

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.16/2016(WZ)

MR. SALU D'SOUZA & ANR.

APPLICANTS

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY (GCZMA) THROUGHITS MEMBER

SECRETARY & ORS.

RESPONDENTS

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**STATUS REPORT DATED 10.11.2021 ON BEHALF OF GCZMA IN
COMPLIANCE OF ORDER DATED 28.09.2021 PASSED BY THIS
HON'BLE TRIBUNAL**

BACKGROUND OF THE CASE:

1. That captioned OA bearing no. 16/ 2016 (WZ) has been filed by Applicants before this Hon'ble Tribunal inter alia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.
2. Upon hearing the said matter this Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly, a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA along with affidavit dated 31.03.2016.
3. Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was

prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

4. That a show cause notice dated 21.09.2018 was issued to M/s DesaEngg. Works (Respondent No. 10) in reference to one complaint dated 11.07.2018 made by Mr. Probre Jesus Vaz regarding barge repair activity in the river Zuari. The said complainant has also filed PIL bearing No. 6/2013 before Hon'ble High Court of Bombay at Goa being aggrieved by the barge repair activity undertaken in the Zuari river which was taking place after permission dated 27/01/2010 and 1/02/2010 granted by GCZMA to M/s Desa Engineering works. Hon'ble High Court of Bombay at Goa vide judgment dated 31/07/2017 had disposed off the petitions (bearing no.6 & 10/2013 filed by Mr. Antonio Fernandes &Ors and Voice of Villagers) by quashing the permissions granted by GCZMA with a view that the competent Authority to grant permission in this case is MoEF, Government of India. Further, M/s Desa Engineering was granted status quo for a period of 6 months to get the required permission from MoEF. After the expiry of this period of 6 months, M/s Desa Engineering has been seeking extension of the period of status quo from Hon'ble High Court of Bombay at Goa from time to time with last such extension granted expiring on 5th July 2018 wherein the court also directed M/s Desa Engineering to approach Hon'ble NGT for any further orders.
5. Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices dated 18/09/2020 (6no's) were issued to M/s A V Salgoancar, Dock and Shipyard, Ship Building & repairing, Maddant Cortalim. (Respondent No. 7), M/s Saparia Dock Steel Pvt Ltd, Ship building and repairing Maddant, Cortalim. (Respondent No. 8), M/s Sardesai Egg Works Dockyard ad ship building and repairing, Maddant, Cortalim. (Respondent No. 9), M/s Vipul Engg Works Dock, Slipway, ship building and repairing Maddant, Cortalim. (Respondent No. 11), M/s Sanchita Engg Ship building and Repairing C/o Shirodkar Engg Chovoth, Cortalim (Respondent No. 12) and M/s Ferromar Shipping Pvt Ltd Ship building and Repairing, C/o Agarwal Shipyard Chovoth, Cortalim. (Respondent No. 13). The office of GCZMA was in receipt of replies from the Respondents on the show cause notices issued by Authority.



PROCEEDINGS BEFORE GCZMA:**A. Show Cause Notice dated 21.09.2018 issued to Respondent No. 10:**

6. The GCZMA in its 194th meeting held on 15.03.2019 observed and held as under:

The authority heard the concerned parties in the matter. The authority noted that it had issued a show cause notice only to verify the question of whether the period of stay has been extended further by Hon'ble NGT to M/s Desa Engineering. The authority noted that the respondent has sought several extensions from the Hon'ble High Court of Bombay at Goa and also sought reliefs/clarifications from the Hon'ble National Green Tribunal and Supreme Court of India on various occasions. The authority noted that it had granted permission/N.O.C to the respondent for dry dock and repair work in the year. The permission/N.O.C granted by the GCZMA were set aside by the Hon'ble High Court of Bombay at Goa vide judgment order dated 31/07/2017 with a direction to the Respondent to approach the Competent Authority to take approval for construction of dry dock. The applicant had already completed construction of dry dock based on the earlier N.O.C/Permission from GCZMA when the order dated 31/7/2017 was passed by Hon'ble High Court. The authority noted that pursuant to orders of the Hon'ble high Court, the respondent has applied to State Environment Impact Assessment Authority (SEIAA) which is the competent authority to grant necessary permission for the said dry dock. The State Environment Impact Assessment Authority (SEIAA) has presently kept the application of the respondent in abeyance due to bar imposed by Hon'ble NGT for development Page 19 of 25 activity vide its order dated 22/11/2017 passed in the Mehdad & anr V/s Ministry of Environment, Forests & Climate Change & ors. The authority noted that the NGT order dated 19/09/2018 in M.A no.1343/2018 in Mehdad v/s Moef & CC ors has allowed the respondent to undertake barge repair work with a clarification that if the repair activity is found to be minor in nature not amounting to 'development activity', as it is not barred by its order dated 22/11/2017. The authority further took note of letter dated 20/12/2018, forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development. It is the case of the respondent that the activities at site are of minor nature and hence not covered under term 'Development'. It is the case of the Complainant/petitioner the said dry dock is now operating without any permission/NOC from competent authority. The authority observed that the orders of the Hon'ble High Court of Bombay at Goa in the year 2017 and the recent order of the Hon'ble NGT dated 19/09/2018 have not clarified the position about the existing dry dock. The present case has unique facts as the applicant who has already constructed the dry dock has been directed to obtain a permission/NOC from competent authority by the Hon'ble

High Court of Bombay at Goa and the Goa State Environment Impact Assessment Authority (GSEIAA) is unable to consider the application on its merits. The authority after considering peculiar facts and circumstance noted that Goa State Environment Impact Assessment Authority (GSEIAA) is seized of the matter and is yet to take final decision in the matter. Considering the above the Authority resolved to discharge the Show Cause Notice issued to respondent.

The matter before Goa State Environment Impact Assessment Authority (GSEIAA) is pending as the CZMP for State of Goa has not been finalized.

A copy of the relevant pages of the GCZMA 194th meeting held on 15.03.2019 is annexed herewith as ANNEXURE A.

B. Show Cause Notices dated 18.09.2020 issued to Respondent No. 7, 8, 9, 11,12, & 13:

7. During 231st GCZMA meeting held on 15/10/2020, the Counsel of the Respondents sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.
8. The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Wherein Counsel of the Respondents 8, 9, 11, 12, and 13 were present. The Notice addressed to A. V. Salgaonkar (Respondent no. 7) was returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondents submitted as under:
 - a) that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991.
 - b) Further the allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture.
 - c) the plan does not indicate the extent of area of encroachment done by the Respondent.

