Board, Panaji vide No.5/3137/06-PCB/4338 dtd 11.09.2009.
6. Occupancy from Village Panchayat Cortalim-Quelossim vide No.8(b)/2013-14/2262 dtd.14.10.2013.

And subject to the following conditions:-

1. The applicant should use the said premises only for above said purpose and not for any other purpose and should be kept in clean & hygienic conditions and in no way cause nuisance to the Villagers.
2. Clearance & disposal of garbage should be done on regular basis and site towards the disposal of the same should be earmarked within the premises itself and the applicant shall remain fully responsible towards its disposal.
3. To obtain permissions/NOCs/licence from any other remaining required departments/competent authorities as per law.

**Office of the Village Panchayat****CORTALIM - QUELOSSIM**

Cortalim - Mormogoa - Goa, 403710

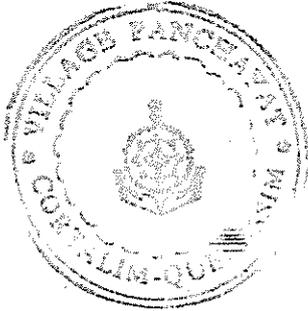
Date : 20/12/13

Ref. No. VP / CQ /

4. This permission is liable to be revoked or withdrawn in case of any court orders or if it is found at any stage that the application contained false information or any misrepresentation of any documents passed or approved on which the permission was passed.

5. This permission is also liable to be revoked immediately on the day of order if passed against the operation of Dry Dock by Goa Coastal Zone Management Authority.

Given under my hand and seal of this office of Village Panchayat Cortalim-Quelossim dated 08.11.2013.



(Asha S. Mesta)
Secretary
V.P.Cortalim-Quelossim

To,
M/s Desa Engineering works,
Maddant, Cortalim.

To,
 The Sarpanch / Secretary,
 Village Panchayat,
Cortalim - Quellosim - Goa.

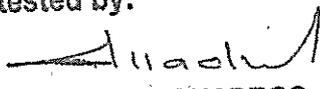
Sub; NOC for Construction of Dry Dock.
 Ref. No.: VP/CQ/11/PHC/2010-11/902, Dt. 18/08/10.

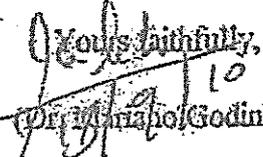
Sir/Madam,

With reference to the above, I am to inform you that the site inspection of Plot No. NIL of Survey No. 30/3, of Cortalim Village was made by the Health Authority of Primary Health Centre, Cortalim and to state that there is **NO OBJECTION** on sanitary point of view for construction of a Dry Dock, by M/s. Desa Engineering Works, subject to the following conditions:-

1. The permission is recommended as per the plans annexed.
2. The permission is liable to be revoked, if it is based on false information/wrong plans/calculations, documents and other accompaniments of the application are found to be incorrect or wrong at any stage.
3. Any change to be affected to the approved plan, prior permission has to be obtained.
4. Prior to commencement of development, it will be incumbent upon the applicant to have valid conversion sanad use of land as contemplated under Goa Daman & Diu Land Revenue Code 1968.
5. The drainage shown on the plan should be properly maintained for rain water only.
6. No water from the premises shall be left in the public drain.
7. Health cards should be made for the labourers involved in the construction before starting the construction work.
8. Proper temporary accommodation should be provided along with toilet to the workers at the site of construction & proper sanitation should maintain.
9. Drinking water to be provided to the labourers.
10. Curcine water to be sprayed by Abate solution every Seven days.
11. The waste products (Garbage) of the premises should be disposed in a proper manner & no garbage should be scattered around the premises.
12. Panchayat shall issue Occupancy Certificate only after obtaining NOC from the Health Department.
13. There shall not be any septic tank & soak pit within 20 mtrs. from the well.
14. No Occupancy will be given if the construction is not done as per the plans submitted.
15. Site for disposal of garbage. Wet as well as solid garbage to be maintained permanently.

Attested by:


 Dr. SOCORRO QUADROS
 I/C Medical Officer
 Primary Health Centre, Cortalim
 Date: 15/09/2010


 Priscilla Godinho
 Medical Officer I/C
 Primary Health Centre

GOA STATE POLLUTION CONTROL BOARD

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

Phone Nos : 0832- 2407700,
2407701, 2407702
Tel/Fax No: 0832- 2407700



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

No.12/2019-PCB/210833/O0001876

Date:24 /06/2019

Renewal of Consent to Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Renewal of Authorization under Rule 6(i) of the Hazardous And Other Wastes (Management and Transboundary Movement) Amended Rules 2018

[To be referred as Water Act, Air Act and HW (M & T) Rules respectively]

RENEWAL OF CONSENT TO OPERATE AIR, WATER AND AUTHORIZATION is hereby granted to:

M/S. DESA ENGINEERING WORKS
(Represented by Shri. Raymond Desa)
(Orange Category)

Survey No. 30/8,
Maddant, Cortalim – Goa.

Located in the area declared under the provisions of the Water Act & Air Act and Authorization under the provisions of HW (M & T) Rules, subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

- This Renewed Consent to operate and Authorization is issued in supersession of the earlier Consent Orders issued vide Order No.5/3137/06-PCB/4338 dt 11/09/09 & No .5/3137/06/PCB/13725 dated 06/10/2014 is valid upto **09/06/2029**

This Renewed Consent to operate and Authorization is valid for the manufacture of:

Sr. No	Product	Quantity
1.	Repair & Fabrication of barges	----
2	Dry dock	----

3. CONDITIONS REQUIRED TO BE COMPLIED UNDER THE WATER ACT:

- The daily quantity of domestic effluent from the factory shall not exceed **0.1 KLD**

(iii) Domestic Effluent treatment and Disposal:-

The domestic wastewater shall be treated in a properly designed septic tank and discharged on land for percolation through soak pit of adequate size within the factory premises.

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511 .

- (iv) The unit should empty septic tank and soak pit periodically through night soil tankers for safe disposal and submit the copies of the receipts to the Board on regular basis.
- (v) A good house-keeping shall be maintained within the factory premises. All pipes, valves and drains shall be maintained in leak-proof condition. Floor washings shall be maintained to the effluent collection system only and shall not be allowed to find way in open areas.
- (vi) **Non-Hazardous Solid Waste:**
All the Solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by:

The total quantity shall be segregated and treated as follows:

Sr. no.	Type of segregated solid waste	Quantity	Disposal
1.	M.S. Scrap, pipes	5 tons /month	Sold to scrap dealers

4. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE AIR ACT:**

- (i) The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO ₂ Kg/Hr	NO _x	HC	CO	PM
1	D.G. Set	1	125 KVA	0.43	9.2	1.3	3.5	0.3

- (ii) The unit shall erect the chimney(s) of the following specifications:

Sr. No	Chimney attached to	Height
1	D.G. Set	3 meters

- (iii) The unit shall observe the following standards:-

Sr. No	Type of fuel	Quantity /hr
1	H.S.D. (for D.G. Set of 125 KVA)	12 litres/ hr.

- (iv) The Stack Port Hole and Platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling
- (v) The unit should comply with all the standards for D.G. Sets prescribed at Sr. no. 94, 95 and 96 of Schedule I of the Environment (Protection) Rules, 1986.
- (vi) The unit should carry out emission monitoring from the stack every year from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.
- (vii) The unit shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise. The limits are as follows

Category of Area/ Zone	Limits in dB (A) Leq	
	Day time	Night time
Industrial Area	75	70
Commercial Area	65	55
Residential Area	55	45
Silence Zone	50	40

Day time is reckoned between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m. to 6 a.m.

(viii) The unit should carry out chipping only between 3.00 p.m. and 6.00 p.m.

5. CONDITIONS REQUIRED TO BE COMPLIED UNDER THE HAZARDOUS AND OTHER WASTES (MANAGEMENT AND TRANSBOUNDARY MOVEMENT) AMENDED RULES, 2018:

(i) The unit is hereby granted authorization to operate a facility for collection, storage and disposal of hazardous wastes as specified below:

Sr. No.	Category	Type of waste	Quantity	Mode of disposal
1	33.3	Discarded containers/ barrels/ liners	150 nos. & 50 Kg polythene bags	Thinner to be used for cleaning paint tins & same thinner to used for dilution of paint & decontaminated tins given for recycling.

- (ii) The authorizer shall comply with the provisions of the Environment (Protection) Act, 1986 and the rule made thereunder.
- (iii) The person authorized shall not rent, lend, sell or transfer or otherwise transport the hazardous waste without obtaining prior permission of the Goa State pollution Control Board.
- (iv) Any unauthorized change in personnel, equipment or working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
- (v) It is a duty of the authorized person to take permission of the Goa State Pollution Control Board to close down the facility.
- (vi) The inner bottom surfaces of the tank shall be impervious enough to prevent leakage or seepage of these wastes into the sub surface soil or ground water.
- (vii) The occupier shall maintain a manifest system as per Rule 19 for disposal of hazardous wastes to ensure that these wastes are delivered to the designated facility preventing pilferage and clandestine disposal due to unforeseen events that may occur during transit.
- (viii) The manifest shall be endorsed by the dispatcher, transporter and receiver of hazardous wastes. The endorsed copy shall be furnished to the Goa State Pollution Control Board.
- (ix) Under no circumstances the hazardous waste shall be disposed to unauthorized facilities.
- (x) The occupier shall maintain the records for collection, storage and disposal of hazardous waste in Form 3 of as per Hazardous And Other Waste (Management & Transboundary Movement) Amended Rules 2018.
- (xi) The occupier shall furnish monthly returns for collection, storage and disposal of hazardous waste through online OCMMS system.
- (xii) The unit shall put up an online board (minimum size 6x4 Feet) at prominent location near the main gate providing details as follows in English and Konkani languages:-
- Hazardous Waste category number.
 - Hazardous Waste quantity number.
 - Treatment facility for each category.
 - Mode of disposal for each category.

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

- Hazardous Waste Authorization number, date and validity period.
- Water Consent number, date and validity period.
- Air Consent number, date and validity period.
- Quantity and Nature of Hazardous Chemicals being used

(xiii) The occupier shall ensure that the Hazardous Wastes are not allowed to be stored for more than 90 days.

6 GENERAL CONDITIONS:

- (i) The unit shall not change or alter the quantity, quality of discharge, temperature or the mode of the effluent/ emission or hazardous wastes or control equipments provided for without previous permission of the Board.
- (ii) The unit shall provide facility for collection of samples of effluent, air emissions and hazardous wastes to the Board staff.
- (iii) An application in prescribed form along with the prescribed fees for renewal of Consent shall be submitted at least 60 days before the expiry of validity of this Consent. An application for renewal of Consent submitted after expiry of the validity shall accompany with penalty of 50% of the Consent fees in addition to the prescribed consent fees.
- (iv) The Board shall be forthwith informed of any accident or unforeseen event involving discharge of any poisonous, noxious or polluting matter into a stream or well or on land or into the atmosphere, as result of such discharge water/ air is being polluted.
- (v) This consent is granted without any prejudice to any of the permission(s) required under any law, by laws and regulations in force and this consent to operate is confined to matters arising out of the air act and water act only.
- (vi) The Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the applicant.
- (vii) The unit shall submit to this office, the Environmental Statement Report in Form V for the Financial Year ending April to March by 30th September of the succeeding year as per the provisions of the rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- (viii) The unit shall bear the cost of analysis / monitoring in case of complaints received by the Board/ Re-inspections due to non compliances observed by the Board and monitoring carried by the Board.
- (ix) The unit shall submit the details of the Public Liability Insurance Policy under the PLI Act 1991, to the Board office as applicable.
- (x) The unit shall submit returns for disposal of batteries under the Batteries (Management & Handling) Rules 2011, if applicable.
- (xi) The unit shall submit returns for disposal of e - waste under the E- Waste Management Amended Rules, 2018, if applicable.

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

- (xii) The unit shall submit returns for disposal of plastic waste under the Plastic Waste Management Amended Rules as amended in 2018, if applicable.
- (xiii) The unit shall comply to the Guidelines and DUST Mitigation measures in handling Construction material and C & D waste issued by central Pollution Control Board and are placed on Board website goaspcb.gov.in.

To,
M/S. DESA ENGINEERING WORKS
Survey No. 30/8,
Maddant, Cortalim - Goa.

