

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

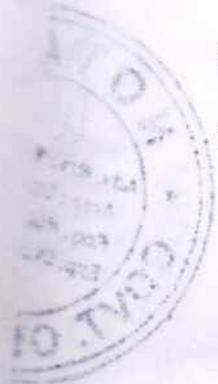
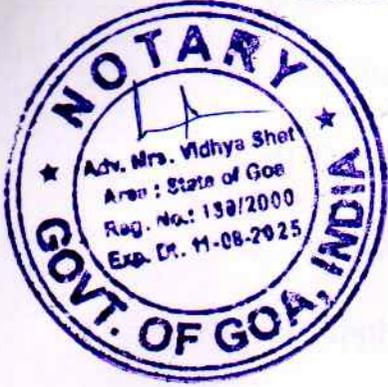
GCZMA & Ors

... Respondent

REPLY OF RESPONDENT NO. 9

MAY IT PLEASE YOUR HONOUR

1. Respondent no. 9 is a unit for barge repair comprising of two slip ways which was permitted by the Captain of ports vide its NOC dated 05/11/1981.
2. The Respondent no. 9 has procured following permissions from the competent statutory authorities, a details whereof is mentioned hereinbelow:
 - a) NOC from Captain of Ports dated 05/11/1981;
 - b) NOC for two slip way for repairing barge at Bondir at Cortalim under Survey No. 43/1 dated 18/10/2010 along with approved plan by Captain of Ports;



[Handwritten signature]

- c) NOC from the Directorate of health Service, Environment and Pollution Cell, Panaji Goa dated 16/04/1981;
- d) Consent to operate under Air and Water Act issued by Goa State Pollution Control Board dated 03/06/2015 valid till 11/11/2021;
- e) Application for renewal of consent to operate filed pending before Pollution Control Board;
- f) Registration as small scale industrial unit issued by Directorate of Industries and Mines dated 23/10/1980;
- g) Lease Deed from whom project proponent subsequently purchased the property, which shows sluice gate (photograph enclosed) indicating traditional operation before 1991;
- h) Registration certificate of establishment dated 12/02/1982;
- i) NOC issued by Village Panchayat dated 18/11/1980 to project proponent for purpose of workshop, barge repair and fabrication.

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. It is on the contrary mentioned that any activity that was carried out was carried out within the slip way and not into the creek which was as per the permission granted by Captain of Ports.



[Handwritten signature]

4. With regards to execution of Order of this Hon'ble Tribunal in OA 16/2016, it is humbly submitted that unit was in operation prior to 1991 and held necessary permissions which are referred hereinabove and in no circumstances caused any pollution, however, in the year 1981 there was a NOC issued to undersigned unit by Directorate of health Service, Environment and Pollution Cell on 16/04/1981 after which consent to operate has been obtained in the year 2015, which was valid upto 2021 and thereafter this respondent has applied for renewal of the same.
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 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 the samples collected any pollution.

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8. The polluter pay principle is not applicable to undersigned as the undersigned has not caused any willful pollution.
9. The undersigned operated the unit only after securing all the aforementioned permission, which prima facie indicate that the undersigned did not commit any illegality or irregularity or pollution willingly.
10. The case of the undersigned having operated for some period by procuring NOC from Directorate of health Service, Environment and Pollution Cell dated 16/04/1981, which if not considered to the requirement, the undersigned may be governed under Water Act with relevant amendments applicable up to date, however, polluter pay principle will not apply.
11. In view of the above, it is prayed that the undersigned unit be discharged.

18-03-2024

Vasco-da-Gama, Goa

Respondent no. 9

Presently managed by Respondent

no. 12


Samir S Shirodkar



VERIFICATION

I, Mr. Samir Shirodkar, S/o S Shirodkar, major in age, businessman, R/o H. no. 506, Sotrant, Cortalim, Goa, Respondent no. 12 herein, presently managing Respondent no. 9 do hereby verify that the contents of para 1-11 of the reply hereinabove are as per my say, true to my knowledge and nothing stated therein is false.

[Handwritten signature]

DEPONENT

EXECUTED BEFORE ME
BY Mr. Samir Shirodkar

WHICH I ATTEST

Adv. (Mrs.) VIDHYA A. SHET
NOTARY
STATE OF GOA
47, GROUND FLOOR, APNA BAZZAR,
VASCO-DA-GAMA, GOA-403802
PH.: 0832-2514130

Date: 19/03/2024
Reg. No.: 1241



AFFIDAVIT

I, Mr. Samir Shirodkar, S/o S Shirodkar, major in age, businessman, R/o H. no. 506, Sotrant, Cortalim, Goa, Respondent no. 12 herein, presently managing Respondent no. 9 do hereby on solemn oath

[Handwritten signature]

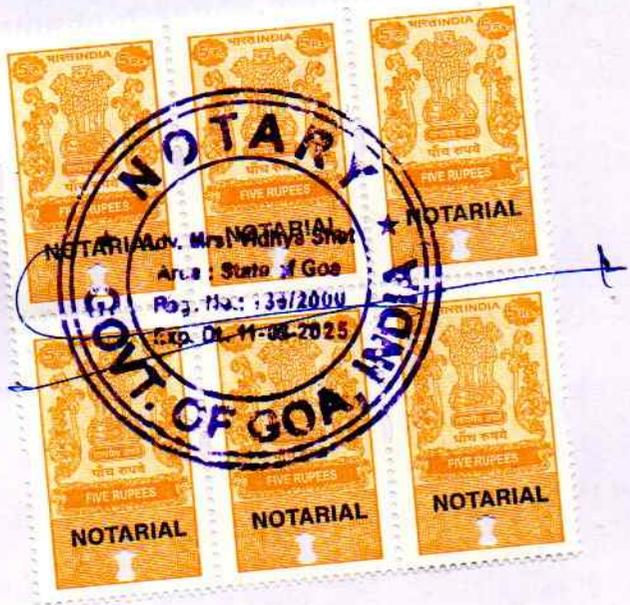
affirm and state that the contents of para 1-11 of the reply hereinabove are as per my say, true to my knowledge and nothing stated therein is false.