The Complainant were asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

9. On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim were present. The Ld. Adv for the Respondents was also present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However, the said meeting was postponed to 25/01/2021.
10. During 244th meeting held on 25/01/2021. The Complainants were present in person. Ld. Adv A Bho was present for Salgaonkar Shipyard. Ld and Adv Girish Sardesai was present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter was posted on 04/02/2021 at 3.30pm.
11. During 246th GCZMA meeting held on 04/02/2021 Ld. Adv Ashwin Bho was present for Salgaonkar Shipyard and Adv appeared for other Respondents. The complainant remained present. A letter was received from the Directorate of Settlement and Land Records stating that no cadastral survey records are available with the Office. The Report from the Captain of Ports received was placed on record. Advocate Bho pointed out the reply and permissions for Salgaonkar shipyard. Further stated that it is the oldest jetty operating from 1968. The authority after hearing both the parties decided to call the official from the Captain of Ports Department to explain the map and posted the matter on 11/02/2021 at 3.30 pm.
12. During the 248th meeting held on 11/02/2021 official from the captain of ports remained present for hearing. Ld Adv Ashwin Bho remained present for respondent Salgaonkar Shipyard and Adv Lad appeared for respondent No. 8,9,11,12 and 13. Authority after hearing the parties the matter was posted on 18/02/2021.
13. During the 249th GCZMA meeting held on 18/02/2021, the officials from Captain of Ports were absent. Authority noted that officials from Captain of Ports didn't appear before Authority and the authority after hearing the parties the matter was posted for 25/02/2021. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

14. During the 251st meeting held on 25/02/2021, the officials from Captain of Ports was present. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the Captain of Ports with the maps from DSLR. The matter was further posted for 02/03/2021.
15. During the 252nd GCZMA meeting held on 02/03/2021. The Complainants were present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports. Surveyor from DSLR was also present. The Authority after hearing the parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. Further the Captain of Ports was directed to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter was posted on 11/03/2021 at 3.30pm.
16. On 11/03/2021 the Authority postponed the said matter to 25/03/2021. However, Items as per Agenda from Case No.1.1 to 1.23 (subject case) could not be taken up for discussion on 25/03/2021 as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stood adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices were issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.
17. During 263rd meeting held on 01/07/2021 Adv Balkrishna Sardesai who was appearing for Respondent No. 8, 9, 11, 12 and 13 communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent No. 8, 9, 11, 12 and 13 requesting for adjournment decided to grant the time in the matter and the matter was accordingly posted on 06/07/2021.
18. During 264th GCZMA meeting held on 06/07/2021, Adv A Bhowas present for Salgaonkar Shipyard and Ld Adv Balkrishna Sardesai was present for four Shipyards being Respondent Nos. 8, 9, 11, 12 and 13 Representatives of Captain of Ports was present. However, the Complainant Mr. Salu D'Sauza was absent. The Authority noted that since the Complainant was absent and in the interest of natural justice matter was posted for hearing on 29/07/2021 at 3.30

p.m. However, the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

19. During 268th meeting held on 19/08/2021, the Authority decided to furnish a copy of the plan and further posted the matter for arguments on 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the meeting scheduled for 26/08/2021 was postponed to 02/09/2021 at 3.30 pm.
20. During 270th meeting held on 02/09/2021, the Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by Captain of Ports.
21. The matter was placed in the 272nd MEETING held on 23/09/2021 for final hearing wherein the Authority decided as follows:

The Authority pursuant to mapping plan submitted by the office of DSLR, a show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.

M/s A V Salgaoncar Ltd:- With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that the jetty was existing prior to 1991, produced permission from Captain of Port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain of Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-à-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of Ports vide letter dated 06/07/2021 showing extent of area covered under N.O.C. of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the Complainant in the matter. The Authority noted that M/s A V Salgaoncar Ltd has submitted relevant documents interalia

depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against M/s A V Salgaoncar Ltd.

M/s Saparia Dock Steel Pvt Ltd: With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, as such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Saparia Dock Steel Pvt ltd.

M/s SardesaiEngg Works: With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardessai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardessai Engineering Works is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm.

A copy of the relevant pages of the GCZMA 272nd MEETING held on 23/09/2021 is annexed herewith as **ANNEXURE B**.

22. In the 274th GCZMA meeting held on 07/10/2021. The Complainant Mr. Salu Dsouza was present in person. Adv. Balakrishna appeared for respondents filed following documents and argued the matter. In the said meeting it was decided as follows "The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey."
23. The matter was fixed for personal hearing in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021 wherein it was decided as follows:- "The Authority discussed and deliberated on the matter pertaining to M/s Ferromar Shipping Pvt Ltd and Vipul Engineering Works Dock. The Authority perused the documents filed by the respondent and submission made by the Complainant. The Authority noted that the Captain of Port has earlier already submitted a plan showing extent of area covered under N.O.C of Captain of Ports.
- With regard to matter of **Ferromar Shipping Pvt Ltd**, the Authority noted that the said Respondent has been granted area of 336 sqmtrs and additional water frontage area of 1050 sqmtrs by Captain of Ports in the year 2004. The Authority observed that the Respondent has produced Certificate's dated 22/07/1972 and 27/01/2020 issued by Captain of Ports, Certificate of Registration of Small scale industries issued by Directorate of Industries and Mines dated 03/10/1968, N.O.C dated 05/08/1999 issued by Village Panchayat Cortalim, Form I & XIV of Survey

no.43/1, 3, 4, 5 Cortalim village, Mormugao, Renewed N.O.C from the Captain of Ports dated 26/02/2016 & 27/01/2020, House Tax and Trade Tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020, Consent to Operate under Air and Water Act issued by Goa State Pollution Control Board dated 21/10/2015 and 22/09/2020. In view of permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Ferromar Shipping Pvt Ltd.

With regard to matter **Vipul Engineering works**, the Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalim/Quellossim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works.

The Authority further decided to hear the matter of M/s Sachida Engineering Works and posted the matter on 28/10/2021 at 2.30pm for final arguments by keeping in mind the directives of the Hon'ble NGT.

A copy of the relevant pages of the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021 is annexed herewith as **ANNEXURE C**.

24. The matter was fixed in the 277th GCZMA meeting held on 02/11/2021 wherein it was decided as follows:- "The Authority noted that it had earlier discharged the **M/s Ferromar Shipping Pvt Ltd** for the areas allotted and verified by Captain of Ports as depicted in their plan. The Authority observed that there is area having 2177 sq mts with water logged portion and slip way. The Authority noted the M/s Ferromar Shipping Pvt Ltd claims that said area belongs to them and utilised for foreshore activities. The Respondent M/s Ferromar Shipping Pvt Ltd has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 2177 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Ferromar Shipping Pvt Ltd to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 10 Lakhs to be recovered from the Respondent M/s Ferromar Shipping Pvt Ltd as compensation for Environmental damage to the area.