Copy to:-
1 Accounts Section
2 Concerned File
3 Guard File

Received Consent fee of: The capital Investment of the unit is Rs.24,95000/-

Challan no.	Amount	Date
9433	Rs.33143/-	11/06/2019

SANJEEV
SHASHIKA
NT
JOGLEKAR

Digitally signed
by SANJEEV
SHASHIKANT
JOGLEKAR
Date: 2019.06.24
09:30:07 +05'30'

(Sanjeev Joglekar)
Environmental Engineer
Goa State Pollution Control Board

Near Pilerne Industrial Estate, Opp.- Saligao Seminary, Saligao-Bardez Goa-403511

(15)

6/

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref. No. GCZMA/S/349 / 1478

Date: 01/02/2010

To,

M/s. Desa Engineering Works,
Cortalim, Maddant,
Cortalim, Salcete-Goa.

Sub: Proposed construction of Dry Dock by M/S. Desa Engineering Works in Survey No. 30/8 in Cortalim village, Mormugao taluka.

Sir,

With reference to your application on the above-mentioned subject, it is hereby conveyed that this office has examined your case in 53rd GCZMA meeting held on 15/01/2010 and the same is approved in survey No.30/8 of Cortalim village Mormugao taluka., subject to the condition that prior permission from GSPCB is obtained and that appropriate environmental mitigation measures are taken during construction and after construction of the dry dock, and further subject to the conditions listed below:

1. All the provisions of the CRZ Notification, 1991 should be strictly complied with.
2. Prior to the commencement of the development work on the ground, it will be incumbent upon the applicant to obtain the following:
 - i. Approval from Town & Country Planning office from the planning angle.
 - ii. Construction licence from the Village Panchayat
 - iii "Consent to Establish / N.O.C." from the Goa State Pollution Control Board (GSPCB).
 - iv. NOC / Approval from Captain of Ports, Government of Goa, Panaji-Goa.
3. This permission is liable to be revoked if it is found, at any stage, that the application contained false information/wrong plans/calculations/documents or any other incorrect/wrong accompaniments.
4. After commissioning of the facility, due care should be taken to prevent and mitigate any adverse environmental impacts such as erosion of earth material into the river, dust pollution, noise pollution, etc which may occur. The site will be periodically inspected by the GCZMA to monitor the compliance of these conditions.

Yours faithfully,

(Michael M. D'Souza)

Member Secretary, GCZMA &
Director/Ex-Officio, Jt. Secretary (STE)

Copy to:

1. P.A. to Secretary (Environment), Secretariat..... for kind information.
2. The Town Planner, Town & Country Planning Department, Mormugao - Goa
3. The Member Secretary, Goa State Pollution Control Board, Panaji-Goa.
4. The Captain of Ports, Government of Goa, Panaji-Goa.
5. The Panchayat Secretary, Village Panchayat of Cortalim, Mormugao-Goa.

RCS/KH/11
16/11

16

1

pilwp no.6/2013 & 10/2013

IN THE HIGH COURT OF BOMBAY AT GOA**PIL WRIT PETITIONS NO.6 & 10 OF 2013****PIL WRIT PETITION NO.6 OF 2013**

1. Mr. Antonio Fernandes,
aged 52 years, s/o Jose Fernandes,
occupation Fisherman, r/o H.No.899,
Maddant, Cortalim, Goa.
Mobile No.7507189583
Annual Income Rs.72,000/-
2. Mr. Pobre Jesus Vaz,
aged 47 years,
s/o Sacrafamilia alias Joao Vaz,
Occupation Fisherman
and in business,
r/o H.No.789, Zamboll, Cortalim, Goa.
Mobile No.9923490204
Pan No.AIOPV7108E
E-Mail Pivaz@live.com
Annual Income Rs.96,000/-
3. Mr. Agostinho Silveira,
aged 49 years, s/o Joao Silveira,
Occupation Seaman, r/o H.No.977,
Nova Palmar, Cortalim Goa.
Mobile No. 7387890322
Pan. No. DBMPS7775G
Annual Income Rs.1,00,000/-
4. Mr. Fernando Rodrigues,
aged 51 years,
s/o late Marcelino Rodrigues,
Occupation Businessman,
r/o H.No.947, Maddant,
Cortalim, Goa.
Mobile No.9822149613
Pan No. AUXPR9198R
Annual Income Rs.1,20,000/-

... Petitioners

V/s.

1. State of Goa, through the Chief Secretary, having office at Secretariat, Porvorim Goa.
2. Goa Coastal Zone Management Authority through its Member Secretary, Department of Science, Technology and Environment, Opp. Saligao Seminary, Saligao, Bardez Goa.
3. Ministry of Environment & Forests, through the Secretary, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi 110003.
4. Captain of Ports Department through the Captain of Ports, Government of Goa, Panaji, Goa.
5. Village Panchayat of Cortalim through its Secretary, Cortalim Goa.
6. The Deputy Collector, Mormugao, Vasco-da-Gama, Goa.
7. The Town & Country Planning Department through the Town Planner, Mormugao Goa.
8. Shri Anthony De Sa, major of age, Partner of M/s De Sa Engineering Works, H.No.907, Maddant, Cortalim Goa.
9. Shri Raymond De Sa,

major of age, Partner of
M/s. De Sa Engineering
Works, resident of H.No.907,
Maddant, Cortalim Goa.

... Respondents

Shri Nitin Sardessai, Senior Advocate with Shri G. Panandikar,
Advocate for the petitioners.

Shri R. Shivolkar, Additional Government Advocate for the
Respondents No.4, 6 & 7.

Ms. Susan Linhares, Advocate for the Respondent No.5.

Shri S.S. Kantak, Senior Advocate with Shri A. Kamat and Shri
P. Talaulikar, Advocates for the Respondent No.9.

**WITH
PIL WRIT PETITION NO.10 OF 2013.**

1. Voice of Villagers,
A Society registered under Societies,
Registration Act, 1860
with its office at H.No.248,
Senaulim, Verna, Salcete Goa,
403722. Through its member
and authorised representative,
Mr. John Philip Pereira,
55 years of age,
r/o H.No.520, Mazilvaddo
Verna, Salcete Goa.
Phone No.08322782473
Fax No. Nil
Mobile No. 9860043800
PAN Number ANSPP2619M
National Unique Identity Number:Nil
Email-Address : johnolinda@hotmail.com.
Annual Income : 1.5 lakhs Petitioner.

V/s.

1. The State of Goa,
Through its Chief Secretary,
Secretariat, Porvorim Goa.
2. The Goa Coastal Zone Management
Through its Member Secretary,

- Saligao, Bardez Goa.
3. The Goa State Pollution Control Board,
Through its Member Secretary
Patto, Panaji Goa.
 4. The Deputy Collector & SDO,
Mormugao, Vasco-da-Gama,
Goa.
 5. The Chief Town Planner,
Town and Country Planning
Department, Panaji Goa.
Dempo Tower Patto Plaza,
 6. The Deputy Director of Panchayats,
South Goa, Collectorate
(Comunidade Building)
Margao Goa.
 7. The Village Panchayat of
Cortalim - Quelossim,
Through its Secretary,
Cortalim, Mormugao Goa.
 8. The Captain of Ports,
State of Goa,
Capt. of Ports Building,
Panaji Goa.
 9. M/s Desa Engineering Works,
Through its partners,
 - i) Mr. Raymond De Sa,
Major of age,
 - ii) Mr. Antonio De Sa,
major of age,
 - iii) Mr. Rosario De Sa,
Major of age,
All residents of H.No.907,
Maddant, Cortalim,
Mormugao Goa.
- ... Respondents.

Shri Nigel Da Costa Frias, Advocate for the Petitioners.
Shri S. Dhargalkar, Additional Government Advocate for the

Respondents No.1, 2 & 4.

Ms. S. Linhars, Advocate for the Respondent No.7.

Shri S.S. Kantak, Senior Advocate with Shri A. Kamat & Shri P. Talaulikar, Advocates for the Respondents No.8 & 9.

**CORAM : F.M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date : 31st JULY, 2017

JUDGMENT : (Per F.M. REIS, J.)

Heard the learned Counsel for the parties.

2. The above public interest litigation inter alia seeks a direction to the respondents no.2,4,5 & 7 to take immediate action for demolition of the illegal structures constructed in the riverine land and further to quash and set aside the permission dated 19/08/2010 granted to the respondent no.8 by the respondent no.4 and also to quash and set aside the permission dated 8/09/2010 granted to the respondent no.8 by the respondent no.7 as well as the construction license dated 30/09/2010 granted by the respondent no.5 to the respondents no.8 & 9 and consequently issue direction to demolish the subject dry dock and to restore the riverine area.

3. Briefly, it is the contention of the petitioners that the respondent no.2 granted approval to the respondents no.8 & 9 to start a barge repairing workshop on 30/05/2008 and thereafter on 28/08/2008 the respondent no.4 also granted approval for such activity which clearly stated that the riverine land would be water fronted for barge repairs only, which would be done in plot bearing survey no.30/8. It was also stated that the said permission also contained a condition that no construction of any nature would be carried out in the said portion of the encroached Government riverine land. Thereafter on 9/09/2008, the respondent no.8 applied to the respondent no.2 for permission to construct a dry dock in the said property surveyed under no.30/8. It is contended by the petitioners that the plan produced by the said respondent shows that the construction would go much beyond the property surveyed under no.30/8 into the river Zuari. It is further contended that the said plan was different from the plan where the dry dock was to be located. An approval was granted on 27/01/2010 by the respondent no.2 for the construction of the dry dock in the property under survey no.30/8 although the plan showed that the construction would come up much beyond the low tide line in the river. It is

contended by the petitioners that such permission is bad in law issued by the respondent no.2 as it had no powers to permit construction beyond the low tide line into the river and that such permission could not be granted without demarcating the low tide line. It is also pointed out that appropriate Authority to grant such permission was the respondent no.3. It is further pointed out that the said permission contained condition that prior to the commencement of the work, the respondent no.8 should obtain an NOC from the respondent no.4 and other Authorities. The respondent no.4 granted approval on 19/08/2010 for the construction of the said dry dock in survey no.30/8. It is contended that the said permission is illegal as the respondent no.4 has no powers to grant permission for construction in the Government riverine land. Thereafter, on 8/09/2010, the respondent no.7 granted approval for the said construction and a construction license was issued on 30/09/2010 by the respondent no.5 to the respondents no.8 & 9 for the construction of the said riverine land. It is contended by the petitioners that the said approval dated 8/09/2010 and the license dated 30/09/2010 are bad as the same refer to the construction coming up in the property

surveyed under no.30/8 but however the plan shows that the same would be constructed in the river Zuari. Subsequently by letter dated 8/10/2010, the respondent no.2 informed the respondent no.8 that the permission granted by the respondent no.2 was kept in abeyance and no work was permitted to be carried out based on such license. Thereafter, on 22/02/2011 the respondent no.2 passed an order observing that the respondent no.8 had produced various permissions and that the activity is permissible under the CRZ Notification. It was also observed that the member of the respondent no.2 would visit the site and conduct a spot inspection. Subsequently on 11/04/2011 a letter was issued to the respondent no.8 withdrawing the letter dated 8/10/2010. Such letter was issued based on the Inspection Report prepared on 17/03/2011 which indicated that no encroachment was observed when admittedly no construction could be carried out during that period. Though occupancy certificate was not granted, a vessel was permitted to enter in such dry dock. The petitioners addressed a complaint on 17/08/2012 to the respondent no.2 to take immediate action. No reply came forward to such complaint. It is further contended that the Authorities on 17/09/2012 remained

present at the site though the petitioners were denied entry into the dry dock. The complaint was lodged by the petitioners with the Directorate of Panchayat about such incident and thereafter the petitioners obtained the report of the site inspection. It is further contended that the respondents no.4 & 5 have observed that the complainants refused to enter the subject premises. It is also pointed out that the Inspection Report relied is erroneous and cannot be relied upon and consequently the petitioners addressed a letter dated 17/12/2012 to the respondent no.4 with a copy to the respondent no.1 calling upon the respondent no.4 to initiate immediate action for the removal of the encroachment in the river. As no action was being taken and being aggrieved by the inaction thereof, the petitioners filed the above petition for the reliefs stated herein above. The challenge of the petitioners is essentially that based on the said licenses no construction should be done in the river of Zuari.

4. The other Public Interest Litigation bearing no.10/2013 is in respect of the permissions granted by the statutory Authority inter alia contending that the CRZ area cannot be

used for putting up construction besides laying more emphasis upon the powers of the respondent no.8 Captain of Ports in granting such permission to the private respondents who carried out construction in the riverine land between the low tide and high tide.