[Handwritten Signature]
DEPONENT

SWORN BEFORE ME

The present affidavit is duly sworn before me and I endorse the oath of affirmation of the executant of this affidavit and the oath is administered to the signatory of the affidavit by name Mr. Sanir Shiradkar on 19/03/24 Vasco-da-Gama, Goa. in the presence of identifying witnesses / proof of identity _____

_____ who are know to me.



[Handwritten Signature]
Adv. (Mrs.) VIDHYA A. SHET
NOTARY
STATE OF GOA
47, GROUND FLOOR, APNA BAZZAR,
VASCO-DA-GAMA, GOA-403802
PH.: 0832-2514130

Date: 19/03/2024
Reg. No.: 4242/2024

Adv. (Mrs.) VIDHYA A. SHET
NOTARY
STATE OF GOA
47, GROUND FLOOR, APNA BAZZAR,
VASCO-DA-GAMA, GOA - 403 802.
PH.. 0832-2514130

Public Works, Fisheries & General Works,
Bordir Cortalin - Goa

Sub: M.O.C. for my unit situated at Bordir
Cortalin, Thana-Goa/ construction of dry
docks.

Sirs,

With reference to your letter dated 8.6.81, on the above subject I have to inform you that this Department has no objection in permitting you to construct two dry docks within your own plot of land bearing survey no. 43 sub-division 1, of Cortalin Village of Mormugao Taluka as shown in the attached plan, subject to the following conditions:-

1. The proposed dry docks should be constructed well within your plot of land bearing survey no. 43 sub-division 1, as shown in the attached plan.
2. Sachida Engineering Works should ensure that no Government riverine land in the area or vicinity is encroached by them.
3. No siltation should be allowed to occur in the area and in the vicinity.
4. Rejection/scrap, etc. should not be thrown into the river or on the banks.
5. No pollution should be caused by throwing/discharging oils, greases or other pollutants into the river.
6. The construction of the dry docks should be completed within a period of one year from the issue of this No objection Certificate.
7. The Office of the Captain of Ports reserves the right to withdraw/cancel this M.O.C. if and when required by assigning or without assigning any reason.
8. Sachida Engineering should ensure that no private or Government property is disturbed in any way.
9. Sachida Engineering should obtain M.O.C. from all other Government Departments concerned.
10. Sachida Engineering should give an undertaking stating that they agree to abide with the above conditions unless this M.O.C. is revoked by them.

Yours faithfully,


(Name of the Captain of Ports)
Captain of Ports

No. 1 - 11017/Sachida/E. Works/4526

Government of Goa,
Captain of Ports Department,
Panaji Goa.
Dated: - 18.10.2010.

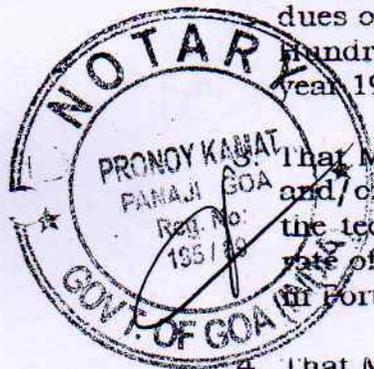
To,
M/s. Sachida Engineering Works,
Barge Repairs, Fabricators & General Works,
Bondir, Cortalim,
Goa.

**Subject: N.O.C. for two No's Slipway for repairing barge at Bondir,
Cortalim, under Survey No. 43/1.**

Sir,

With reference to this office letter No. 1 11017/Sachida/1902 dated 25/05/2010 and your letter No. Nil dated 30/06/2010, and subsequent site inspection carried out by the officials of this department, No objection of this department is granted to use Government open plot/or Riverine land admeasuring 32.0 Mtrs X 47.20 Mtrs = 1510.40 Sq. Mtrs rounded upto 1510 Sq. mtrs, is the part of two No's existing Slipway area for repairing barge at Bondir, Cortalim, under Survey No. 43/1, as shown in the approved Technical Drawing, subject to the following terms and conditions:-

1. That M/s. Sachida Engineering Works, shall pay the Port dues for the use of Government Riverine land admeasuring for existing two No's slipway i.e. 32.0 M X 47.20 M = 1510.40 Sq. Mtrs, rounded upto 1510 Sq. Mtrs X Rs. 3.0 X 12 = Rs. 54360/- (Rupees Fifty Four Thousand Three Hundred Sixty Only) as per existing rate.
2. That M/s. Sachida Engineering Works, shall pay the difference of Port dues of Rs. 2, 07813/- (Rupees Two Lakh Seven Thousand Eight Hundred Thirteen Only) as per statement of calculation (enclosed) from year 1981 to December 2010, immediately after receipt of this letter.
3. That M/s. Sachida Engineering Works, shall use Government open plot and/or Riverine land not more than 1510 Sq. Mtrs. for slipway as per the technical drawing submitted by you and pay the Ports dues at the rate of Rs. 3/- per Sq. mtrs. Per month. They shall also pay any increase in Ports dues as and when the rates are notified by the Government.
4. That M/s. Sachida Engineering Works, shall ensure that no government riverine land in excess of the total area allotted to them is encroached upon by the way of reclamation/land filling, extension of bund etc.
5. That M/s. Sachida Engineering Works shall ensure that no siltation is caused in the area or in the vicinity of the workshop/slipways.
6. That M/s. Sachida Engineering Works shall ensure that no navigational hazard is caused to the vessels navigating in the area or in the vicinity of the workshop/ slipways.
7. That M/s. Sachida Engineering Works shall ensure that no ous, waste materials, ores, mud etc. are dumped into the river or in the vicinity of