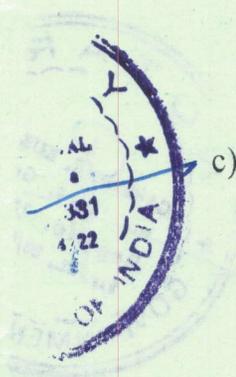
25. With Regard to M/s Sachita Engineering, the Authority noted that Captain of Ports has identified area of 1510 sq mts as permitted area. The remaining area of 572 sq mts abutting each slipways hence without any permission from any Authority. The Respondent M/s Ferromar Shipping Pvt Ltd has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 572 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Sachida Engineering to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 5 Lakhs to be recovered from the Respondent M/s Sachita Engineering as compensation for Environmental damage to the area.”

A copy of the relevant pages of the 277th GCZMA meeting held on 02/11/2021 is annexed herewith as **ANNEXURE D**.

FINDINGS/FINAL ORDERS:

26. That based on the aforesaid, the GCZMA passed the following orders with respect to allegations made in the captioned matter against the Respondent Docks being Respondent Nos. 7-13:

- a) M/s A.V Salgaonkar (Respondent No. 7): Proceedings Discharged interms of decision taken in the 272nd GCZMA Meeting vide Order dated 22/10/2021 which is annexed herewith as **ANNEXURE E**.
- b) M/s Saparia Dock Steel Pvt. Ltd. (Respondent No. 8): Proceedings Discharged interms of decision taken in the 272nd GCZMA Meeting vide Order dated 22/10/2021 which is annexed herewith as **ANNEXURE F**.
- c) M/s Sardesai Engg. Works (Respondent No. 9): Proceedings Discharged interms of decision taken in the 272nd GCZMA Meeting vide Order dated 22/10/2021 which is annexed herewith as **ANNEXURE G**.
- d) M/s Desa Engg. Works (Respondent No. 10): Proceedings Discharged interms of decision taken in the 194th GCZMA Meeting vide Order dated 27/05/2019 which is annexed herewith as **ANNEXURE H**.



(Handwritten signature)

The matter before Goa State Environment Impact Assessment Authority (GSEIAA) is pending as the CZMP for State of Goa has not been finalized.

- e) M/s Vipul Engg. Works (Respondent No. 11): Proceedings Discharged interms of decision taken in the 276th GCZMA Meeting vide Order dated 25/10/2021 which is annexed herewith as **ANNEXURE I**.
- f) M/s Sachita Engg. Works (Respondent No. 12): The Authority noted that Captain of Ports has identified area of 1510 sq mts as permitted area. The remaining area of 572 sq mts abutting each slipways are without any permission from any Authority, thus, the Authority in reference to GCZMA 277th meeting vide order dated 09/11/2021 directed Respondent No. 12 to restore the said area to its original state at their own cost. The Authority further imposed cost of Rs. 5 Lakhs to be recovered from the Respondent No. 12 as compensation for Environmental damage to the said area. A copy of Order dated 09/11/2021 is annexed herewith as **ANNEXURE J**.
- g) M/s Ferromar Shipping Pvt. Ltd. (Respondent No. 13): The Authority noted that it had discharged the M/s Ferromar Shipping Pvt Ltd for the areas allotted and verified by Captain of Ports as depicted in their plan being 336 sqmtrs and additional water frontage area of 1050 sqmtrs. The Authority observed that there is additional area of 2177 sq mts with water logged portion and slip way which Respondent No. 13 has failed to produce on record a document depicting as which authority has given permission for the same. Thus, in reference to GCZMA 277th meeting, the Authority vide order dated 09/11/2021 directed Respondent No. 13 to restore the said area to its original state at their own cost. The Authority further imposed cost of Rs. 10 Lakhs to be recovered from the Respondent No. 13 as compensation for Environmental damage to the area. A copy of Order dated 09/11/2021 is annexed herewith as **ANNEXURE K**.

A copy of the Chart depicting proceedings and final decision taken against each Respondent Port by the Authority is annexed herewith as ANNEXURE L.

Dated:10/11/2021
Place: Panaji-Goa

(Signature)
(Dasharath M. Redkar)
Member Secretary (GCZMA)
Respondent No. 1

Solemnly affirmed before me by
Mr. Dasharath M. Redkar
Reg. No: *03/2104* Date: *10.11.2021*
known / Identified to me by.

Ganesh Kubal
GANESH KUBAL
Notary (Govt. of India)
Panaji-Goa. India



Annexure -A

EXTRACT OF 194th GCZMA MEETING HELD ON 15/03/2019

Case No. 1.11

To decide on order dated 22/02/2019 passed by Hon'ble High Court of Bombay at
Goa bearing Writ Petition no.215/2019 filed by Voice of Villagers against M/s Desa

Engineering Works (a dry dock) situated in Syno.30/8 of village Cortalim, Mormugao Taluka.

A complaint letter from Mr. Pobre Jesus Vaz dated 11/07/2018 regarding barge repair activity in the river Zuari. Also the said complainant has also filed PIL bearing No. 6/2013 before Hon'ble High Court of Bombay at Goa being aggrieved by the barge repair activity undertaken in the Zuari river which was taking place after permission dated 27/01/2010 and 1/02/2010 granted by GCZMA to M/s Desa Engineering works.

Hon'ble High Court of Bombay at Goa vide judgment dated 31/07/2017 had disposed off the petitions (bearing no.6 & 10/2013 filed by Mr. Antonio Fernandes &Ors and Voice of Villagers) by quashing the permissions granted by GCZMA with a view that the competent Authority to grant permission in this case is MoEF, Government of India. Further, M/s Desa Engineering was granted status quo for a period of 6 months to get the required permission from MoEF. After the expiry of this period of 6 months, M/s Desa Engineering has been seeking extension of the period of status quo from Hon'ble High Court of Bombay at Goa from time to time with last such extension granted expiring on 5th July 2018 wherein the court also directed M/s Desa Engineering to approach Hon'ble NGT for any further orders.

The said complaint letter from Mr. Pobre Jesus Vaz dated 11/07/2018 was placed for discussion and deliberation in the 182nd held on 28/08/2018. In the said meeting held on 182nd GCZMA meeting held on 28/08/2018, it was decided as follows *"Authority resolved to verify the question of whether the period of stay has been extended further by Hon'ble NGT, by issuing a show cause notice to M/s Desa Engineering."*

Accordingly a show cause notice bearing no. GCZMA /S/ ILLE – COMPL / 18 -19/45 /1088 dated 21/09/2018 was issued by GCZMA to M/s Desa Engineering Works. The said notice was duly replied vide replies dated 8/10/2018 and 09/10/2018 and further also submitted a letter dated 20/12/2018 forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development.

A Writ Petition no.215/2019 was filed by Voice of Villagers before the Hon'ble High Court of Bombay at Goa seeking relief/direction to GCZMA to take its show cause notice dated 21/09/2018 to its logical conclusion and issue necessary orders for removal of the dry-dock situated in Syno.30/8 of village Cortalim, Mormugao Taluka.