5. The respondents no.8 & 9/private respondents in both the petitions have filed their reply essentially disputing all the claims put forward by the petitioners. The respondents have also raised preliminary objections claiming that the petition has been filed at the instance of Mr. Joaquim Rosario D'Sa. There are civil and criminal litigations between the private respondents and said Joaquim D'Sa. It is also pointed out that the said Mr. Joaquim D'Sa is working at the behest of a business rival of the private respondents. It is also contended that the petition is barred by laches and deserves to be rejected. It is further contended by the respondents no.8 & 9 that the dry dock has been constructed by the respondents after having obtained all the permissions from all the statutory Authorities and that such dry dock is completely legal. It is also pointed out that by permissions dated 30/05/2008 the Goa Coastal Zone Management Authority

pilwp no.6/2013 & 10/2013

respondent no.2 herein, after examining the proposal of the private respondents no.8 & 9 granted permission for the construction of the dry dock to the said respondents. It is further pointed out that the Captain of Ports after inspection and after obtaining permission of the Government by letter dated 27/01/2010 granted permissions to the private respondents for the construction of the dry dock in the area admeasuring 1330.56 sq. mts. along the water front in the river Zuari under survey no.30/8. It is further pointed out that the permissions obtained by the said respondents are legal and valid having obtained permissions to carry out a construction in the said riverine land. It is also pointed out that after obtaining all the necessary permissions from the Village Panchayat Cortalim, the activities were carried out by the private respondents. It is also pointed out that the Town and Country Planing Authorities and the Chief Town Planner, Mormugao has by a letter dated 2/05/2013 addressed to the Deputy Collector, Mormugao that no hill cutting was carried out for such period. It is also pointed out that the dry dock was in operation till September, 2012. It is also pointed out that pursuant to the complaint lodged by M/s. Vipul Shipping in connection with the subject dry dock a show cause notice

was issued to the respondent no.9 by the respondent no.2. After conducting the inspection and hearing the respondent no.9, the respondent no.2 observed in his order dated 11/04/2011 that the works are carried out as per the plans dated 19/08/2012, which are approved by the Captain of Ports. It was further submitted that as per the CRZ Regulations of 2011, the competence to sanction the project even though the cost of the same is above 5 crores is with the GCZMA. The said respondents also disputed that there is any navigational hazard while putting up such construction. It is also contended that the petition is filed with long delay. The affidavit of the private respondent in other petition is also on same lines as not disputed by the learned Counsel for the private respondents.

6. The respondent no.9 has also filed the reply on similar lines as that of the respondent no.8. A rejoinder has also been filed by the petitioners disputing the allegations made. The secretary of the Village Panchayat of Cortalim has also filed an affidavit. The learned Counsel appearing for the respondent no.8 has fairly stated that the defence in both the petitions of the private respondents is similar. The respondent

no.8 Captain of Ports in PIL WP No.10/2013 has filed a reply inter alia contending that there are more similarly placed dry docks.

7. When the matter was heard for admission, by a reasoned order Rule came to be issued by an order dated 25/03/2014 inter alia issuing directions to the State Government and all the statutory Authorities, more specifically the GCZMA, MEF and the Captain of Ports in PIL WP No.6/2013 and the Ministry of Environment and Forest and the Captain of Ports to file a detailed affidavit considering the construction of the respondents no.8 & 9. The observations made in the said order also disclose the position of the subject construction vis-a-vis the other docks of the third parties to show to what extent the construction can be allowed and disallowed. The State Government had also been given liberty to take action in accordance with law. An affidavit came to be filed by the Captain of Ports/the respondent no.8 in PIL WP No.6/2013. It is contended that the said respondents alongwith the other concerned Officials of the Goa Coastal Zone Management Authority conducted joint inspection of the structures under dispute. It is further

contended that as the activities of the dry dock are in the nature of foreshore activity; permissions under clause no.4 of the Coastal Zone Regulations of 2011 came to be granted. It is also pointed out that it is only meant to bring the barges. The rejoinder also is filed disputing the allegations.

8. Shri Nitin Sardesai, learned Senior Counsel appearing for the petitioners in PILWP No.6/2013 and Shri Nigel Da Costa Frias, learned Counsel appearing for the petitioners in PILWP No.10/2013, have vehemently contended that the activities carried out by the respondent no.9 in both the petitions are illegal being carried out in the CRZ area. The learned Counsel has brought to our notice that the GCZMA sanctions and considers projects up to 5 crores whereas the subject project is of more than 10 crores and it was not within the permissible limits of the respondent no.2/GCZMA. The learned Senior Counsel further pointed out that such permission if any have to be granted by their MOEF at Delhi and, as such, the permissions granted by the GCZMA are nonest in law and deserve to be quashed and set aside. The learned Senior Counsel further pointed out that admittedly construction activity is not permissible in the CRZ area and

according to them foreshore activities permissible under the CRZ notification are only for the purpose of docking the vessels alongwith the property of the private owners and not to put up any construction in the riverine land. It is further pointed out that there is a permanent structure/platform constructed by the private respondents in the riverine land from low tide line to the high tide line which is not permissible in terms of the CRZ notification. The learned Senior Counsel further submits that the Captain of Ports has no jurisdiction to grant construction permission for riverine land and, as such, the permission granted by the Captain of Ports is totally unsustainable in law. The learned Senior Counsel further pointed out that in terms of the Port Rules riverine land is at a distance of 50 yards from the high tide line of the river and, as such, according to him the Captain of Ports is not entitled to grant any permission to put up a permanent structure in the riverine land. The learned Senior Counsel further pointed out that the Apex Court in the recent judgment dealing with the fees to be paid to use riverine land in the case of **M/s. Delta Engineers V/s. State of Goa & Ors. [2009 12 SCC 110]** has clearly held that riverine land can be used only for specific activities and by no stretch of imagination can such

activities include permanent structure in the riverine land. The learned Senior Counsel has placed reliance at para 17 of the said judgment that no permanent activities can be carried out by the private respondents. The learned Senior Counsel further submits that the GCZMA apart from not having any jurisdiction or power to consider the subject permission has proceeded to grant permission in CRZ area which is a no development zone. It is further pointed out that the foreshore activities cannot by any stretch of imagination include any permanent construction in the riverine land and according to them the respondent no.2 GCZMA is not justified to grant such permission. The learned Senior Counsel has also taken us through the report submitted by the Captain of Ports pursuant to the directions issued by this Court and pointed out that the respondent no:8 has assumed jurisdiction that it has powers to allow permanent structure in the riverine land. The learned Senior Counsel has also taken us to the different rules as framed by the State Government to point out that after using such riverine land, the land has to be reverted to its original condition and, as such, according to them putting up such permanent structure would lead to an irretrievable situation. It is further pointed out that the permissions which

have been granted by the statutory Authorities as well as the Village Panchayat revolve around the permission granted by the GCZMA and, as such, considering that the permission granted by the GCZMA is nonest in law, the subsequent permissions granted by the statutory Authority would have no legal effect. The learned Senior Counsel further pointed out that the area of the property surveyed under no.30/8 admeasures 671 sq. mts. having a very small width whereas the riverine land allowed by the Captain of Ports is 1947 sq. mts. which is three times the land area belonging to the private respondent which itself shows the non-application of mind by the Captain of Ports in granting such permission. The learned Senior Counsel further submits that the Government land cannot be appropriated by the private owners or owners of properties adjoining rivers for their personal use as such, the lands belong to the State Government.

9. Shri Nigel Da Costa Frias, learned Counsel for the petitioners in PIL WP No.10/2013 has also brought to our notice the plan produced by the petitioners DSLR which clearly shows the extension carried out by the private respondent which shows that the dry dock exists beyond the

riverine land into the river. The learned Counsel as such pointed out that the the permissions be quashed and set aside.

10. On the other hand, Shri S.S. Kantak, learned Senior Counsel appearing for the respondent no.9 has pointed out that the Public Interest Litigation filed by the petitioners is only to vindicate their private interest as according to him such litigation has been filed by rivals in the business. The learned Senior Counsel further pointed out that as the petition itself is vitiated, the question of granting any relief in such petition would not arise. The learned Senior Counsel further pointed out that permissions were granted way back in the year 2009. It is further pointed out that though GCZMA permission was granted in the year 2011 the construction of the dry dock was completed and, as such, the petitions are to be rejected on the ground of laches. It is further pointed out that inaction on their part from seeking any relief at the initial stage of the construction of the dry dock would itself disentitle the petitioners for any relief in the exercise of powers under Article 226 of the Constitution of India. It is further pointed out that the construction of the dry dock is within 50

yards from the high tide line of the river and, as such, within the permissible limits. It is further submitted that the word 'foreshore' itself suggests that such activities can be carried out in the riverfront area and not in the land as suggested by the learned Senior Counsel appearing for the petitioners. The learned Senior Counsel further submits that the initial valuation of the project was 5 crores, and as such does not invalidate the permissions granted to the project of the private respondent no.9 as the cost exceeded beyond 5 crores. The learned Senior Counsel further pointed out that as the GCZMA has rightly considered the matter there is no question of interference in the impugned permissions. The learned Senior Counsel further submitted that all the activities carried out by the private respondent no.9 are in accordance with the statutory regulations and, as such, according to him there is no case made out for any interference in such direction. The learned Senior Counsel further points out that the Port Rules itself contemplate that riverine land can be used to permit foreshore activities for the purpose of carrying out repairs of the vessels during the dry season. It is further submitted that the dry dock functions on the premise that repairs can be carried out during the low tide without any

waterfront. The learned Senior Counsel, as such, points out that as the foreshore activities are permissible in terms of the CRZ Regulations of 2011 such activities can be carried out in the CRZ areas and, as such, there is no case made out for any interference.

11. Shri Dhargalkar, learned Additional Government Advocate appearing for the respondent no.8 has vehemently argued that there are similarly placed dry docks in the vicinity in the riverine land beyond the high tide line of the river and, as such, according to him the activities carried out by the respondent no.9 is a permissible activity. The learned Additional Government Advocate further submits that the Captain of Ports has rightly granted the permission to the respondent no.9 and as such there is no case made out for any interference in such activities.

12. Ms. Susan Lihares, learned Counsel appearing for the Village Panchayat points out that the activities permitted are based on the GCZMA permissions.

13. The learned Additional Government Advocate further

points out that the area of riverine land cannot be restricted to 50 yards as it can go beyond 50 yards from the high tide line into the river. The learned Additional Government Advocate further points out that the restriction of 50 yards is towards the land from the high tide line of the river. As far as towards the river is concerned, it can be even more than 50 yards.

14. We have considered the contentions of the learned Counsel appearing for the respective parties and with their assistance, we have also proceeded to examine the relevant records. Considering the view we propose to take we shall deal with the first contention raised by the petitioners to the effect that the respondent no.2 GCZMA had no jurisdiction to grant the permission to the petitioners under the relevant CRZ notification. It is not disputed that the subject permission in the present case was granted by the GCZMA in terms of the CRZ notification 1991. The said CRZ notification 1991 which deals with the regulation of permissible activity inter alia provides at clause 3(2)(v) & 3(3)(ii) as under:

3(2)(v) – All other activities with investment of five crores rupees or more:

Provided that activities involving investment

of less than five crores rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provisions of sub paragraph (2) of paragraph 6 of Annexure I of this Notification.

3(3)(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.

The said provision clearly provides that the regulation of activities involving investment of less than 5 crores would be examined by the concerned Authorities at the State level in accordance with the provisions of sub paragraph (2) of paragraph (6) of the Annexure I of the notification. As pointed out herein above, it is not disputed by the learned Counsel appearing for the private respondent no.9 that the investment involved in the subject project was more than 5 crores. Consequently, the question of examining the permissions at the State level as carried out in the present case would not arise at all. It is an admitted position that the jurisdiction assumed by the respondent no.2 GCZMA is on the assumption that the investment involved in the subject project was less than 5 crores which apparently is not correct.

Such permissions are to be examined by the Ministry of Environment and Forest which are the respondent no.3 herein. As the permissions have not been issued by the competent Authority as maintained under the CRZ notification 1991 as admittedly in force at the relevant time, without going into the merits of the rival contentions such permissions are unsustainable in law and deserve to be quashed and set aside.