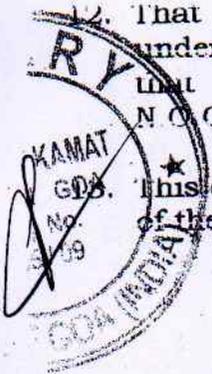


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TRUE XEROX COPY

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8. The M/s. Sachida Engineering Works, shall ensure that in the event of slipways is not required by you in the future, shall be removed completely at your own costs and restore the Government riverine land in the pristine condition till such time you are liable to pay the prescribed port dues.
9. That M/s. Sachida Engineering Works, shall not sublet the Government riverine land allotted to them to any other party without the written permission from the Captain of Ports.
10. That M/s. Sachida Engineering Works, shall obtain all necessary permission /NOC's from the concerned Government Departments/ Authority as and when applicable.
11. This N.O.C is valid for the period of **one** year from the date of its issue and is to be renewed for the further period for which the application need to be made at least a month in advance.

12. That M/s. Sachida Engineering Works, shall give an undertaking, within 7 (Seven) days from the receipt of this N.O.C. that they are willing to abide all the terms and condition of this N.O.C.



This department reserves the right to cancel/withdraw this N.O.C. if any of the above terms and conditions are found violated by the Company.

Yours faithfully,

(Signature)
(Capt. James Braganza)
Captain of Ports

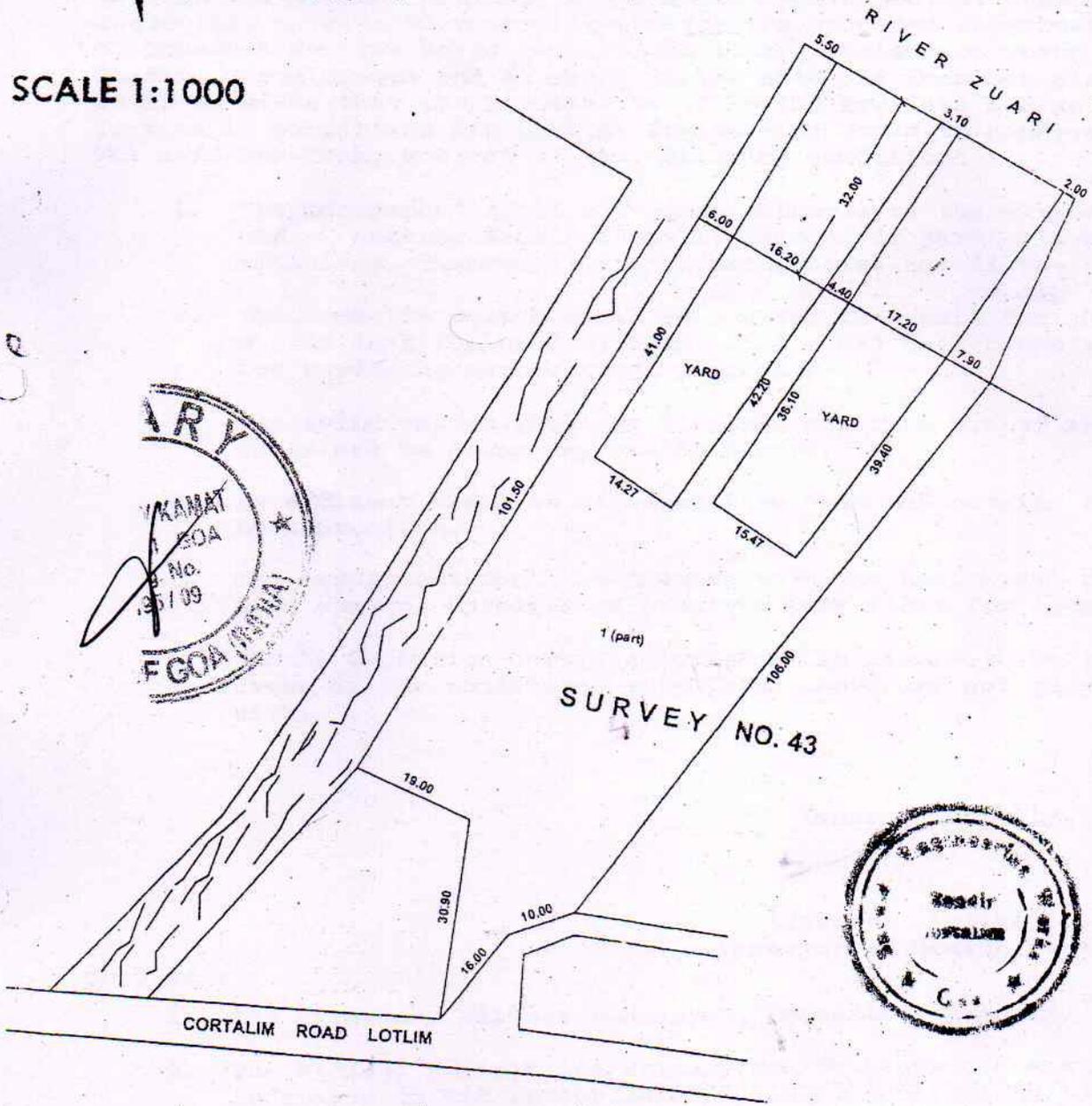
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PLAN



SHOWING PLOT BEARING SURVEY NO.43
SUB DIVISION NO. 1(part) SITUATED AT
CORTALIM VILLAGE OF MORMUGAO
TALUKA.