The Hon'ble High Court of Bombay at Goa has vide order dated 22/02/2019 directed the GCZMA as follows *"the Authority will hear the concerned parties and pass a reasoned order within a period of 8 weeks from the date of receipt of the copy of this order"*.

Proceedings: The Complainant present along with advocate B Sardesai. The respondent remained present along with advocate to defend his matter.

The complainant pointed out proceedings before Hon'ble High Court and judgement order 31/07/2017. The complainant stated that the respondent was directed to apply take relevant permission from competent authority. The Goa-SEIAA has not granted permission for the said dry dock. The Hon'ble NGT, New Delhi has allowed only repair to said activity. The respondent submitted that the dry dock is operating without permission and hence illegal.

The respondent stated that MOEF has informed them to approach SEIAA for permission. The SEIAA has not rejected the application but has kept the same in abeyance as per NGT Order dated 22/11/2017 passed in (case no. Original Application No. 424 of 2016 (Earlier O.A. No. 169 of 2015) And Original Application No. 11 of 2014) the matter filed by Mehdad & anr V/s Ministry of Environment, Forests & Climate Change &ors. The Hon'ble Supreme Court directed NGT to hear the applicant. The respondent submitted that No development is being done at site. The respondent pointed out relevant portion of Hon'ble NGT order passed in their matter.

Decision: The authority heard the concerned parties in the matter. The authority noted that it had issued a show cause notice only to verify the question of whether the period of stay has been extended further by Hon'ble NGT to M/s Desa Engineering. The authority noted that the respondent has sought several extensions from the Hon'ble High Court of Bombay at Goa and also sought reliefs/clarifications from the Hon'ble National Green Tribunal and Supreme Court of India on various occasions.

The authority noted that it had granted permission/N.O.C to the respondent for dry dock and repair work in the year. The permission/N.O.C granted by the GCZMA were set aside by the Hon'ble High Court of Bombay at Goa vide judgment order dated 31/07/2017 with a direction to the Respondent to approach the Competent Authority to take approval for construction of dry dock. The applicant had already completed construction of dry dock based on the earlier N.O.C/Permission from GCZMA when the order dated 31/7/2017 was passed by Hon'ble High Court.

The authority noted that pursuant to orders of the Hon'ble high Court, the respondent has applied to State Environment Impact Assessment Authority (SEIAA) which is the competent authority to grant necessary permission for the said dry dock. The State Environment Impact Assessment Authority (SEIAA) has presently kept the application of the respondent in abeyance dueto bar imposed by Hon'ble NGT for development

activity vide its order dated 22/11/2017 passed in the Mehdad & anr V/s Ministry of Environment, Forests & Climate Change &ors.

The authority noted that the NGT order dated 19/09/2018 in M.A no.1343/2018 in Mehdad v/s Moef & CC ors has allowed the respondent to undertake barge repair work with a clarification that if the repair activity is found to be minor in nature not amounting to 'development activity', as it is not barred by its order dated 22/11/2017. The authority further took note of letter dated 20/12/2018, forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development. It is the case of the respondent that the activities at site are of minor nature and hence not covered under term 'Development'. It is the case of the Complainant/petitioner the said dry dock is now operating without any permission/NOC from competent authority.

The authority observed that the orders of the Hon'ble High Court of Bombay at Goa in the year 2017 and the recent order of the Hon'ble NGT dated 19/09/2018 have not clarified the position about the existing dry dock. The present case has unique facts as the applicant who has already constructed the dry dock has been directed to obtain a permission/NOC from competent authority by the Hon'ble High Court of Bombay at Goa and the Goa State Environment Impact Assessment Authority (GSEIAA) is unable to consider the application on its merits.

The authority after considering peculiar facts and circumstance noted that Goa State Environment Impact Assessment Authority (GSEIAA) is seized of the matter and is yet to take final decision in the matter.

Considering the above the Authority resolved to discharge the Show Cause Notice issued to respondent.

EXTRACT OF MINUTES OF 272nd GCZMA MEETING HELD ON 23/09/2021
Case No.1.1

To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. (High Court matter)

Background: An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the said meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardesai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021 Ld. Adv Ashwin Bhobe present for Salgaonkar Shipyard. Adv appeared for other Respondents. The complainant remained present. The letter received from the Directorate of Settlement and Land Records stating that no cadastral survey records are available with the Office. The Report from the Captain of Ports received was placed on record. Advocate Bhobe pointed out the reply and permissions for Salgaonkar shipyard. Further stated that it is the oldest jetty operating from 1968. The authority after hearing both the parties decided to call the official from

the Captain of Ports Department to explain the map and posted the matter on 11/02/2021 at 3.30 pm.

During 248th meeting held on 11/02/2021 official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021.

During 249th GCZMA meeting held on 18/02/2021. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 25/02/2021. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

During 251st meeting held on 25/02/2021 the officials from COP present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021. The Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm.

On 11/03/2021. The Authority postponed the said matter to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion on 25/03/2021 as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters

were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Adv A Bhoje present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent.

The Authority noted that since the Complainant was absent and in the interest of natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m.

However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

During 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

During 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

Proceedings:- Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhoje present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers varies with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced

on record. Further he submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.

Decision: The Authority pursuant to mapping plan submitted by the office of DSLR, a show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.

M/s A V Salgaoncar Ltd:- With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that the jetty was existing prior to 1991, produced permission from Captain of Port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain of Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-à-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of Ports vide letter dated 06/07/2021 showing extent of area covered under N.O.C. of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the Complainant in the matter. The Authority noted that M/s A V Salgaoncar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against M/s A V Salgaoncar Ltd.

M/s Saparia Dock Steel Pvt Ltd: With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office

of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, as such the unit Sardesai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcase notice issued against Saparia Dock Steel Pvt ltd.

M/s Sardesai Engg Works: With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardesai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration

therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardessai Engineering Works is not in contravention of permissions granted. As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm.

EXTRACT OF MINUTES OF THE 276th GCZMA MEETING HELD ON 21/10/2021

Case No. 1.9

To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies and action as per report of Captain of Ports Department.