15. At this stage, Shri S.S. Kantak, learned Senior Counsel appearing for the private respondents brought to our notice the judgment passed by this Court in PIL WP No.21/07 dated 24/03/2009 in the case of **Mr. Atmaram Gopal Parab V/s. M/s. Alcom Cement Company, Jetty & Ors.** reported in **[2009 (1) Goa L.R. 427]** wherein this Court has taken a view that when such permissions are granted at the State level without the approval of the MOEF the Court can quash and set aside such permission but grant liberty to the concerned private respondent to obtain such permission from the MOEF within a specific period and protect the activities being carried out by the said respondents. We shall consider this aspect when we proceed to grant the relief in the above

petition.

16. The next aspect which we propose to examine is what are the nature of the activities which can be carried out in the riverine land. In terms of the judgment of the Apex Court in *M/s. Delta Engineers (supra)*, it was observed by the Apex Court in paras 13,18 & 19 thus:

13. All barges using the river pay a barge tax. Therefore, no separate fee or charge can be levied for use of any river space for anchoring or mooring any barge in any part of the river. "Landing place" refers to a land abutting the river or other navigable water, used for loading and unloading of goods or for embarking or disembarking of passengers or the terminus of a road on a river or other navigable water for the purpose of loading, unloading, embarking or disembarking. In short, "landing place", is a place where people can embark/disembark and/or where goods can be loaded/unloaded, from or into a vessel.

18. The barges/boats remained moored for periods extending from few hours to even a few weeks, depending upon the extent and nature of repairs to be carried out. Consequently, that portion of the river surface (during high tides) and riverine land (during low tides) alongside the workshop could not be used by anyone else for berthing, mooring, anchoring, or navigating. Thus, a portion of the river and the riverbed below, belonging to the government, alongside the appellant's workshop was regularly and exclusively used by the appellant for the mooring of barges/boats which come for repairs.

15. If several such areas of the river adjoining the banks were demarcated and put to exclusive use by private workshops and Boat operators without any regulation, it will affect the river traffic, navigation and mooring of vessels in the river. The port authorities have to ensure that no structures are erected in the river, that riverine land is not encroached, that siltation does not occur, and that there is no pollution by workshops or industries situated on the banks of the river. All these are incidental to the permission given by the port authorities to operate a workshop by berthing barges and other vessels in the river, alongside the workshop and carry out and undertake repairs.

17. We are not proceeding to examine the nature of the permissible activities in the CRZ areas along the river as any observation with that regard may influence the Authorities whilst taking a decision based on an application filed by the private respondents before the MOEF.

18. Rule 54(A) of the Goa, Daman and Diu Port Rules of 1983 inter alia provide the use of the Government riverine land. The said provisions clearly provide that after such use, the land would have to be restored to its pristine original position. In this context, the Captain of Ports would have to consider the said observation of the Apex Court and consider whether putting up a permanent structure of concrete in the

~~riverine land~~ can ultimately restore the land to such condition. ~~No doubt,~~ the permissions granted by the Captain of Ports ~~would~~ depend upon the view by the MOEF if permissions are ~~granted~~ under the Environment Protection Act.

19. In such circumstances, we find that the impugned permission granted by the respondent no.2 GCZMA dated 27/01/2010 and 01/02/2010 cannot be sustained and are liable to be quashed and set aside. The respondent no.9 is accordingly directed to approach the competent Authority to get the permissions in terms of the applicable CRZ regulations within 6 months from today. For such period of 6 months, there will be status quo with regard to the existing construction activity carried out by the respondent no.4. Needless to say, all the other statutory permissions obtained from the Captain of Ports, the Village Panchayat Town Planning Authorities would be subject to the permissions if at all granted by the competent authority under the Environment Protection Act. In case no permissions are granted, the concerned Authorities will have to proceed in accordance with law. Mr. S.S. Kantak, learned Senior Counsel appearing for the respondents no.8 & 9, upon instructions, states that the

respondent no.9 shall not take any new contract with regard to the repairs of vessels other than the pending contracts which have already been taken by the private respondent no.9. Hence, status quo subject to the said statement of the learned Senior Counsel appearing for the private respondents no.8 & 9 which is accepted and shall automatically be vacated after a period of 6 months.

20. Rule is made absolute in the above terms. Both the petitions stand disposed off accordingly with no orders as to costs.

NUTAN D. SARDESSAI, J.

F.M.REIS, J.

NH

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 1343/2018

In

Original Application No. 424/2016

(Earlier O.A. No. 169/2015)

IN THE MATTER OF:

M/s Mehdad & Anr. Vs. MOEF&CC & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Appellant: Rana Mukherjee, Senior Adv. and Mr.
Ninad Laud, Mr. Sangramsingh R.
Bhonsle, Ivo D'Costa, Anshuman
Tripathi, Advs.

Date and Remarks	Orders of the Tribunal
<p align="center">Item No. 02 September 19, 2018 R</p>	<p>1. On 22.11.2017, in Original Application No. 424/2016, the Tribunal considered the question of finalization of Coastal Zone Management Plans (CZMPs). 13 costal States were required to file the draft CZMPs with the Ministry of Environment, Forest and Climate Change (MoEF&CC) to determine the hazard line and to finalize the CZMPs for the respective States.</p> <p>2. CZMPs deal with the question of regulation of the coastal zone for permitting any development activity.</p> <p>3. The Tribunal, after considering the stand of the appearing parties, directed that no Environmental Clearance for any development activity in coastal zone may be permitted which may defeat the exercise of finalizing the coastal zone management plans. The process of finalization was to be done in a time bound manner.</p> <p>4. The matter was also considered on 23.07.2018 and it was noted that drafts of CZMPs have been prepared by 5</p>

	<p>Item No. 02</p> <p>September 19, 2018</p> <p>R</p>	<p>States. The remaining 8 States were directed to complete the exercise by 31.08.2018.</p> <p>5. The Ministry of Environment, Forest and Climate Change was directed to complete the exercise on its part. It was left open to Ministry of Environment, Forest and Climate Change to issue interim Notification with regard to the States who have submitted the draft of CZMPs.</p> <p>6. The applicant herein moved to this Tribunal seeking a direction to grant CRZ Clearance and since such prayer was not within the purview of this Tribunal, the application was dismissed on 03.08.2018. On appeal, the Hon'ble Supreme Court vide order dated 31.08.2018 in CA 8418/2018, while upholding according the above order, referred to the earlier order 18.05.2018 in <i>Civil Appeal No (s.) 5773-5774/2018 - South West Port Ltd. Vs. Mehdad & Ors. etc.</i> against the order of the Tribunal dated 22.11.2017 permitting clarification being sought. The grievance of the appellant was that its case was only for a capacity enhancing of pre-existing facility. Grant of Environmental Clearance had been recommended by the Ministry of Environment, Forest and Climate Change. In such a situation, the applicant was not covered by the restriction in the order dated 22.11.2017 passed by the Tribunal which applied only to a new project. Accordingly, this application has been filed relying on the order of the Hon'ble Supreme Court. It is submitted that clarification sought is not in conflict with order dated 22.11.2017. The same has become necessary as NOC is being held up by reference to the said order.</p> <p>7. The relevant of the part of the order dated 22.11.2017 as follows:</p> <p><i>"As the entire development activity out of prohibited</i></p>
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<p>Item No. 02</p> <p>September 19, 2018</p> <p>R</p>	<p><i>area, regulated area and area permitted to development in accordance with the CZMP would be dependent upon finalization of the above. It is suggested by Ministry of Environment, Forest and Climate Change that the States should not grant Environment Clearance for development activity which falls within the permissible area/regulated area s that may result in defeating the entire exercise. As per the statement of Ministry of Environment, Forest and Climate Change, we direct accordingly."</i></p> <p>8. The applicant has referred to minutes of the 41st Goa State Environment Impact Assessment Authority (GOA-SEIAA) Meeting, held on 05th February, 2018 at 03:30 p.m., which records that the applicant was granted permission for construction of dry dock and barge repair activity. The proposal to grant CRZ Clearance involved grant of NOC by State Environment Impact Assessment Authority. It was observed that NOC could not be granted in view of order dated 22.11.2017 referred to above.</p> <p>9. Learned counsel for the applicant submits that order dated 22.11.2017 doesn't apply to the pre-existing activity. This submission cannot be accepted. However, the NOC sought is not merely for pre-existing activity but for construction of dry dock and barge repair activity. This is also clear from the letter of the applicant dated 30.08.2017, which is for seeking permission to construct dry dock.</p> <p>10. Faced with the above, it is submitted that the applicant sent another letter dated 19.09.2017 seeking clearance for barge repair activity only. Learned senior counsel for the applicant has made a statement that the applicant will not carry out any other activity except the barge repair activity till finalization of the matter by the MoEF&CC.</p> <p>10. In view of above, it is made clear that if repair</p>
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	<p>Item No. 02</p> <p>September 19, 2018</p> <p>R</p>	<p>activity is found to be of minor nature not amounting to 'development' activity, the same is not covered by the order dated 22.11.2017. However, we are unable to express a view whether the imposed activity is minor repairs or 'development' which may be considered by the statutory authority in the light of material which may be available before the Authority.</p> <p>The application is disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>19.09.2018</p>
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Captain of Ports Department

Government of Goa
Dayanand Bhandodkar Road,
Panaji - Goa - 403001, India.

Phone Nos: +91(0832) 2225070/2426109
Website: www.ports.goa.gov.in

Fax: +91(0832) 2421483
E-mail: cpt-port.goa@nic.in

Shipping - Phone Nos.: +91(0832) 2420579/2420580 Fax: +91(0832) 2420582 E-mail: captainofports@eth.net

No. I-11017/ De'Sa Engg. Works/4033

Dated: - 13/12/2018

To,
M/s. Desa Engineering Works,
House No. 895, Maddant,
Cortalim-Goa.

Sub: - Your letter dated 09/10/2018 pertaining list of Barge repair activity undertaken by M/s. Desa Engineering Works.

Ref: -Order from Hon'ble N.G.T. Delhi Bench in M.A. No. 1343/2018 in O.A. No. 424/2016 dated 19/09/2018

Sir,

With reference to your above mentioned subject, wherein to express views of this Department on your workshop activities with reference to Order of Hon'ble NGT, Delhi Bench dated 19/09/2018.

The undersigned having gone through the sited letter in captioned subject and on perusing the attached reference I am to express as below:-

1. That the items enlisted are necessary and incumbent part of hull repair, engine and equipment repairs so as to make the inland vessel sea worthy for its navigable operation and in absence the vessel cannot be permitted survey and subsequent operation is not possible.
2. In view of the above I express that the list of items as per attached list pertaining to barge repairs activities only and not development activities.

The above expression covers up only the list enclosed with your application dated 9/10/2018 and any new activity will not come within purview of this expression.

I clarify that the view expressed, is with due respect to the decisions of Hon'ble Courts, Tribunals and Hon'ble High Court and is only for the items which are within the scope of Inland Vessels Act 1917 expressed as and nothing with respect to GCZMA.

Yours faithfully,

(Capt. James Braganza)
Captain of Ports

Vs*

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82/10

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List of activities:

DOCKING AND UNDOCKING CHARGES.

Docking and Undocking of Flat Bottom Barge
 Docking and Undocking of Flat Bottom Barge

RENEWAL OF STEEL IN DRY DOCK

Renewal of Steel for bottom shell upto water level with new plate in the middle section.
 Renewal of Steel for bottom shell upto water level with new plate in the Forward and Aft section.
 Renewal of Steel for bottom shell upto Water level with Ship Plate in the middle section
 Renewal of Steel for bottom shell upto water level with Ship plate in the Forward and Aft section.