SCALE 1:1000



AREA STATMENT	
AREA OF PLOT INCLUDING YARD AREA 5017.00 SQ.MTS.
AREA USED FOR YARD 1265.00 SQ.MTS.
Riverine Land. 1510 SQ. MTS.

APPROVED

[Signature]
 Deputy Registrar

P.T.O

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Certificate No. DHS/Sp. call/EPC/NOC/81-82/554

Dated : 16-4-81

NO OBJECTION CERTIFICATE

To,

M/S Sachida Engineering Works,
Bondir,
Cortalim-Goa.

Sir,

With reference to your application dated 23-3-81 received through the Medical Officer, i/c Primary Health Centre, Cansaulim, requesting no objection certificate for the proposed construction of Dry-dock for the barge repairs and other fabrication works at Bondir, Cortalim-Goa and as shown in the site and location plan. It is to state that the Directorate of Health Services has no objection in permitting M/S Sachida Engineering Works to construct the said Dry-Dock, subject to the following conditions :

1. The management shall not cause nuisance to the surrounding areas, arising from bad smell, gaseous or particulate emissions, discharge of effluents, noise and filthe etc.
2. The domestic wastes shall be treated in a well designed septic tank followed by metal filter and then disposed off for gardening/agricultural purposes.
3. The solid wastes shall be disposed off in a proper manner so as not to cause any health hazard.
4. No effluent shall be released into open and outside the Dock premises.
5. The management shall co-operate with the health and pollution control authorities whenever they visit for inspection.
6. The No Objection Certificate issued is liable to be withdrawn if the conditions stipulated above are not complied with.

Yours faithfully,


(Jacinto Estibeiro)
Director of Health Services.

Copy to :

1. The Sarpanch, Village Panchayat, Cortalim-Quelossim.
2. The Medical Officer i/c Primary Health Centre, Cansaulim with reference to his letter No. PHCC/CANS/203.81.82/NOC/18 dtd. 4-4-81.
3. The Scientific Officer, Environmental and Pollution Cell, Directorate of Health Services, Panaji.
4. The Guard file.

State Pollution Control Board, Goa

Receipt No.	97595	Date :	17-11-2023
Depositor Name	Samir Shashikant Shirodkar		
Amount	45240.00		
Bank Name.	HDFC		
Bank Id.	1350		
Application No.	1954922		
Name and Address of Industry	M/s SACHIDA ENGINEERING WORKS, Survey No. 43/1 Bondir, Thana, Cortalim, Goa 403710, MORMUGAO, SOUTH GOA		
Name of Regional Office	South Goa		
Applied For	CCA - both - renew		
Payment Date	17-11-2023		
Total Amount Paid (Rs.)	45240.00		
Transaction Status	Successfully Completed		

Payment Details

Print

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2008 Certified Board)

Phone Nos : 91-832-2438567, 2438528
2438563, 2438550

Tel / Fax No. : 0832-2438528

No. 5/4903 /15-PCB/ CI - 234



Email id's :

Member Secretary, GSPCB - ms-gspcb.goa@nic.in
Environment Engineer, GSPCB - ee-gspcb.goa@nic.in
Scientist, GSPCB - scientist-gspcb.goa@nic.in
Asst. Env. Engineer, GSPCB - aee-gspcb.goa@nic.in
Asst. Law Officer, GSPCB - alo-gspcb.goa@nic.in

Date: 2/9/2015

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

[To be referred as Water Act, Air Act respectively]

CONSENT TO OPERATE is hereby granted to:

M/s. SACHIDA ENGINEERING WORKS
(Small Scale Industry)
(Orange Category)

Survey no. 43/1, Bondir Thana,
Cortalim, Mormugao - Goa

Located in the area declared under the provisions of the Water Act, Air Act, 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:

1. This Consent to operate is valid upto 11/11/2021.
2. This Consent to operate is valid for the manufacture of:

Sr. No	Description	Quantity
3.	Servicing and Repairing of Barges	01 no/month

CONDITIONS REQUIRED TO BE COMPLIED UNDER THE WATER ACT:

- (i) The daily quantity of industrial effluent from the factory shall not exceed NIL
- (ii) The daily quantity of domestic effluent from the factory shall not exceed 0.08 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.
- (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.

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:

- Landfill, in case of inert materials, care should be taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
- Controlled incineration wherever possible in case of combustible organic matter.
- As per the Authorization issued by this Board in case of Hazardous waste.

The total quantity shall be segregated and treated as follows:

Sr. no.	Type of segregated solid waste	Quantity	Disposal
1	Metal scrap	30 tons/year	Given to scrap dealer

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

- (i) 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 d3 (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.

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

5. 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 to Operate is granted without any prejudice to any of the permission(s) required under any law, by laws and regulations in force.