Background: An Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party Respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

In the inquiry pursuant to the issuance of show cause notice to the Respondents therein, the office was in receipt of reports from office of Captain of ports indicating area mentioning the permitted and non-permitted area of various occupants in Cortalim Creek. (Report dated 06/07/2021 along with plan and letter dated 02/09/2021 submitted by Captain of ports is enclosed herewith). In the table annexed to letter dated 02/09/2021 has indicated that certain areas are without any permission from Captain of Ports. The list is as under:

Srno.	Name of person	Area allotted as per NOC for water frontage/riverine land in sqmtrs	Remarks	Area not Permitted
1.	Inas Caitan D'souza Syno.30/12 Cortalim village	No NOC issued by Captain of ports	-----	200 sqmtrs appx
2.	Anthony Engg work, Next to Desa Engg. Works Syno.30 sub Division 6 & 6A part Cortalim Village	649 Sqmtrs Permitted Riverine land	I-11017/Antony Eng.works/1284 dtd 06/05/1993 Plan not available	437 sqmtrs marked in the red not permitted by Captain of Ports
3.	Arcanjala Desouza Syno.30 Sub Division 5 Cortalim Village	No Noc issued by Captain of ports	-----	Appx 800 sqmtrs marked in Red ink not permitted by Captain of Ports
4.	Aspurgeate Desa Syno.30 Sub Division 4A Cortalim	No Noc issued by Captain of ports	-----	Appx 280sqmtrs marked in Red ink not permitted by

	Village			Captain of Ports
5.	Lusi Alvaries Syno.30 Sub Division 3 Cortalim Village	No Noc issued by Captain of ports		Appx 20sqmts marked in Red ink not permitted by Captain of Ports

During 274th GCZMA meeting held on 07/10/2021. Complainant Mr. Salu Dsouza Present in person. Respondent Inas Caitan Dsouza and Luisi Alvares present. Adv. Balakrishna appeared for other 3 Respondents. Officials from Captain of ports also remained present on request of this Authority. Adv. Balakrishna filed following documents and argued the matter.

- Two old survey plans (Xerox copies) during Portuguese time.

In case of Feromar :

1. Deed of sale dated 24/08/2006 along with plan (Notarized copy).

- Copy of site plan (Notarized copy).
- Lease deed dated 26/02/1971. (Notarized copy).

In case of Sachida engineering works

- NOC dated 18/10/2010 issued by COP along with plan and statement of calculation (Xerox)
- Lease deed dated 09/04/1980 (Xerox)
- Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox)
- Site plan of the property bearing survey no. 43/1(Part),. Mormugao(Xerox)
- Vide letter dated 12/10/2021 submitted
 - (a) Certified copy of lease dated 5/06/1980 along with plan (Notarised copy)
 - (b) NOC dated 5/11/1981 issued by COP.
 - (c) NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell (Notarized copy).
 - (d) Certificate issued by Directorate of Industries & Mines dated 27/04/1982.

In case of Vipul Engineering works

No documents produced, however as per COP report he is been permitted and operating within the permitted area.

Officials from Captain of Ports explained the mapping done to the Respondents.

The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey.

Proceedings: Respondent Inas Caitan Dsouza and Lucy Alvares present. Adv. Balkrishna appeared for other 3 Respondents on 21/10/2021 however due shortage of time the matter was posted on 23/10/2021 at 2.30pm.

On 23/10/2021 none appeared for the Respondent.

Decision: The Authority discussed and deliberated on the matter pertaining to M/s Ferromar Shipping Pvt Ltd and Vipul Engineering Works Dock.

The Authority perused the documents filed by the respondent and submission made by the Complainant. The Authority noted that the Captain of Port has earlier already submitted a plan showing extent of area covered under N.O.C of Captain of Ports.

With regard to matter of Ferromar Shipping Pvt Ltd, the Authority noted that the said Respondent has been granted area of 336 sqmtrs and additional water frontage area of 1050 sqmtrs by Captain of Ports in the year 2004. The Authority observed that the Respondent has produced Certificate's dated 22/07/1972 and 27/01/2020 issued by Captain of Ports, Certificate of Registration of Small scale industries issued by Directorate of Industries and Mines dated 03/10/1968, N.O.C dated 05/08/1999 issued by Village Panchayat Cortalim, Form I & XIV of Survey no.43/1, 3, 4, 5 Cortalim village, Mormugao, Renewed N.O.C from the Captain of Ports dated 26/02/2016 & 27/01/2020, House Tax and Trade Tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020, Consent to Operate under Air and Water Act issued by Goa State Pollution Control Board dated 21/10/2015 and 22/09/2020. In view of permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Ferromar Shipping Pvt Ltd.

With regard to matter Vipul Engineering works, the Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalilm/Quelossim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works.

The Authority further decided to hear the matter of M/s Sachida Engineering Works and posted the matter on 28/10/2021 at 2.30pm for final arguments by keeping in mind the directives of the Hon'ble NGT.

EXTRACT OF MINUTES OF THE 277th GCZMA MEETING HELD ON
02/11/2021

Case No. 1.2

To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies.

Background: An Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted

before the Hon'ble Tribunal. The copy of the said report was circulated amongst party Respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

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The Authority decided to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt Ltd and M/s Sachinda Engg. The authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Eng works, Arcanjala Dsouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm.

In the inquiry pursuant to the issuance of show cause notice to the Respondents therein, the office was in receipt of reports from office of Captain of ports indicating area mentioning the permitted and non-permitted area of various occupants in Cortalim Creek. (Report dated 06/07/2021 along with plan and letter dated 02/09/2021 submitted by Captain of ports is enclosed herewith). In the table annexed to letter dated 02/09/2021 has indicated that certain areas are without any permission from Captain of Ports. The list is as under:

Srno.	Name of person	Area allotted as per NOC for water frontage/riverine land in sqmtrs	Remarks	Area not Permitted
1.	Inas Caitan D'souza	No NOC issued by Captain of	-----	200 sqmtrs appx

	Syno.30/12 Cortalim village	ports		
2.	Anthony Engg work, Next to Desa Engg. Works Syno.30 sub Division 6 & 6A part Cortalim Village	649 Sqmtrs Permitted Riverine land	I-11017/Antony Eng.works/1284 dtd 06/05/1993 Plan not available	437 sqmtrs marked in the red not permitted by Captain of Ports
3.	Arcanjala Desouza Syno.30 Sub Division 5 Cortalim Village	No Noc issued by Captain of ports	-----	Appx 800 sqmts marked in Red ink not permitted by Captain of Ports
4.	Aspurgeate Desa Syno.30 Sub Division 4A Cortalim Village	No Noc issued by Captain of ports	-----	Appx 280sqmts marked in Red ink not permitted by Captain of Ports
5.	Lusi Alvaries Syno.30 Sub Division 3 Cortalim Village	No Noc issued by Captain of ports		Appx 20sqmts marked in Red ink not permitted by Captain of

				Ports
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During 274th GCZMA meeting held on 07/10/2021 the Complainant Mr. Salu Dsouza Present in person. Respondent Inas Caitan Dsouza and Luisi Alvares present. Adv. Balakrishna appeared for other 3 Respondents. Officials from Captain of ports also remained present on request of this Authority. Adv. Balakrishna filed following documents and argued the matter.

1. Two old survey plans (Xerox copies) during Portuguese time.

In case of Feromar :

1. Deed of sale dated 24/08/2006 along with plan (Notarized copy).
2. Copy of site plan (Notarized copy).
3. Lease deed dated 26/02/1971. (Notarized copy).