Fitting and Welding of Flatbars on Tank Top.
 Gas Cutting of Manhole for Steel Renewal, Refitting and Rewelding
 Rubbing strake - Bow, Outer shell Midship, Aft & External Store

STERN GEAR AND RUDDER

Removing and Refitting of Propeller
 Removing and Refitting of Propeller
 Removing and Refitting of Propeller Shaft
 Removing and Refitting of Propeller Shaft
 Removing and Refitting of Intermediate Shaft (Engine)
 Removing and Refitting of Bushes (Intermediate & 'A'Bracket)
 Removing and Refitting of Rudder Bushes
 Removing and Refitting of Rudder Palm (Rudder)
 Removing and Refitting of Rudder Palm (Rudder)
 Providing & Fitting of Rudder Palm Safety chain
 Removing and Refitting of Rudder Stock (Rudder Shaft)
 Removing and Refitting of Rudder Stock (Rudder.Shaft)
 Removing and Refitting of Rope Guard
 Fitting of Safety Chain on Rudder Pump
 Cementing of Propeller Nuts and Rudder Flanges
 Rudder Stock / Palms Flanges Locking & Cementing
 Removing & Refitting of Coupling
 Removing & Refitting of Tiller Arm

PIPE LINE (WITHOUT MATERIAL)

Renewal of Pipeline in closed compartment
 Renewal of Bend in closed compartment
 Renewal of distance place in closed compartment with minimum length of one meter
 Renewal of Pipe line
 Renewal of Bulkhead Place and Deck Place
 Fitting of Clamps for Pipe
 Removing And Fitting of Valves

LETTERS AND DRAFT MARKS

Marking, Gas Cutting, Fitting and Welding of Letters and Numbers
 Marking, Gas Cutting, Fitting and Welding of Draft Mark
 Checking of all Draft Marks with Water Level
 Renewal of Plimssole Mark
 Fabrication & Fitting of Ladder Rungs of 200 mm " x 300 mm "

13/12/18
 Capt. James Karaganza
 Captain of Ports

(20)

8/1/9

CHIPPING /SCRAPPING/CLEANING AND PAINTING
(PAINT TO BE SUPPLIED BY THE OWNER)

Marine Growth on the Bottom to be Hard Scrapped, Area to be Wire Brushed, Cleaned and one Coat of Paint
 Sand blasting using compressor on New plate with 01 coat of Paint (Paint to be supplied by the party)
 Painting of Draft Mark Per Vessel
 Painting of Plimssole Marks Per Vessel
 Painting of Letters And Numbers
 Callibration of Anchor Chain (each length)
 Chipping and Painting of Anchor Chain and Anchor With One Coat of Paint
 Additional coat of paint
 Freeing of Joining Shuckel And swivel at Anchor Ends
 Freeing of Anchor by Gas Heating upto 315 Kgs
 Freeing of Anchor by Gas Heating above 315 Kgs
 Changing of Anchor Chain each Length
 Freeing of Chain Roller by Gas Heating

SERVICING

Removing, Servicing and Fitting of Engine Room Valves
 Sea Valve/ Sea Fitting
 Sea Chest Grating Cleaning, Cleaning of Holes and Painting
 Cleaning and washing of Engine Romm Bilges
 Cleaning and washing of Engine Romm Bilges

WINDLASS

Servicing of Windlass Manual Winch
 Servicing of Windlass Mechanical Winch
 Changing of Anchor Chain each

MISCELLANEOUS JOBS

Rewelding of Worn out Welding on the Side Shell above Water Level
 Rewelding of Worn out welding on the Bottom Shell
 Gas Cutting

 Gouzing & Welding of Seam
 Gas Cutting of Test Holes on the Bottom Shell
 Rewelding of Test Hole
 Removal / Renewal - Refitting Frain / Filling Plug Skeg
 Hydro Testing Skge
 Test Hole Plug Welding
 Welding of Ladder Rugs
 Fabrication & fitting of Rungs
 Fitting and Welding of Tyre Hooks (Angle)
 Gas Cutting of Tyre Hook of Angles
 Fabrication, Fitting and Welding of Tyre Hook 1" dia Rod
 Gas Cutting of Old Corroded Nuts and Bolts
 Fitting of Engine Room Water Tight Doors
 Fitting and Welding of Alu. Anodes
 Gas Cutting of Old Anodes
 Gas Cutting of Scallop on Floor and Frames in Tanks
 Fabrication Charges of Pipe Railing on Deck
 Doubler on Deck for Railing
 Fitting of Butterfly Nut Bolts

Allesia

[Signature]
 Capt. James Braganza
 Captain of Ports

(21)

802

Fabrication of Hinges

Fabrication of Lugs

Fabrication of Air Vent Pipe with Material

Dia 2"

Dia 2.5 "

Cutting of 'D' Shackle

Cutting of Old Bolts

Fitting of New Bolts.

Shifting of Blocks if required will be charged

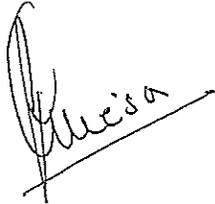
Cutting of Stools if required will be charged

Thickness gauging of hull

Unloading of Material by Crane

Cleaning of Tanks: Wing Tank, Forepeak Tank, Store Tank, Aft Tank and Stearing Compartment

Docking or Undocking of Vessel without Engine will be charged extra

A handwritten signature in black ink, appearing to read 'Mesa', with a horizontal line underneath it.

A handwritten signature in black ink, appearing to read 'James Braganza', with a horizontal line underneath it.
Capt. James Braganza
Captain of Ports

④

22

EXHIBIT C

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

email:dir-ste.goa@nic.in, ms-gczma.goa@nic.in

Ref. No. GCZMA/S/349/1538

Date: 22/01/2018

To,
The Member Secretary,
Goa - State Environmental Impact Assessment Authority,
C/O Goa State Pollution Control Board,
Patte, - Panaji Goa.

Sub: NOC for proposed construction of dry dock and barge repair activity from.
M/s Desa Engineering Works

Sir,

With reference to the application by M/s Desa Engineering Works seeking approval / NOC from the GCZMA for proposed construction of dry dock and barge repair activity from M/s Desa Engineering Works based on the Judgement of Hon'ble High Court of Bombay, Goa Branch in PIL Writ Petition Nos. 6 and 10 of 2013 filed against the proponent M/s Desa Engineering Works.

I am to inform you that this Authority has examined the project proposal in the 167th GCZMA Meeting held on 9/01/2018 in terms of the CRZ Notification 2011 (as amended). After detailed discussion and due deliberations and on considering the report of the site inspection, the Authority decided to recommend/ refer the project proposal to Goa- State Environmental Impact Assessment Authority (SEIAA) for its consideration as it comes under the purview of EIA Notification 2006. The application of the project proponent alongwith all the relevant documents are enclosed herewith.

You are kindly requested to examine the proposal and take further action in the matter and communicate to this office accordingly.

Yours faithfully,


(Parag Nagarcar),
Member Secretary GCZMA

Encl.: As above

Copy to:

1) Mr. Raymond Desa for M/s Desa Engineering Works Novowaddo, Semabatim,
Coiva, Salcete- Goa.

(23) 5

(5)

GOA STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

EIA-Goa State Secretariat,
1st Floor, Dempo Towers, Patto, Panaji, Goa - 403 001
Phone nos.: 2416561 Fax. no.: 2438567
e-mail: goaseac@gmail.com

No: 3 - 181 - 2010/STE-DIR/83

Date: 19/02/2018

To,
✓ M/s Desa Engineering works,
Cortalim Maddant,
Cortalim, Goa.,

Sub.: Noc for Proposed Construction of dry dock and barge repair activity from M/s Desa Engineering works.

Sir,

With reference to the above-referred subject matter, the said project proposal was deliberated and discussed during Authority's 41st meeting held on 05/02/2018.

In view of the same please find enclosed herewith a copy extract of minutes of the 41st minutes of the meeting held on 05/02/2018 for your kind reference. (Annexure -I)

Judgement /order dated 22/11/2017 passed by Hon'ble NGT, Delhi in the matter filed by M/ Mehdad & anr V/s Ministry of Environment, Forests & Climate Change & ors (Original Application No. 121/2016) as (Annexure II).

And Notification no. S.O. 3085 (E) (i.e. amendment in CRZ Notification, 2011 with specific reference to a paragraph 4.2, in sub-paragraph (ii)) dated 28th November 2014 as (Annexure III).

Yours faithfully,


(Parag Nagarcenkar)

Director (Environment) &
Member Secretary, Goa-SEIAA

Copy to:

1. The Member Secretary, Goa Coastal Zone Management Authority (GCZMA), 1st floor, Pt. Deendayal Upadhyay Bhavan, Fundalik Nagar, Porvorim, Bardez, Goa,

**EXTRACT OF MINUTES OF THE 41ST GOA STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (GOA-SEIAA) MEETING HELD
ON 05TH FEBRUARY 2018 AT 03.30 P.M. IN THE CONFERENCE
ROOM OF THE GOA STATE POLLUTION CONTROL BOARD**

8. Communication received from Goa Coastal Zone Management Authority (GCZMA) on for rectification of NOC for construction of dry dock and barge repair activity from M/s Desa Engineering Works based on the Judgement of Hon'ble High Court of Bombay, Goa Branch in PIL Writ Petition Nos. 6 and 10 of 2013 filed against the proponent M/s Desa Engineering Works. this application was discussed and deliberated in the 40th GCZMA meeting and also decided to grant permission for said activity However as directed by the Hon'ble of High Court this application is within purview of the MoEF which as per the new memorandum is in the purview of State Environment Impact Assessment Authority (SEIAA) the Authority as per Notification no. S.O. 3085 (E) (i.e. amendment in CRZ Notification, 2011 with specific reference to a paragraph 4.2, in sub-paragraph (ii)) dated 28th November 2014.

Decision: The said matter was placed before the authority's meeting on 29th January 2018, however the meeting got postponed to 05 February 2018 Authority after perusing the documents and minutes of 40th GCZMA meeting held on 08/05/2008 and subsequently considering the provision refereed in the Notification no. S.O. 3085 (E) (i.e. amendment in CRZ Notification, 2011 with specific reference to a paragraph 4.2, in sub-paragraph (ii)) dated 28th November 2014 Authority decided to consider the proposal for grant of CRZ (arance for proposed dry dock and barge repair activity by M/s Desa Engineering Works . However the NOC cannot be conveyed to the applicant as per the Judgement /order dated 22/11/2017 passed by Hon'ble NGT, Delhi in the matter filed by M/ Mehdad & anr V/s Ministry of Environment, Forests & Climate Change & ors (Original Application No. 121/2016) earlier O.A No. 169/2015 and Shamsunder Dalvi & ors V/s Govt of India & ors (Original Application No. 11/2014.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 424 of 2016
(Earlier O.A. No. 169 of 2015)

And

Original Application No. 11 of 2014

In the matter of :

M/s. Mehdad & Anr.

Vs.

Ministry of Environment, Forests & Climate Change & Ors.
And

Shamsunder Shridhar Dalvi & Ors. Vs. Govt. Of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Original Application No. 11 of 2014:

Present: Applicant:
Respondent

Mr. Pradeep Mishra and Daleep Kr. Dhayani, Adv.
Mr. Rahul Pratap, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. Dilip Poolakat, Adv. for State of Goa
Ms. Hemantika Wahi and Puja Singh, Adv. for State
of Gujarat and GSPCB

Original Application No. 424 of 2016

Present: Applicant:

Mr. Raj Panjwani, Sr. Adv. with Mr. Aagnay Sail, Adv.
Mr. Rajesh K. Singh and Mr. Rovins Verma, Adv. for
Ministry of Environment, Forest and Climate Change
Mr. R. Rakesh Sharma, Adv. Mr. V. Mowli, Adv. and
Mr. Naveen Raj, Adv. for State of Tamil Nadu, TNPCE
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar
and Mr. Prashant and Mr. Gautam Prabhakar, Adv.
for State of Andhra Pradesh
Mr. Rajesh Kumar Das, Adv. for UT Lakshadweep
Administration
Ms. G. Indira and Mr. Bhupesh Narula, Adv. for
Andaman and Nicobar Administration
Mr. Shashank Bajpai, Adv. and Mr. Shakun Sudha
Shukla, advs. for State of Odisha
Mr. Prashant Kenjale, Adv. and Mr. Nishant, Adv. for
State of Maharashtra
Mr. Devraj Ashok, adv.
Mr. Nishe Rajen, adv.
Mr. Raja Chatterjee, Mr. Piyush Sachdev and Ms.
Abhinandini Yadav, Adv. for State of West Bengal
Ganguli and Mr. Piyush Sachdev, Adv. for the State
of West Bengal
Mr. Mukesh Verma, Adv.
Mr. Prashant S. Kenjale and Mr. Nishant, Adv. for
State of Maharashtra
Mr. Nishe Rajen Shonker and Ms. Anu K. Joy, Adv.
for State of Kerala
Ms. Hemantika Wahi and Puja Singh, Adv. for State
of Gujarat and GSPCB
Inspector Rajesh Kumar, Chanakyapuri
Mr. Abhimanyu Garg Adv. for Govt. of Puducherry
Mr. SS Rebello, Mr. Sidarth Arora and Ms. Shivangini
Gupta, Adv. for State of Goa
Mr. Raj Kumar, Adv. and Mr. Bhupender Kumar, LA
for Central Pollution Control Board
Ms. Nishe Rajen Shonker, Adv., Ms. Anu K. Jy, Adv.
for State of Kerala
Mr. Naginder Benipal, Adv.
Mr. Devraj Ashok, Adv
Mr. Jai A. Dehadrai, Adv Mr. S.S. Rebello, Adv., Ms.
Shivangini Gupta Adv. for State of Goa