Member Secretary
Goa State Pollution Control Board



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- (vi) This Consent does not entitle the party to commence activities until and unless all the other Permissions as required under the relevant statutes are obtained by the party and this Consent to Operate is confined to matters arising out of the Air Act and Water Act only.
- (vii) The Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the applicant.
- (viii) 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.
- (ix) Reliable flow meter shall be installed to maintain record of water consumption/waste water generation per day. The records so maintained shall be made available to the Board officials whenever required.
- (x) The industry shall bear the cost of analysis / monitoring in case of complaints received by the Board/ reinspections due to non compliances observed by the Board & monitoring carried by the Board.

To,
I/s. SACHIDA ENGINEERING WORKS
Survey no. 43/1, Bondir Thana,
Cortalim, Mormugao - Goa

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

Received Consent fee of: The capital Investment of the unit is Rs. 9,80,000/-

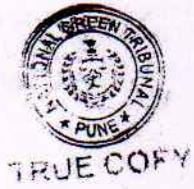
Challan no.	Amount	Date
040	Rs. 10,000/- (Air & Water Consent fees)	13/11/2014


Member Secretary
Goa State Pollution Control Board

Typed by	Checked by	Verified by
<i>Chavre</i>	<i>P. Desu</i>	<i>P. Parabhusan</i>

6	M/s. Sachda Engineering Works	Cadmium as Cd	Below Detection Limit	2.0 mg/l	All the tested parameters are within the permissible limits.
		Copper as Cu	Below Detection Limit	3.0 mg/l	
		Nickel as Ni	Below Detection Limit	3.0 mg/l	
		Chromium as Cr	Below Detection Limit	2.0 mg/l	
		Zinc as Zn	0.67 mg/l	5.0 mg/l	
		Cobalt as Co	Below Detection Limit	---	
		Lead as Pb	Below Detection Limit	0.10 mg/l	
		Iron as Fe	1.74 mg/l	3.0 mg/l	
		Manganese as Mn	0.30 mg/l	2.0 mg/l	
		7	M/s. A. V. Sagoonkar	Cadmium as Cd	
Copper as Cu	Below Detection Limit			3.0 mg/l	
Nickel as Ni	Below Detection Limit			3.0 mg/l	
Chromium as Cr	Below Detection Limit			2.0 mg/l	
Zinc as Zn	0.07 mg/l			5.0 mg/l	
Cobalt as Co	Below Detection Limit			---	
Lead as Pb	Below Detection Limit			0.10 mg/l	
Iron as Fe	1.21 mg/l	3.0 mg/l			
		Manganese as Mn	0.14 mg/l	2.0 mg/l	

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406/2



TRUE COPY



LEASE DEED

BETWEEN Shri .JOAO PEDRO FERNANDES and his
wife GRACY R. FERNANDES and
SHASHIKANT RAYA SHIRODKAR

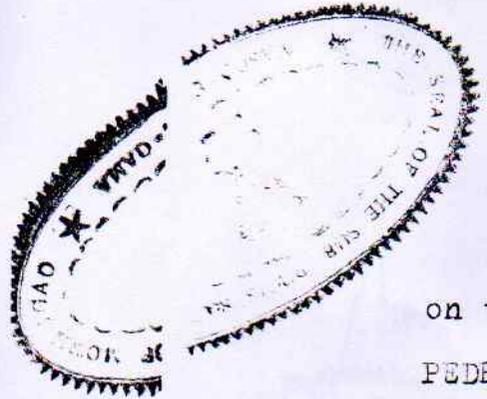


LEASE DEED

BETWEEN Shri. JOAO PEDRO FERNANDES AND HIS
WIFE GRACY B. FERNANDES, and
SHASHIKANT RAYA SHIRODKAR



1-A



LEASE DEED

THIS DEED OF LEASE is executed at Cortalim on the 9th day of April, 1980, BETWEEN (1) Shri JOAO PEDRO FERNANDES, aged 90 years, son of Domingo Antonio Fernandes and his wife Smt. GRACIANA REMEDIANA UBALDINA DE ROCHA E FERNANDES alias SMT. GRACY R. FERNANDES, aged 80 years, daughter of Antonio Caetano de Rocha, both landed proprietors, Indian Nationals and residents of Cortalim (hereinafter called the "LESSORS") of the one part AND (2) Shri SHASHIKANT RAYA SHIRODKAR, aged 38 years, married, businessman, son of Raya Shirodkar, Indian National, resident of Cortalim (hereinafter called the "LESSEE") of the other part.

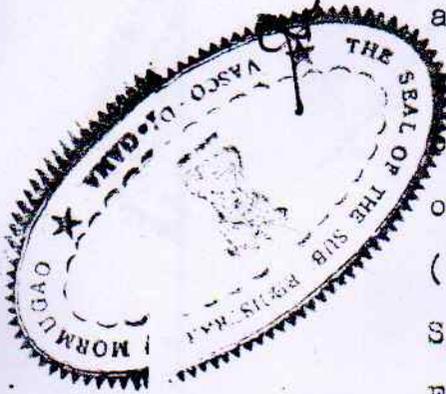
WHEREAS the Lessors are the owners and legitimate holders of an immovable property known as "SAPAL (LOTE A), situated at Bondir of the Village of Cortalim within the jurisdiction of the



:2:

Gram Panchayat of Cortalim-Quelossim-Taluka and Sub-District of Mormugao District of Goa not described in the Land Registration Office of Salcete at Margao enrolled in the Revenue Office (Mattriz) under No.716 and surveyed under no. 43/1. This plot of land has an area of 5017 square metres and is bounded on the East by the property of the Lessers presently leased out to M/s. G.N. Agrawal, on the West by the rivulet (creek) on the North by the River Zuari and on the South by the property belonging to M/s. Mahalsa Enterprises after which lies the Road. (copy of the plan attached).