In case of Sachida engineering works

1. NOC dated 18/10/2010 issued by COP along with plan and statement of calculation (Xerox)
2. Lease deed dated 09/04/1980 (Xerox)
3. Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox)
4. Site plan of the property bearing survey no. 43/1(Part)., Mormugao(Xerox)
5. Vide letter dated 12/10/2021 submitted
 - (a) Certified copy of lease dated 5/06/1980 along with plan (Notarised copy)
 - (b) NOC dated 5/11/1981 issued by COP.
 - (c) NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell (Notarized copy).
 - (d) Certificate issued by Directorate of Industries & Mines dated 27/04/1982.

In case of Vipul Engineering works

No documents produced, however as per COP report he is been permitted and operating within the permitted area.

Officials from Captain of Ports explained the mapping done to the Respondents.

The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey.

On 21/10/2021 at 3.30 pm Respondent Inas Caitan Dsouza and Lucy Alvares present. Adv. Balkrishna appeared for other 3 Respondents on 21/10/2021 however due shortage of time the matter was posted on 23/10/2021 at 2.30pm.

On 23/10/2021 none appeared for the Respondent.

The Authority after going through the documents on records filed by the Respondent and the captain of Ports decided to discharge

1. Ferromar Engineering works
2. Vipul Engineering works

The Authority further decided to hear the matter of Sachida Engineering Works and posted the matter on 28/10/2021 at 2.30pm for final arguments by keeping in mind the directives of the Hon'ble NGT.

Proceedings: Adv. Balkrishna appeared for Respondents and submitted that there is permission issued to Sachida engineering and ferromar engineering works and the operations are much prior to 1991.

Decision: The Authority noted that it had earlier discharged the M/s Ferromar Shipping Pvt Ltd for the areas allotted and verified by Captain of Ports as depicted in their plan. The Authority observed that there is area having 2177 sq mts with water logged portion and slip way. The Authority noted the M/s Ferromar Shipping Pvt Ltd claims that said area belongs to them and utilised for foreshore activities. The Respondent M/s Ferromar Shipping Pvt Ltd has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 2177 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Ferromar Shipping Pvt Ltd to restore the said area to its original state at their own cost

in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 10 Lakhs to be recovered from the Respondent M/s Ferromar Shipping Pvt Ltd as compensation for Environmental damage to the area.

With Regard to M/s Sachita Engineering, the Authority noted that Captain of Ports has identified area of 1510 sq mts as permitted area. The remaining area of 572 sq mts abutting each slipways hence without any permission from any Authority. The Respondent M/s Sachita Engineering has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 572 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Sachida Engineering to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 5 Lakhs to be recovered from the Respondent M/s Sachita Engineering as compensation for Environmental damage to the area.

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Refno. GCZMA/APPL no.16/2016/WZ/NGT/58/ 1138

Dated:22/10/2021

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.



AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZNMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for



time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard. The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.



AND WHEREAS, the matter was placed in the 252nd GCZMA meeting held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th GCZMA meeting held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

AND WHEREAS, in the 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of



natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd **MEETING** held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-

“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhoze present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.”



AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: *“The Authority pursuant to mapping plan submitted by the office of DSLR. A show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.*

M/s A V Salgoancar Ltd:- With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that that the jetty was existing prior to 1991, produced permission from Captain of port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-a-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/ granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of port vide letter dated 06/07/2021 showing extent of area covered under N.O.C of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the complainant in the matter. The Authority noted that M/s A V Salgoancar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other

documents on record the authority decided to discharge showcause notice issued against M/s A V Salgoancar Ltd.

M/s Saparia Dock Steel Pvt Ltd: With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Saparia Dock Steel Pvt Ltd.

M/s Sardesai Egg Works: With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardesai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

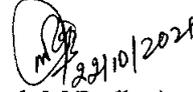
After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardesai Engineering Works is not in contravention of permissions granted, As such the unit Sardesai Engineering Works is discharged from the Show cause Notice issued by this office.”

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby discharges proceedings



with regard to M/s A V Salgoancar Ltd interms of decision taken in the 272nd MEETING held on 23/09/2021. The proceedings are accordingly disposed off.

For and on behalf of the
Goa Coastal Zone Management Authority



(Dasharath M.Redkar)

Member Secretary (GCZMA)

To,
✓ M/s A V Salgoancar, Dock and Shipyard, Ship Building & repairing, Maddant Cortalim.

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa... *for information.*
2. The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa.... *for information.*
3. The Secretary, Village Panchayat of Cortalim -Quellossim -Goa ...*for information.*
4. Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa.....*for information.*
5. Mr.Joaquim Vaz R/o Hno. 788/1, Zamboll, Cortalim, Goa.....*for information.*
6. Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa.....*for information.*

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Refno. GCZMA/APPL no.16/2016/WZ/NGT/58/1138

Dated:22/10/2021

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune inter alia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.



AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZNMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for



time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardesai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard' The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.

AND WHEREAS, the matter was placed in the 252nd GCZMA meeting held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th GCZMA meeting held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

AND WHEREAS, in the 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th GCZMA meeting held on 06/07/2021 Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of



natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd MEETING held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-
“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.”



AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: *"The Authority pursuant to mapping plan submitted by the office of DSLR. A show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.*

M/s A V Salgoancar Ltd:- With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that that the jetty was existing prior to 1991, produced permission from Captain of port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-a-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/ granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of port vide letter dated 06/07/2021 showing extent of area covered under N.O.C of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the complainant in the matter. The Authority noted that M/s A V Salgoancar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other

documents on record the authority decided to discharge showcause notice issued against M/s A V Salgoancar Ltd.

M/s Saparia Dock Steel Pvt Ltd: With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Saparia Dock Steel Pvt Ltd.



M/s Sardesai Egg Works: With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardesai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardesai Engineering Works is not in contravention of permissions granted, As such the unit Sardesai Engineering Works is discharged from the Show cause Notice issued by this office.

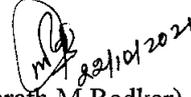
NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby discharges proceedings



with regard to M/s Saparia Dock Steel Pvt Ltd interms of decision taken in the 272nd

MEETING held on 23/09/2021. The proceedings are accordingly disposed off.

For and on behalf of the
Goa Coastal Zone Management Authority



(Dasharath M.Redkar)

Member Secretary (GCZMA)

O/C

To,
M/s Saparia Dock Steel Pvt Ltd, Ship building and repairing Maddant, Cortalim.

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa... *for information.*
2. The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa.....*for information*
3. The Secretary, Village Panchayat of Cortalim -Quellossim -Goa*for information.*
4. Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa.....*for information.*
5. Mr.Joaquim Vaz R/o Hno. 788/1, Zamboll, Cortalim, Goa.....*for information.*
6. Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa.....*for information.*

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Refno. GCZMA/APPL no.16/2016/WZ/NGT/58/1138

Dated:22/10/2021

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune inter alia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZNMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for

time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard' The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.