Date and Remarks	Orders of the Tribunal
<p data-bbox="337 276 472 338">Item No. 07 & 08</p> <p data-bbox="329 379 480 440">November 22, 2017</p>	<p data-bbox="518 276 1382 311">Original Application Nos. 11/2014 and 424 of 2016</p> <p data-bbox="518 352 1446 1212">Learned counsel appearing for the Ministry of Environment, Forest & Climate Change from instructions from the Officer who is present before the Tribunal submits that the Secretary, Ministry of Environment, Forest & Climate Change had called for the meeting of all the concerned States in relation to the coastal areas on 01st November, 2017. Upon due deliberations the Secretary had directed that all the States must file their draft of CZMPs by 31st March, 2018, however the State Kerala and State of Gujarat had asked for more time before the Secretary for submission of the CZMP by the month of May and June, 2018 respectively.</p> <p data-bbox="518 1252 1446 2408">Since the matter was not attaining proper progress and the matter was lingering on one pretext or the other and non – cooperation by the State Governments, the Tribunal had directed all the States that States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Gujarat, Goa, West Bengal, Maharashtra, Pondecherry and Andman and Nicobar all counsel are present. They have also filed their Affidavit – cum- undertaking before the Tribunal where these very States have asked for time to file the CZMP of the respective States and UTs even extending the time upto June, 2018. Learned counsel appearing for the Ministry of Environment, Forest & Climate Change submits that they would be able to approve the draft CZMP and the hazard line within three months from the date of receiving the CZMPs drafts from the respective States. In light of the above and while ensuring that no</p>

further undue delay should be caused in determination of the hazard line and finalization of the CZMPs for the respective States. As the entire development activity out of prohibited area, regulated area and area permitted to development in accordance with the CZMP would be dependent upon finalization of the above. It is suggested by Ministry of Environment, Forest & Climate Change that the States should not grant Environmental Clearance for development activity which falls within the permissible area/ regulated area as that may result in defeating the entire exercise. As per the statement of Ministry of Environment, Forest & Climate Change we direct accordingly. It is necessary that strict timeline for adherence should be fixed by the Tribunal. We shall issue the following directions:-

1. All the State Governments without default and delay will submit CZMP to Ministry of Environment, Forest & Climate Change by 30th April, 2018. In the event any State Government and UT do not submit the said plan, they shall be liable for exemplary costs of Rs. 5 Lacs which should be recovered from the salary of the defaulting Officer. The non-compliance would invite action for violating the orders of the Tribunal.
2. Within three months thereafter that is by 31st July, 2018 the Ministry of Environment, Forest & Climate Change shall issue approval in regard to the fixation of hazard line and CZMP for the respective State covering the entire coastal area. Now if the Officers and Ministry of Environment, Forest & Climate

Change commit default they shall also be liable to be proceeded against in accordance with law.

3. We also grant liberty to Ministry of Environment, Forest & Climate Change to move the Tribunal well in time if there is default on the part of any of the States. But Ministry of Environment, Forest & Climate Change would not be permitted to contend non-cooperation from States as the reason for delay, if any, in compliance of this deadline in this order. We are putting Ministry of Environment, Forest & Climate Change at Notice.

The Applicant would also at liberty to approach the Tribunal if so advised.

The interim order dated 05th February, 2018 shall continue till July, 2018.

With above directions, Original Application Nos. 11/2014 and 424 of 2016 stand disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,EM
(Bikram Singh Sajwan)

DESA ENGINEERING WORKS

SHIP BUILDERS, BARGE REPAIRS, & ENGINEERS

To,

Date: 18.07.2023.

The Chairman,

Goa State Environmental Assessment Authority,

Fourth Floor, Dempo Towers, EDC Patto,

Panaji, Goa.

Subject:- Environmental Management Plan For Dry Dock At Survey No30/8 Maddant, Cortalim, Goa.

Reference:- GSEIAA letter no 112/3/2023-24/GSEIAA/Project-Prop/41 dated 16th May 2023.

Dear Sir,

With Reference to the above subject, we wish to submit the Environmental Management Plan for Dry Dock At Survey No30/8, Maddant, Cortalim - Goa. We trust that above is to your satisfaction and request you to grant us permission and oblige.

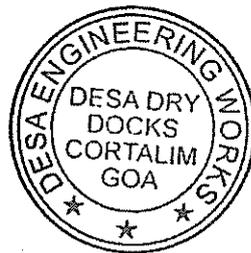
Thanking you,

Yours faithfully,

For Desa Engineering Works

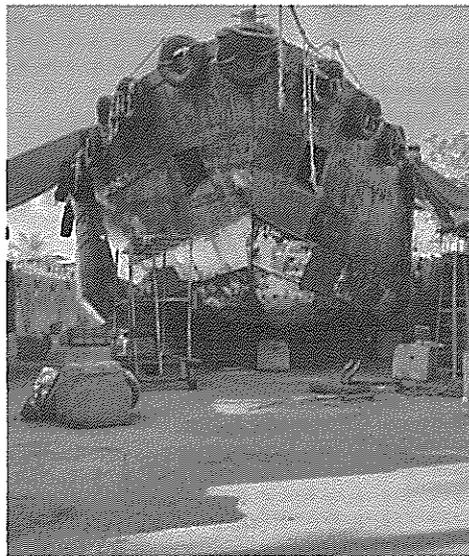
Rajesh Kumar

Authorised Signatory



ENVIRONMENTAL MANAGEMENT PLAN

for
DRY DOCK
at
Survey No30/8
Maddant, Cortalim, Goa



BY
DESA ENGINEERING WORK

Prepared By



Aditya Environmental Services Pvt Ltd.

110, Hiren Light Indl Estate, Moghul Lane, Mahim, Mumbai - 400016

- ❖ MoEFCC Recognized Laboratory
- ❖ QCI Nabet Accredited EIA Consultancy Organization

July 2023

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1 INTRODUCTION

1.1 Desa Engineering Works

Desa Engineering is a dry dock carries out the repairs and maintenance of barges, building new vessel and fabrication of Barges. It was started operating from the year 2011. No any other maintenance and repairs of Engine/Propellers is carried out. The Plot area of project is 671 sq.m and having one dry dock of size 78.5 m x16m x 6m. The Project cost is estimated to Rs. 4.10 Cr

It is located at Survey Number 30/8 of Village Maddant-Cortalim, Taluka Marmugao, District South Goa. The google image showing the site location is shown in figure 1 and 2. The Layout Plan showing the Dry Dock with Site office is shown in figure 3.



Figure 1 Google Image Showing the Site Location



Figure 2 Google Image showing Site Vicinity

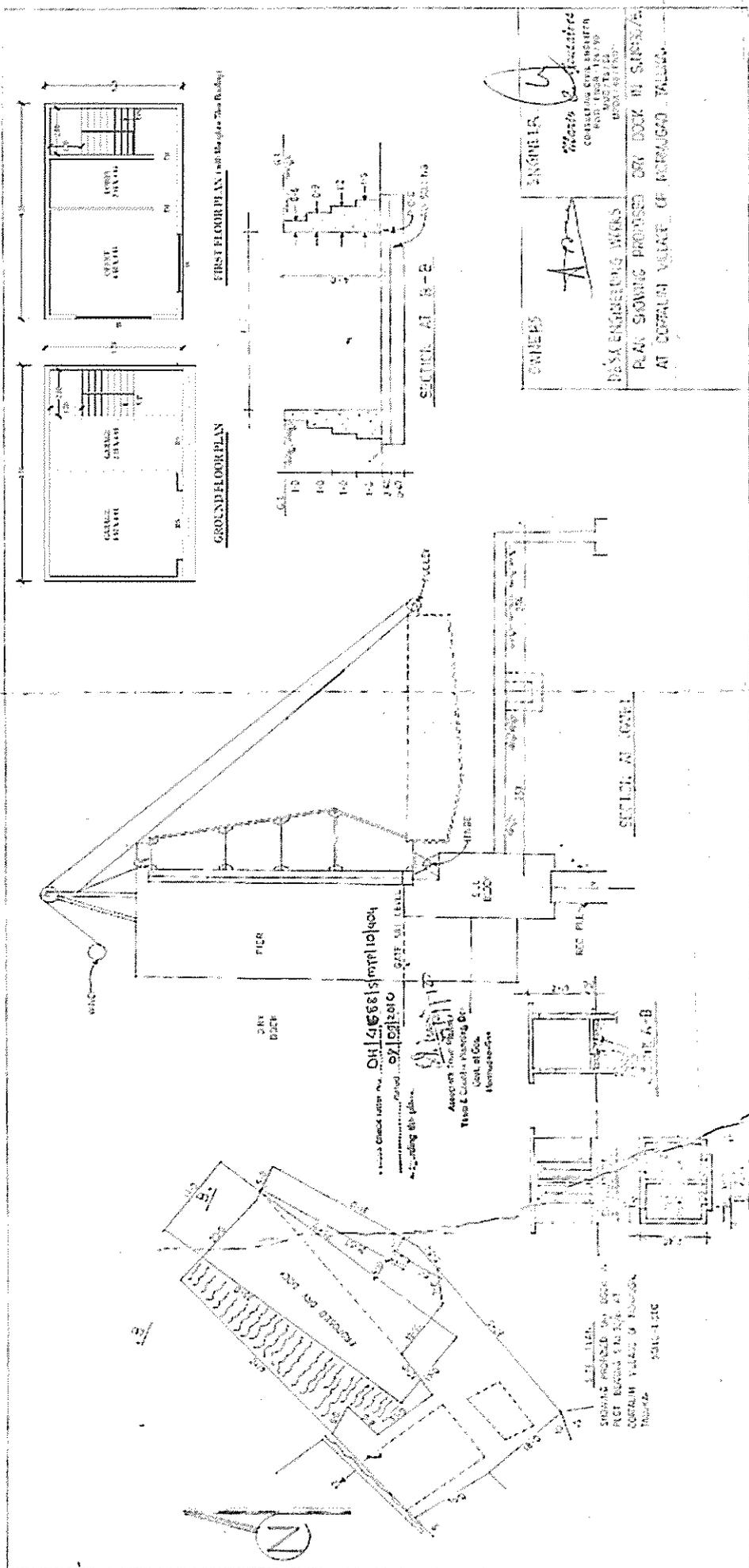


Figure 3 Layout Plan

Project Proponent had filed an application for obtaining NOC to Goa Coastal Zone Management Authority (GCZMA) based on the Judgement of Hon.High Court of Bombay, Goa brand in PIL Writ petition nos 6 and 10 of 2013 filed against Desa Engineering Works. In its 167th Meeting, GCZMA have recommended the project proposal to Goa State Environmental Impact Assessment Authority for its consideration as it comes under the purview of EIA Notification 2006.

Thereafter, GSEIAA has conducted site inspection on 8th of April 2023 and during its 102nd meeting 2nd May 2023, have asked to submit the Environmental Management Plan.

Desa Engineering works has awarded the work of Preparation of Environmental Management Plan awarded to Aditya Environmental Services (AESPL)

1.2 Objective

The objective of Environmental Management Plan (EMP) is to formulate measures which will:

Mitigate adverse impacts on various environmental components, which have been identified during the rapid environmental impact assessment study.

Protect environmental resources where possible.

Enhance the value of environmental components where possible.

EMP also includes a monitoring plan to enable evaluation of the success or failure of environmental management measures, and to carry out reorientation of the plan if found necessary.

It is emphasized that many of the protective and enhancement measures can be implemented by adopting suitable planning and design criteria for dry dock project. The measures have been suggested in Chapter 3. Environmental Management Plan after discussion with project proponent.