Contd.....3





: 4 :

2. That the present lease is for a period of 20 (twenty) years commencing from 9-4-1980. The same will be renewed for further equal period which with certain increase in rent as agreed mutually by both the parties.

3. That the rent of the present lease is Rs. 400/- (Rupees Four hundred only) payable on or before the 10th of each succeeding month. In addition to this the Lessee should pay to the Lessors an extra amount of Rs.10,000/- (Rupees Ten thousand only) in the following manner:-

Contd.....5



:5:

- a) Rs. 2000/- (Rupees two thousand only) on the execution of this deed i.e. on 9.4.80.
- b) Rs. 1000/- (Rupees One thousand only) on 10.5.80.
- c) Rs. 1000/- (Rupees One thousand only) on 10.6.80.
- d) Rs. 1000/- (Rupees One thousand only) on 10.7.80.
- e) Rs. 5000/- (Rupees Five thousand only) on 10.8.80.

4. That this amount of Rs. 10,000/- (Rupees Ten thousand only) will be adjusted by deducting Rs. 200/- (Rupees Two hundred only) every month effect from the month of September, 1980 onwards till the amount of Rs. 10,000/- (Rupees Ten thousand only) is fully realised and paid.

DAMAN & [

245
 तीन
 रुपये

THREE



: 6:

5. That the present rent of Rs.400/- (Rupees Four hundred only) will be increased to Rs.500/- (Rupees Five hundred only) from the month of April, 1985 ^{to March 1990} onwards till the end ^{April} of the lease period. And from the month ^{April 1990} to 1995 Rs. 600/- (Rs. six hundred only) will be paid and from ^{April 1995} to 2000 will be Rs. 700/- (Rs. seven hundred per month).

6. The Lessors hereby authorise the Lessee to use the existing the creek for the income of the barges and other vessels and also to use the existing sluice gate as and when required. The Lessors also hereby authorised to pluck the coconuts existing in the aforesaid property for the use of the Lessees.

7. That all the taxes and other levies as regards the leased property shall be borne exclusively by the Lessee.

8. The Lessors hereby authorise the Lessee to erect any construction, sheds, workshops either of permanent or temporary nature in the aforesaid property.

9. That the Lessors hereby acknowledge the receipt of

GOA, DAMAN & DIU

1R



: 7:

That the future rent from this month i.e. April 1980, on wards as well as any amount payable in future as regards the present lease to the Lessors by the Lessee, should be paid directly with the son of the Lessors Mr. Bonny Fernandes at his residence at Margao by 10th of each preceding month against a valid receipt.

10. The Lessors are directly responsible in case of any obstructions are raised by any person on account of the existing sluice gate and they should clear the same and peaceful possession may be given to the Lessee.

11. That in case if the Lessors intend to sell the leased property they may sell the same to the Lessee as per the price prevailing in the present market.

12. That the Lessee may sublet the leased property to any of ~~the~~ his sister concern but is strictly prohibited to sublet to the third party without the written consent of the Lessors.



:8:

13. The Lessors are hereby authorised to lease the aforesaid property by Mormugao Planning & Dev. Authority by their N.O.C. No. MPDA/NOC/398/79-80 dtd. 31.3.80 (copy enclosed).

IN WITNESSES WHEREOF the Lessors and the Lessee have set their hands and signed the same on the day, month and year first hereinabove mentioned in the presence of two witnesses.

THE LESSORS

- 1.
- 2.

THE LESSEE:

Shankar Kant Raja Shirodkar
 WITNESSES: 1. Mrs. Maria Celine Magdalene Pereira
 2. Anand Bhagawan - 1x01k

Value Rs 405
 No. 450
 Signature of [unclear] Signature of purchaser

1. Shri Jous 1000 Jousander
 son of Domingos Antonio
 Jousander, of 30 years of age, and
 his wife,

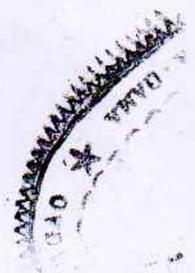
2. Smt. Graçima Remediosa ll.
 Baptista da Rocha Jousander,
 alias Smt. Grace R. Jousander,
 of 30 years of age, housewife, daughter
 of Domingos Antonio da Rocha, both residing
 at Cortalim.

3. Shri Shashikant Raja Shirodker, son of
 Raja Shirodker, of 38 years of age, married,
 businessman, residing at Cortalim.

admits execution of the so called
 lease deed the parties are known to me.

x Shashikant Raja Shirodker

At private residence at Cortalim, on 10th April, 1960



FORM III

(Under Goa, Daman and Diu Shops and Establishment Rules, 1975)
(See Rule 5)

Registration Certificate of Establishment

1. Registration Number— S/I/2214
2. Name of the Establishment— M/S SACHIDA ENGINEERING WORKS
3. Postal address of Establishment— Bondir, Thana-Cortalim-Goa.
4. Name of the employer— Smt. Sarala S. Shirodker
5. Nature of Business— General Barge Repairing

It is hereby certified that M/s Sachida Engineering Works has been registered
as Shop this day 12th February, of 1982.



[Handwritten Signature]
Signature of Inspector

(P. T. O.)

Phone No. 47



Office of Village Panchayat
CORTALIM-QUELOSSIM
MARMAGOA - TALUKA

Ref. No. /VPCQ/ 8/CERT/80-81/398.

Date 18th Nov, 1980.

TO WHOM IT MAY CONCERN:

This is to certify that the Village Panchayat Cortalim, Quelossim has no objection to undertake the Barge repairs Fabrication work by M/S. Sachida Engineering work Bondir, Cortalim provided N.G.C. from the health authority has to be obtain, as far as the sanitation point is concern.