AND WHEREAS, the matter was placed in the 252nd GCZMA meeting held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th GCZMA meeting held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

AND WHEREAS, in the 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of



natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd **MEETING** held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-

“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.”

AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: *"The Authority pursuant to mapping plan submitted by the office of DSLR. A show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.*

M/s A V Salgoancar Ltd:- With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that that the jetty was existing prior to 1991, produced permission from Captain of port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-a-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/ granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of port vide letter dated 06/07/2021 showing extent of area covered under N.O.C of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the complainant in the matter. The Authority noted that M/s A V Salgoancar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other

documents on record the authority decided to discharge showcause notice issued against M/s A V Salgoancar Ltd.

M/s Saparia Dock Steel Pvt Ltd: With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Saparia Dock Steel Pvt Ltd.



M/s Sardesai Egg Works: With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardesai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

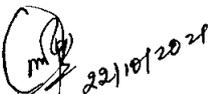
After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardesai Engineering Works is not in contravention of permissions granted, As such the unit Sardesai Engineering Works is discharged from the Show cause Notice issued by this office."

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby discharges proceedings with regard to **M/s Sardesai Egg Works Dockyard and ship building and repairing,**

503

in terms of decision taken in the 272nd MEETING held on 23/09/2021. The proceedings are accordingly disposed off.

**For and on behalf of the
Goa Coastal Zone Management Authority**


 (Dasharath M.Redkar)
 Member Secretary (GCZMA)

To,
M/s Sardesai Egg Works Dockyard and ship building and repairing, Maddant, Cortalim.

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa... *for information.*
2. The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa..... *for information.*
3. The Secretary, Village Panchayat of Cortalim -Quellosim -Goa *for information.*
4. Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa..... *for information.*
5. Mr.Joaquim Vaz R/o Hno. 788/1, Zamboll, Cortalim, Goa..... *for information.*
6. Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa..... *for information.*

Annexure -H

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

www.czma.goa.gov.in

Ref.No. GCZMA/S/ILLE-Compl/18-19/45/730

Dated: 27/5/2019

ORDER

Sub: Discharge of proceeding in respect of property of Desa Engineering Works and dry dock located in Survey no. 30/8 Cortalim- Goa.

- Ref:** (1) Complaint letter dated 11/07/2018 filed by Mr. Pobre Jesus Vaz.
 (2) PIL bearing No. 6/2013 & 10/2013 filed before Hon'ble High Court of Bombay at Goa by Mr. Antonio Fernandes & Ors and Voice of Villagers.
 (3) Minutes of 182nd GCZMA meeting held on 28/08/2018.
 (4) show cause notice bearing no. GCZMA /S/ ILLE – COMPL / 18 -19/45 /1088 dated 21/09/2018 issued by GCZMA.
 (5) Replies dated 8/10/2018 and 09/10/2018 filed by Desa Engineering Works.
 (6) Letter dated 20/12/2018 forwarding the view of Captain of ports pertaining to list of activities .
 (7) Writ Petition no.215/2019 filed before Hon'ble High Court of Bombay at Goa by Voice of Villagers.
 (8) Order dated 22/02/2019 passed by Hon'ble High Court of Bombay in Writ Petition no.215/2019.
 (9) Minutes of the 194th GCZMA meeting held on 15/03/2019.

WHEREAS, a complaint letter from Mr. Pobre Jesus Vaz dated 11/07/2018 regarding barge repair activity in the river Zuari. Also the said complainant has also filed PIL bearing No. 6/2013 before Hon'ble High Court of Bombay at Goa being aggrieved by the barge repair activity undertaken in the Zuari river which was taking place after permission dated 27/01/2010 and 1/02/2010 granted by GCZMA to M/s Desa Engineering works.

AND WHEREAS, Hon'ble High Court of Bombay at Goa vide judgement dated 31/07/2017 had disposed off the petitions (bearing no.6 & 10/2013 filed by Mr. Antonio Fernandes & Ors and Voice of Villagers) by quashing the permissions granted by GCZMA with a view that the competent Authority to grant permission in this case is MoEF, Government of India. Further, M/s Desa Engineering was granted status quo for a period of 6 months to get the required permission from MoEF. After the expiry of this period of 6 months, M/s Desa Engineering has been seeking extension of the period of status quo from Hon'ble High Court of Bombay at Goa from time to time with last such extension granted expiring on 5th July 2018 wherein the court also directed M/s Desa Engineering to approach Hon'ble NGT for any further orders.

AND WHEREAS, the said complaint letter from Mr. Pobre Jesus Vaz dated 11/07/2018 was placed for discussion and deliberation in the 182nd held on 28/08/2018. In the said meeting held on 182nd GCZMA meeting held on 28/08/2018, it was decided as follows *"Authority resolved to verify the question of whether the period of stay has been extended further by Hon'ble NGT, by issuing a show cause notice to M/s Desa Engineering."*

AND WHEREAS, accordingly a show cause notice bearing no. GCZMA /S/ ILLE – COMPL / 18 -19/45 /1088 dated 21/09/2018 was issued by GCZMA to M/s Desa Engineering Works. The said notice was duly replied vide replies dated 8/10/2018 and 09/10/2018 and further also submitted a letter dated 20/12/2018 forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development.

AND WHEREAS, a Writ Petition no.215/2019 was filed by Voice of Villagers before the Hon'ble High Court of Bombay at Goa seeking relief/direction to GCZMA to take its show cause notice dated 21/09/2018 to its logical conclusion and issue necessary orders for removal of the dry dock situated in Syno.30/8 of village Cortalim, Mormugao Taluka.

AND WHEREAS, the Hon'ble High Court of Bombay at Goa has vide order dated 22/02/2019 directed the GCZMA as follows *"the Authority will hear the concerned parties and pass a reasoned order within a period of 8 weeks from the date of receipt of the copy of this order"*.

AND WHEREAS, in view of the abovementioned directions, the authority called the parties for personal hearing in its 194th GCZMA meeting held on 15/03/2019. The proceedings in the matter in the said meeting can be seen as follows:

"The Complainant present along with advocate B Sardesai. The respondent remained present along with advocate to defend his matter. The complainant pointed out proceedings before Hon'ble High Court and judgement order 31/07/2017. The complainant stated that the respondent was directed to apply take relevant permission from competent authority. The Goa-SEIAA has not granted permission for the said dry dock. The Hon'ble NGT, New Delhi has allowed only repair to said activity. The respondent submitted that the dry dock is operating without permission and hence illegal. The respondent stated that MOEF has informed them to approach SEIAA for permission. The SEIAA has not rejected the application but has kept the same in abeyance as per NGT Order dated 22/11/2017 passed in (case no. Original Application No. 424 of 2016 (Earlier O.A. No. 169 of 2015) And Original Application No. 11 of 2014) the matter filed

by Mehdad & anr V/s Ministry of Environment, Forests & Climate Change &ors. The Hon'ble Supreme Court directed NGT to hear the applicant. The respondent submitted that No development is being done at site. The respondent pointed out relevant portion of Hon'ble NGT order passed in their matter”.