1.3 Scope of Work

Preparation of Environmental Management Plan (EMP) for Desa Engineering Works at Survey No 30/8 of Maddant-Cortalim, Marmugao Taluka, South Goa District

1.4 Methodology

Initial site visit was made by AESPL dated 7th June 2023 to understand the Project activities, its legal status, sources of pollution and its impact on the Environment. Checklist was formed to study the details of Project Activities. Sample of EMP Questionnaire is enclosed as Annexure 3

1.5 Legal Status

- Consent to Operate Renewal is obtained from Goa Pollution Control Board vide letter no 12/2019-PCB/210833/00001876 dated 24th June 2019 and it valid up to 24th June 2029.
- NOC from Captain of Ports vide letter 11017/Desa Eng Works/3757 dated 19th August 2010
- Permission form Village Panchayat Cortalim-Quelossim vide letter VP/CQ/44/2013-14/2733 dated 20th December 2013
- Occupancy Certificate vide letter no VP/CQ/8(b)/2013-14/2262 dated 14th Oct 2013

2 PROJECT DESCRIPTION

2.1 Project Activity

Goa is India's smallest state in terms of area and the fourth smallest in terms of population. Located on the west coast of India in the region known as the Konkan, it is bounded by the state of Maharashtra to the north, and by Karnataka to the east and south, while the Arabian Sea forms its western coast. The State's border along the east comprises of the western ghats range of mountains having heights upto 1150 m, which separate the state from the Deccan Plateau. The Mormugao harbor on the mouth of the river Zuari is one of the best natural harbors in South Asia. The Zuari and the Mandovi are the lifelines of Goa, with their tributaries draining 69% of its geographic area. Goa has more than forty estuarine, eight marine and about ninety riverine islands.

Mining plays an important role in the economy of Goa and millions of tons of iron and manganese ores are exported from the Marmugao Harbour. Much of the mining activities are carried out along the hill slopes located between the coasts on the west and western ghats on the east. The ore is transported from the hinterland to Marmugao Harbour plying through the rivers by mechanized barges throughout the year.

Barges used are of sizes varying from 650T to 2000T. Obviously, these barges require annual maintenance including repairs, overhauling of engines, scrapping/paintings etc.

Desa Engineering works carries out the external repairs of Barges at the dry dock. Maintenance, repairs of engine and building of new vessel. Propeller and interior repairs are done at external agencies. The barge repair activity covers the following stages.

2.2 Surface Cleaning

This involves cleaning / scrapping of internal surface using wire brush and/or pressure wash (using fresh water at high velocity) and/or sand / shot blasting. Sand blasting is done using Quartz / coal slag. Most of the repair yards have shifted to quartz use. Some yards perform shot blasting. Desa Engineering uses hydro blasting where water is sprays fresh water at pressure of 500 to 700.

2.3 Repair to external surface

This involves tapping / testing to check the soundness of the plate / need for repair. Sometimes non-destructive Testing (NDT) is performed on the plates. The plates which are damaged are cut and welded. An allowance of 20% reduction is allowable for plates on the bottom of the barge and upto 40% thickness reduction is allowable on the sides. Generally, plates are of 8 -10 mm thickness. Sometimes plates have to be Arc welded. Activities at this stage include chipping hammering and welding. Desa Engineering

Chapter 2 –Project Description

carries only repairs/maintenance of plates based on thickness gauging report prepared by authorized agencies.

2.4 Engine Overhaul

The repairs of propeller / shafts and engine is done at external agencies. Very few docks have own facility for engine overhaul / repairs.

2.5 Painting and Finishing

Generally done by any of three types:

- a) Epoxy Primer
- b) Finishing Coat and Anticorrosive -Epoxy
- c) Marine Paint

Combination of (a) + (c) or (b) + (c) type is generally used. Generally, 90% barges are painted using above paints.

Very few (about 10%) of the barges are painted using expensive paints such as:

- a) Epoxy based paint (Red Oxide Primer + Coal Tar Epoxy or Cu-based antifouling epoxy paint)
- b) Chlorinated Rubber based paints + finishing Coat (Aluminum based / Tar based).
Lead based paints are now no longer used and are banned.

2.2 Site Observations

- One barge at one time is repaired.
- The deadweight tonnage of barges under repairs varies from 250 to 3000 DWT.
- The barges are inspected by Bureau Veritas (BVQI) I/IRS for large vessels and Captain of Ports for inland vessels.
- The repairs of plates are done as per thickness gauging report by above Authorities.
- Initially the barges are cleaned to removes the dust and Barnacles with hydro blasting.
- Water Pressure requirement for hydro blasting varies from 500 to 700 bar.
- Water requirements for hydro blasting is @16litres /minute.
- Based on the inspection report the repairs of plates is initiated, Cutting, welding and renovation is done.
- After completion of repairs the plates are applied with primer, anticorrosive paints especially the Marine Epoxy Paints.
- No work other than plates repairs of hull plates is done in Desa Engineering work. As owners prefer other repairs in shipyards
- Time required for each barge in dry dock varies upon the repairs listed.

2.2.1 Water Environment:

The total water requirement for Project activity is estimated to- 1.36 CMD.

Sr. No	Purpose	Source	Quantity	Sewage	Treatment Disposal
1	Domestic for Workers- 8 nos	Spring well	360 litres	288 litres	Septic Tank/Soak pit
2	Activity- Hydro blasting	Spring well/PWD	1000 litres (16 litres/Minutes) Depends upon the surface to be cleaned	1000 litres	Silt Drains are provided and then discharged the water to River

2.2.2 Air Environment:

No air pollution project activity was revealed on site other than DG set of 125 KVA. Dg set provided with acoustics enclosures.

2.2.3 Noise Environment

No project activity causing Noise Pollution was revealed on site. Noise level at the fence level was found to be 50db at daytime which is within the limit of Industrial Area and Residential Area limits.

2.2.4 Solid Waste Generation

Major waste is Iron scrap. quantity of waste generated varies from 2 to 2.5 tons again depends upon the repairs listed in inspection report.

Sr. No	Source	Quantity	Disposal
1	Repairs-Iron Scrap	2.5 Tons	Exchanged with new Purchases of MS Plates and angles
2	Sludge from the dry dock	2 to 5 kg per barges (depends upon the repairs)	Manure for trees within the premises.

2.2.5 Power Requirement and Energy

Total Power requirement is estimated to 38 KW. DG set of capacity 125 KVA is provided with acoustics enclosures. We have also applied for the permission to GCZMA for Repairs of existing shed for Solar panels Installation in the premises of our dry dock.

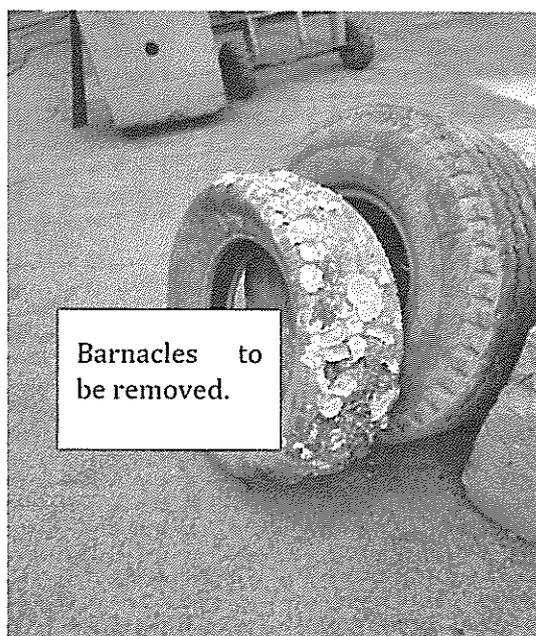
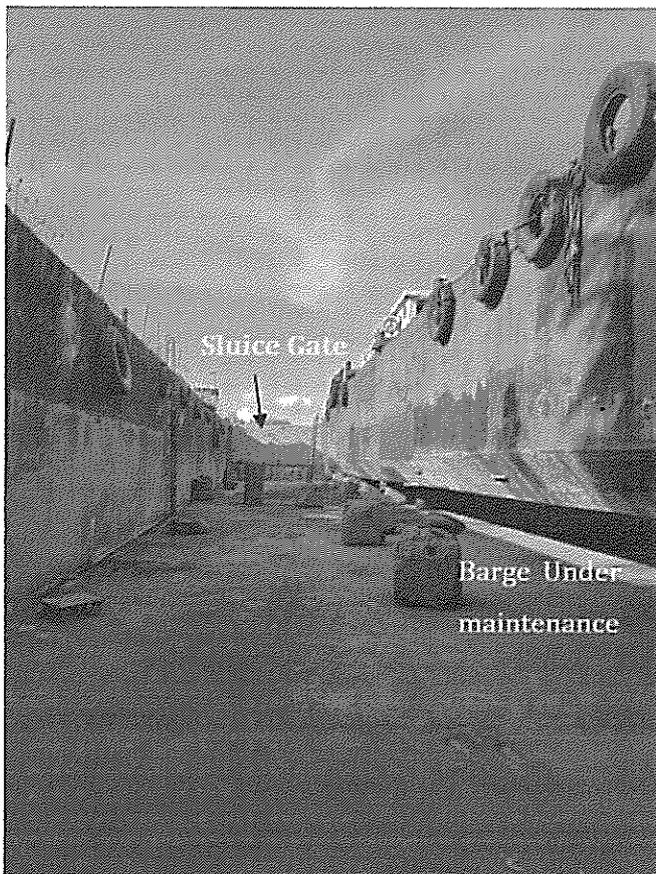
Sr. No	Purpose	Source	Quantity
1	Project Activity	GSEB/Solar Panel	38 KW

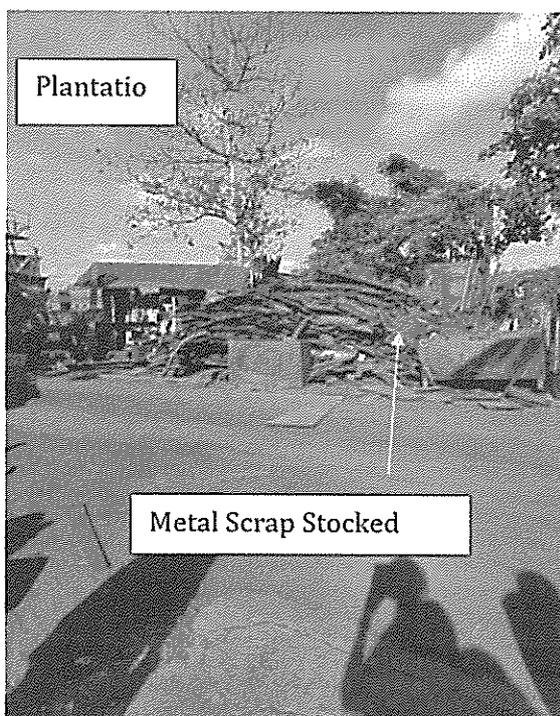
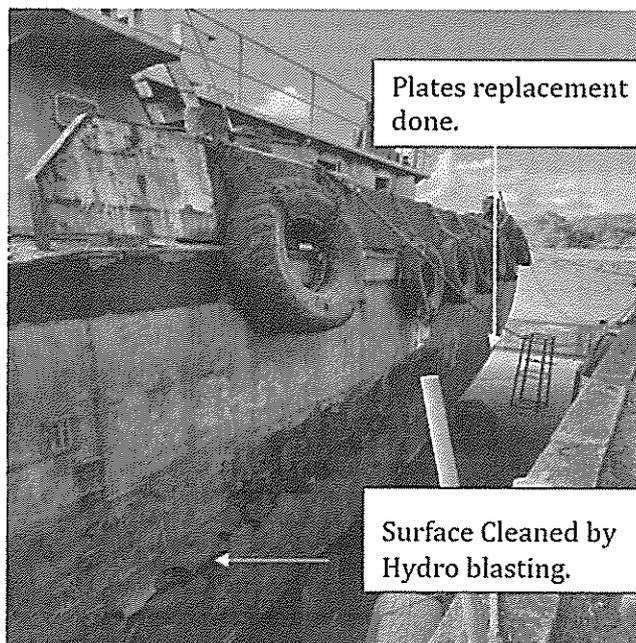
2.2.6 Green Area Development

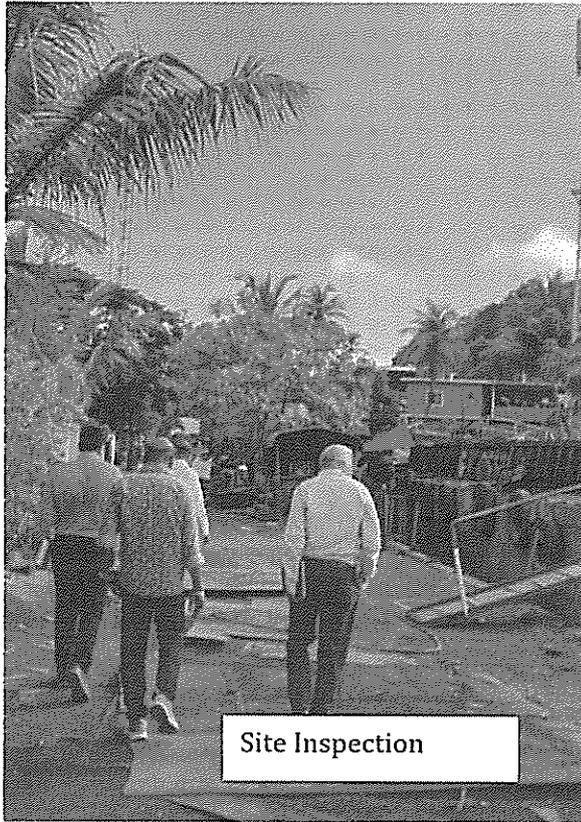
During construction of Dry dock only one coconut tree was cut. Currently around 77 Nos of trees are planted on site. Native species which are fruit bearing and have large canopy size are selected. List of trees planted is presented below.