This Certificate is issued at the request of the party concern for the purpose of registration of workshop in the Office of Directorate of mines and Industries.



Antonio P. Fernandes
(Antonio P. Fernandes)
Sarpanch,
P. Cortalim/Quelossim.

661
The Member Secretary
Goa Coastal Zone Management Authority
Goa Department of Environment & Climate Change
Dempo Tower 4th Floor,
Patto Plaza Panaji-Goa, 403002

From: Sachida Engg. Mt
Bondir Thana
Cortalim Goa
9860044114

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
Patto Panaji, Goa.

Subject: Objection to the report of the Joint Committee in compliance with order dated 11/5/2022 of the Hon'ble NGT Western Zone Pune in the matter of OA/16/2016 (Mr. Salu D'Souza and 2 ors V/s GCZMA & ors).

Respected Sir/Madam,

The undersigned is in receipt of the cited report which is completely hypothetical and based on no data merely formulated without any iota of evidence as such the same is unsustainable and entirely arbitrary.

The report of the Joint Committee is entirely silent on the merits and the permissions issued by competent authority since long and subsequent renewals thereafter which clearly go to reveal that the report has been prepared on without considering and appreciating these facts.

Following are documents required to be appreciated that have found no reference in the report:

- a. NOC from Captain of Ports dated 05/11/1981;

- b. NOC for two slip way for repairing barge at Bondir at Cortalim under Survey No. 43/1 dated 18/10/2010 along with approved plan by Captain of Ports;
- c. NOC from the Directorate of health Service, Environment and Pollution Cell, Panaji Goa dated 16/04/1981;
- d. Consent to operate under Air and Water Act issued by Goa State Pollution Control Board dated 03/06/2015 valid till 11/11/2021;
- e. Application for renewal of consent to operate filed pending before Pollution Control Board;
- f. Registration as small scale industrial unit issued by Directorate of Industries and Mines dated 23/10/1980;
- g. Lease Deed from whom project proponent subsequently purchased the property, which shows sluice gate (photograph enclosed) indicating traditional operation before 1991;
- h. Registration certificate of establishment dated 12/02/1982;
- i. NOC issued by Village Panchayat dated 18/11/1980 to project proponent for purpose of workshop, barge repair and fabrication.

Without prejudice to the right of the undersigned to assail and challenge the correctness of the impugned report the contents of the entire report are denied as the same are cryptic and not confirming with appreciation of

various facts, evidences that ought to have been considered before arriving at any finding least the cited report.

The impugned report is an example of sheer submission of data and recommendation which ought to have been exercised with due care and caution appreciating the documents.

Without prejudice to the above the undersigned craves leave to challenge/assail/dispute the findings of the cited report comprehensively on following grounds vis a vis the observations and notings which the joint committee has arrived without factual verification of the unit of undersigned:

I. Joint Committee Action

A. Inspection conducted by the Joint Committee

- a. The Joint committee conducted no inspection at the site on the contrary as a proof hardly entered the premises, captured photographs and moved away, there was no proper inspection.
- b. The inspection does not at all even involve verifying the factual position whether the units are actually operating the units or not operating. The undersigned unit is not in

commercial operation since 2012 after mining suspension in the State of Goa.

- c. The samples collected for verifying pollutants i.e. the water sample, sediment sample, none of which have indicated pollution as such there is no iota to prima facie indicate that there is any pollution by the unit of undersigned. The nature of equipment, processes involved in barge/ship fabrication/docking/undocking has not been appreciated. The extent to which the permissions are granted by the Captain of Ports who is the authority under the Inland Vessels Act and moreover the Law of Limitation has completely been bypassed.

B. Inspection dated 10th July 2023

- a. The photographs relied by the Committee in their report indicates the visit made to all the seven units on 10th July 2023, the photographs prima facie show that the visits were done during the monsoon while the relevant day was raining.

- b. The committee only visited the starting points, clicked the photographs and left to the other Units and proceeded to complete visit to seven barge repair units.
 - c. Inspection report given by the committee dated 31/10/2023 does not indicate any extension or addition by the undersigned to any structure.
- C. Inspection dated 24th July 2023.
- a. With regards to the information sought by the committee for imposing penalty and remedial action for restoration the list of documents that were called upon were submitted as per the availability available with the units.
 - b. The data which the committee called for that was not available with the units was never a part of terms and conditions which the Captain of Ports warranted.
 - c. The undersigned unit started in the year 1980. The first permission/NOC was obtained in the year

1981 as per records available with the undersigned vide certificate no. DHS/SP.CELL/EPC/NOC/81-82/554 followed by permission i.e. consent to operate on 03/06/2015. The project is not in operation since 2012 and there is no violation of any nature whatsoever, there is no notice of any such violation observed and no pollution caused by the undersigned project proponent.

- d. Neither the GCZMA nor the Pollution Control Board nor the Captain of Ports notified the Units about the relevant factors pertaining to the documents indicated by the Joint Committee.
- e. It is submitted that the DSLR re survey indicating the latest status was also superimposed by the Captain of Ports authorized area which clearly revealed that there was no extension or encroachment beyond the permitted area. The report has not conducted verification of the sluice gates.

D. Meeting on 31st August 2023

- a. It is disputed that any samples collected from the Cortalim Creek indicated its results of polluting nature on the contrary the report of the sample taken by the CRZ during the proceedings OA/16/2016 along with the Joint Committee sample report clearly shows that the parameters are not polluting in nature.

E. Meeting dated 06th October 2023 (page no. 7 of report).

- a. In connection with the legal framework the project proponent never shied away from complying to any compliances called upon from time to time by Captain of Ports and the project proponents are law abiding units and would always abide by the law and compliances called upon by the competent authority, however, that would not mean that the project proponents have deliberately caused any illegalities on the contrary none of the Government authorities under whose permission and license the

project proponents have been operating ever notified to take permissions from any other authorities.

F. With reference to the DSLR, Government of Goa survey which clearly indicates that there have been no further encroachment but the encroachment mentioned in the riverine area is within the permissible area permitted by the Captain of Ports while granting the permission which is clearly shown by the area Captain of Ports have allotted to the project proponents drawn on the DSLR plan to indicate that no activity carried out was beyond the scope of permission granted by Captain of Ports.

G. Surface water and sediment collection at Cortalim creek by GSPCB and CPCB in its conclusion suggests their values concluding that the overall basic water parameters showed more or less similar water quality with minor variations. In Particular, the low turbidity, substantial D.O. contents and depleted B.O.D values indicate good condition of sea water along the creek.

undersigned or make the polluter pay principle applicable to the undersigned.

C. Without prejudice and without admitting the contents of the joint committee report, Operating without permission without intention to deliberately so to operate may amount to unauthorized operation and there is no emission of any pollutant as indicated from the report itself as such claiming total number of days of violation being 12640 is arbitrary, absurd, unsustainable.

D. As per CPCB committee methodology of assessing environment compensation, it is submitted that "N" from the formula $EC=PI \times N \times R \times S \times LF$ is number of days for which violation took place is the period between the day of violation observed and due day of direction of compliance and day of compliance verified by CPCB, SPCB and PCC. Without prejudice this means in the present case "N" will have to be calculated as number of days from when violation was observed which is not so in the case of undersigned as such the entire calculation is misconceived.

- E. At the maximum the undersigned will have to be dealt with as per amended Water Act and not on the basis of polluter pay principle.
- F. The project proponent herein is not in operation since 2012 till date and would certainly procure the necessary permission from competent authority before commencing the unit.
- G. The mode of compensation is entirely absurd, unacceptable and cannot be considered applicable to project proponents.
- H. In the present circumstances the sample collected of water / sediment / fish production data none of the results have concluded in indicating that there is any pollutant discharged or that there is pollution caused on the contrary the conclusion of water samples reveal good condition of sea water along the creek.
- I. General framework for imposing Environmental Damage Compensation as per CPCB where the result of analysis of soil/GW/SW/Air/Etc does not indicate pollution, no further action is required.

A. In the circumstances at hand in respect of the undersigned unit it is categorically clear in the joint report itself stipulates that:

a) The sample of water drawn is not polluted but within normal limits.

b) No air sample collected by the committee. As such no opinion indicated by the joint committee.

c) The Fish Production Data Report by the fisheries department who issued report also clarified that there is nothing concluded that the undersigned unit is responsible for the reduction in fish catch.

d) All in all the sediment samples not analysed for heavy metals.

e) The findings in the joint committee report does not anywhere indicate any pollutant and yet has arbitrarily calculated arbitrary highly escalated enormous compensation figure on no valid grounds at all.

- I. The Formula that is sought to be pressed in the report rendering arrival of a hypothetically cryptic value is entirely erroneous and arbitrary:

In order to Apply the formula i.e.

$$EC = PI \times N \times R \times S \times LF$$

N connotes the number of days the violation took place which is the period between the day violation observed / due date of direction compliance and the day the compliance is verified by CPCB /SPCB/PCC.

- a) The CPCB / GSPCB nor any authority ever issued any notice or indication on the date of such observance.
- b) There is no direction compliance notice issued.
- c) Clear interpretation of the number of days would indicate that the day on which the violation took is the day from which is observed by the authority.
- d) In the present case there is at the out set no iota of pollution seen from the report on the collected samples.
- e) So also the observation of units not having permission from a set of department cannot be assumed to convey that the compensation of such nature without any pollution

can be imposed when the operations carried out under the permission of the authority in State under the Inland Vessel Act.

f) A fact cannot be lost site of that no particular notice was available to procure permission from a particular authority and there was no reason to flout such condition had it been incorporated in permissions issued by the Captain of Ports when the project proponents was taking necessary permissions from statutory authorities. On the contrary the authorities failed to indicate the permission that was required, (GCZMA) (Pollution) which was subsequently obtained, yet way before the OA 16/2016 was filed.

g) It is further submitted that the application of formula is ill founded and the same is disputed as of being imposed for the sake of compliance.

h) Without prejudice to the above it is submitted that the Joint Committee Report is erroneous and cannot invoke polluter pay principle and retrospective defeating laws of limitation as the violation alleged is not pollution but

period of years where it was operated without obtaining consent to operate, which has to be governed under the Water Act as amended from time to time.

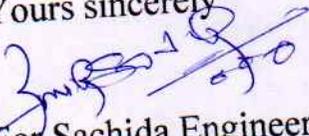
In view of the above the undersigned ought to be discharged from the alleged compensation as there is no element of pollution made out in the report and more particularly in accordance with the CPCB Report which clarifies that the formula where number of days are being calculated ought to be in a manner specific for which the same is formulated.

The undersigned is thus not governed under the formula the joint committee has sought to arbitrarily impress as there is no pollution as revealed from the sample analysis data.

Thus it is urged to discharge the undersigned from the alleged claim of environment compensation indicating of a highly uncomprehensive figure.

Thanking You

Yours sincerely


For Sachida Engineering