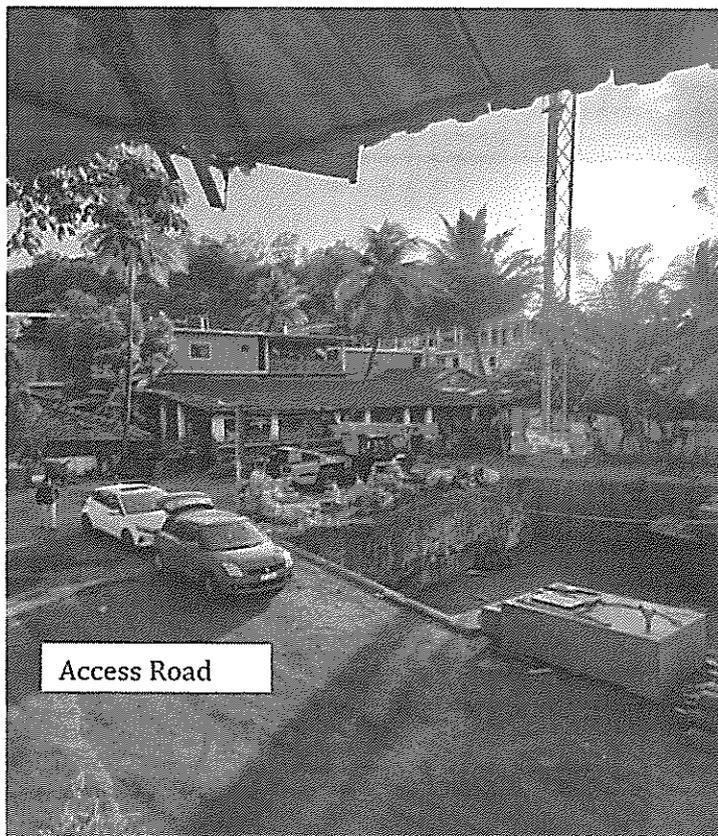
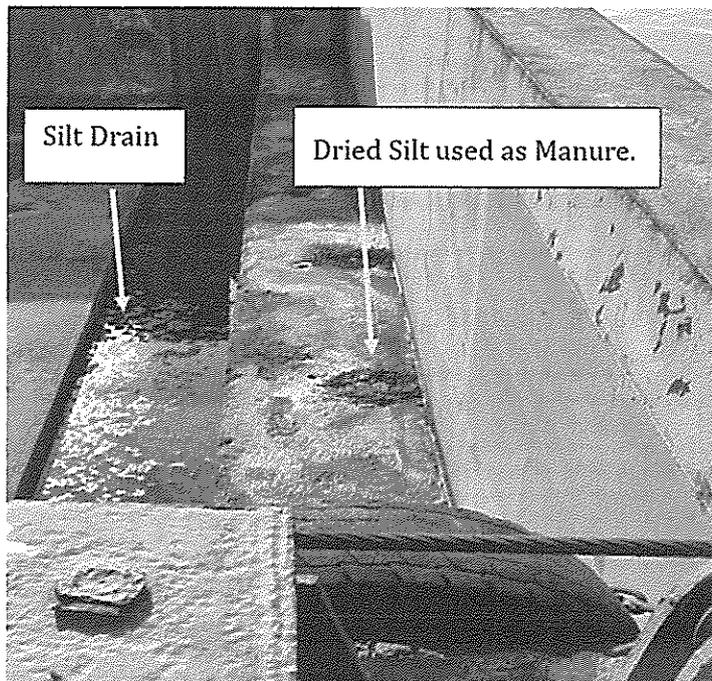
1. Teak Wood (04 Nos.)
2. Coconut Tree (20 Nos)
3. Papaya Tree (06 Nos)
4. Custard Apple (03 Nos)
5. Avacado (03 Nos)
6. Lemon Tree (03 Nos)
7. Cinnamon (01 No)
8. Mango Tree (04 Nos.)
9. Soursop Tree (10 Nos)
10. Chikku Tree (01 No)
11. Badam Tree (04 Nos)
12. Jackfruit Tree (04 Nos)
13. Bread Fruit Tree (02 Nos)
14. Banana Tree (08 Nos)
15. Malabar Plum Tree (01 No)
16. Betel Nuts (03 Nos.)

Site Photographs









3 ENVIRONMENTAL MANAGEMENT PLAN

3.1 LAND ENVIRONMENT

The total plot area of project is 671 sq.m. Area under dry dock is 1256 sq.m with depth of 5.5 m. The plot is adjacent to Zuari River at Cortalim Village. There are dry docks activities in adjacent areas.

Sources of land Pollution

As mentioned in above chapter the project carries out repairs and replacement of MS plates and building of new vessel. Repairs of MS plates is done as per the thickness gauging test and inspection report upon the inspection report done by Authorized agencies. The quantity of scrap MS plates and angles varies upon the quantity of plates damaged and its work. Quantity of metal scrap generated is 2 to 2.5 MT/Annum

Mitigation Measures:

The metal scrap is exchange with vendors with new purchases of MS Plates and angles.

3.1 WATER ENVIRONMENT

Sources

- Hydro blasting for surface cleaning
- Domestic water for workers

Mitigation Measures

- The water thus used for hydro blasting is allowed to settle within dry dock and later discharged to the river.
- The fine silt is collected in the drains provided near the valves.
- The sewage generated is disposed through septic and soak pit.

3.2 AIR POLLUTION

Sources

Particulate matter, SO₂ and NO_x are sources of air pollution from DG set of 125 KVA.

Mitigation measures:

- DG set provided with Acoustic Enclosures
- Green belt is provided along the periphery of boundary.
- Total Number of trees planted -77 Nos.

3.3 NOISE POLLUTION**Sources**

- Repair and maintenance work of barges

Mitigation measures

- Personal Protective Equipment's to be provided for all workers.
- Periodic audiometry test to be provided to all workers.

3.4 SOLID WASTE MANAGEMENT**Sources**

Total workers 8 nos on site which works on shifts and 2 workers on contract basis. The workers are employed from nearby villages. No housing facilities are provided. Hence no waste solid waste is generated on site. Sludge generation from dry dock Iron scrap, Rubber tyres are generated from Project activity.

Mitigation Measures:

Iron Scrap is Exchanged with new Purchases of MS Plates and angles.

Sludge is used as Manure for trees within the premises.

Rubber tyres are as used along the Barges to prevent hitting/bang on wall surface.

3.5 GREEN AREA DETAILS

The basic thrust for plantation will be on ecological value followed by aesthetic value of the tree. The topography, agro-climate, soil profile should be considered while selecting the tree species. Single 1 No of coconut tree was cut for construction of dry and

3.6 SOCIO-ECONOMIC ENVIRONMENT

The proposal pertains to the repair/replacement of MS plates at dry dock and building of new vessel The proposed development would also provide direct and indirect employment.

Public Health & Safety:

Public health & safety will be the priority of the project.

Precautions will be taken to ensure the health and safety of the workers.

Maintenance of all equipment's will be carried out regularly to ensure proper functioning and avoid malfunctioning.

Periodic inspection and maintenance of all water storage tanks will be carried out at regular intervals to prevent outbreak of waterborne diseases.

4 ENVIRONMENTAL MANAGEMENT PLAN ORGANIZATION & IMPLEMENTATION

Project Proponent will be responsible for implementing all the mitigation measures recommended. Planting of trees on open spaces and roadside is initiated on site in the year 2011.

An officer should be appointed by the project proponents to ensure monitoring and inspection during operation period as explained above.

Following are the mitigation measure to be undertaken during operational phase respectively with the agency responsible for implementation.

Table 4.1 Mitigation Measures during Operation Phase

Sr. No.	Affected Environmental	Likely adverse impacts in absence of	Nature of Impact	Proposed Mitigation Measures	
				Action to be taken	Implementing
1.	Land Environment	Increased solid waste generation in area Aesthetically unpleasant	Significant and Temporary	Waste management practices like waste segregation of solid waste at source, recycling and reuse, composting etc. to be adopted. Discarded barrel and drums to be given for recycling	Project Proponent
2.	Water Environment	Increase in turbidity of water. Reduced	Significant and permanent	Regular maintenance and cleaning of water drains.	Project Proponent

Chapter 4 - Environmental Management Plan Organization & Implementation

3.	Noise Environment	Disturbance due to noise and generating permanent	Significant	Provision acoustic enclosures to DG sets and Renairs works	Project Proponent
4.	Public Health and Safety	Health problems from accidents and during working /e emergency situations or natural	Moderate Permanent	Providing personal protective equipment's Firefighting provisions within the dry dock to be provided.	Project Proponent

DESA ENGINEERING WORKS**SHIP BUILDERS, BARGE REPAIRS, & ENGINEERS**

To.
The Member Secretary.
Goa State Pollution Control Board.
Saligao - Goa.

Date:- 04/03/2024.

S. Manoj Kumar
4/03/24.
Goa State Pollution Control Board
Opp. Saligao Seminary
Saligao Goa 403 511

Sub: Payment of Rs. 4,00,000.00 under Protest.Ref: Your letter dtd. 21.02.2024 under Ref. No. 1/25/23/PCB/Tech/25820.

Madam.

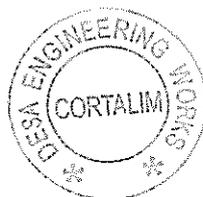
This has reference to your above referred communication and I am to most humbly draw your indulgence to the same.

As per the reference communication the undersigned unit is called on to pay an amount of Rs.4,00,000.00 towards alleged pollution.

The undersigned denies of any such pollution has been made by the undersigned and states that there is no pollutant released / emanated from the undersigned unit which can be noted from the result of your samples tested.

Calling on the undersigned to pay the referred amount is prejudicial to the undersigned. However the undersigned has paid the said amount clearly under protest amidst the pending Execution in Salu Dsouza vs. State of Goa and ors no. 1/2023 before the Hon'ble NGT (WZ).

Deposit of the referred amount in no circumstances be considered in any manner as the undersigned has accepted your claim and / or the joint committee report or any other reports.



It is once again to bring on record that the undersigned has not violated any norms and you have till date despite of requesting you to provide copy of CPCB report mentioned in the Joint committee report based on which the formulae has be imposed is not provided resulting in the undersigned disabled from responding to your notice / assailing the committee reports.

You are also aware of similar directions were issued to us by letter dtd. 08.11.2023 which are stayed by LDAT vide order dtd. 24.11.2023.

In facts and circumstances stated above please find attached and amount of Rs. 4,00,000.00 vide Demand Draft bearing no. 000062 dtd.04.03.2024 . drawn on HDFC BANK. Sancoale Branch favoring Goa State Pollution Control Board clearly under PROTEST.

Kindly arrange to provide the CPCB Report at your earliest.

Thanking You.

Yours truly,

For Desa Engineering Works


Mr Raymond Desa

(PARTNER)



Encl:- Demand Draft

38

Receipt Voucher

No. : 3829

Dated : 4-Mar-24

Particulars	Amount
Account : Fines & Penalty	4,00,000.00
₹ 4,00,000.00	

Through :

Cheque/DD Receipts

On Account of :

Being Payment received from Desa Engineering Works,
Vasco Da Gama towards Fines and Penalty under
protest amidst the pending execution in Salu Dsouza vs
State of Goa No. 1/2023 NGT 1/24/23-PCB/Tech
/25820 Contact No. 9822486404

Bank Transaction Details:

Cheque/DD 000062 4-Mar-24 4,00,000.00

Amount (in words) :

INR Four Lakh Only

Authorized Signatory