AND WHEREAS, the authority in its 194th GCZMA meeting held on 15/03/2019 after hearing the matter at length decided as follows:*The authority heard the concerned parties in the matter. The authority noted that it had issued a show cause notice only to verify the question of whether the period of stay has been extended further by Hon'ble NGT to M/s Desa Engineering. The authority noted that the respondent has sought several extensions from the Hon'ble High Court of Bombay at Goa and also sought reliefs/clarifications from the Hon'ble National Green Tribunal and Supreme Court of India on various occasions. The authority noted that it had granted permission/N.O.C to the respondent for dry dock and repair work in the year. The permission/N.O.C granted by the GCZMA were set aside by the Hon'ble High Court of Bombay at Goa vide judgment order dated 31/07/2017 with a direction to the Respondent to approach the Competent Authority to take approval for construction of dry dock. The applicant had already completed construction of dry dock based on the earlier N.O.C/Permission from GCZMA when the order dated 31/7/2017 was passed by Hon'ble High Court. The authority noted that pursuant to orders of the Hon'ble high Court, the respondent has applied to State Environment Impact Assessment Authority (SEIAA) which is the competent authority to grant necessary permission for the said dry dock. The State Environment Impact Assessment Authority (SEIAA) has presently kept the application of the respondent in abeyance dueto bar imposed by Hon'ble NGT for development activity vide its order dated 22/11/2017 passed in the Mehdad & anr V/s Ministry of Environment, Forests & Climate Change &ors. The authority noted that the NGT order dated 19/09/2018 in M.A no.1343/2018 in Mehdad v/s Moef & CC ors has allowed the respondent to undertake barge repair work with a clarification that if the repair activity is found to be minor in nature not amounting to 'development activity', as it is not barred by its order dated 22/11/2017. The authority further took note of letter dated 20/12/2018, forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development. It is the case of the respondent that the activities at site are of minor nature and hence not covered under term 'Development'. It is the case of the Complainant/petitioner the said dry dock is now operating without any permission/NOC from competent authority. The authority observed that the orders of the Hon'ble High Court of Bombay at Goa in the year 2017 and the recent order of the Hon'ble NGT dated 19/09/2018 have not clarified the position about the existing dry dock. The present case has unique facts as the applicant who has already constructed the dry dock has been*

directed to obtain a permission/NOC from competent authority by the Hon'ble High Court of Bombay at Goa and the Goa State Environment Impact Assessment Authority (GSEIAA) is unable to consider the application on its merits. The authority after considering peculiar facts and circumstance noted that Goa State Environment Impact Assessment Authority (GSEIAA) is seized of the matter and is yet to take final decision in the matter. Considering the above the Authority resolved to discharge the Show Cause Notice issued to respondent”.

A Copy of the extract of the minutes of 194th GCZMA meeting held on 15/03/2019 is enclosed herewith as Annexure 'A'.

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3324 (E) dated 26/10/2016 issued by the Ministry of Environment & Forests, Government of India, the GCZMA hereby discharges the proceeding initiated against M/s Desa Engineering works through its partner Mr. Raymond De Sa, resident of Hno.907, Maddant, Cortalim-Goa in respect of in property and dry dock located in Survey no. 30/8 Cortalim- Goa as decided by the authority in its 194th GCZMA meeting held on 15/03/2019 and case is disposed off accordingly.

For and on behalf of the
Goa Coastal Zone Management Authority



(Ravi Jha, IAS)
Member Secretary (GCZMA)

U/F

Encl:as above

Encl: As above.

To,

M/s Desa Engineering works through its partner Mr. Raymond De Sa, resident of Hno.907, Maddant, Cortalim-Goa.

Copy to:

1. The Collector & District Magistrate (South), Mathany Saldanha Administrative Complex, Margao-Goa... for information.
2. The Dy. Collector & SDO of Mormugao, Vasco - Goa..... for information.

3. The Secretary, Village Panchayat of Cortalim-Quelossim -Goa..... *for information.*
4. The Captain of Ports, Captain of Ports building, Panaji-Goa...*for information.*
5. Mr.Pobre Jesus Vaz r/o Hno.789, Zamboll, Cortalim, Goa.....*for information.*
6. The Scientific Assistant , Goa Coastal Zone management Authority..... *to upload copy of this order on GCZMA website immediately.*

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Refno. GCZMA/APPL no.16/2016/WZ/NGT/58/1163

Dated:25/10/2021

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune inter alia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for

time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhohe remained present for respondent Salgaonkar Shipyard' The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.

AND WHEREAS, the matter was placed in the 252nd GCZMA meeting held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th GCZMA meeting held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

AND WHEREAS, in the 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of



natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd meeting held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-
“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhobe present for Salgaonkar Shipyards. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he

: submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.”

AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: “The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm”.

AND WHEREAS, the matter was fixed for personal hearing in the 274th GCZMA meeting held on 07/10/2021. The proceedings in the said matter can be seen as follows:-
“Complainant Mr. Salu Dsouza Present in person. Respondent Inas Caitan Dsouza and Luisi Alvares present. Adv. Balakrishna appeared for other 3 respondents. Officials from Captain of ports also remained present on request of this Authority. Adv. Balakrishna filed following documents and argued the matter.

1. Two old survey plans (Xerox copies) during Portuguese time.

In case of Feromar :

1. Deed of sale dated 24/08/2006 along with plan (Notarized copy).
2. Copy of site plan (Notarized copy).
3. Lease deed dated 26/02/1971. (Notarized copy).

In case of Sachida engineering works

1. NOC dated 18/10/2010 issued by COP along with plan and statement of calculation (Xerox)
2. Lease deed dated 09/04/1980 (Xerox)
3. Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox)
4. Site plan of the property bearing survey no. 43/1(Part)., Mormugao(Xerox)

5. *Vide letter dated 12/10/2021 submitted*

(a) *Certified copy of lease dated 5/06/1980 along with plan (Notarised copy)*

(b) *NOC dated 5/11/1981 issued by COP.*

(c) *NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell (Notarized copy).*

(d) *Certificate issued by Directorate of Industries & Mines dated 27/04/1982.*

In case of Vipul Engineering works

No documents produced, however as per COP report he is been permitted and operating within the permitted area. Officials from Captain of Ports explained the mapping done to the Respondents.

AND WHEREAS, in the 274th GCZMA meeting held on 07/10/2021 it was decided as follows *“The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey.”*

AND WHEREAS, the matter was fixed for personal hearing in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021. The proceedings in the said matter can be seen as follows:- *“Respondent Inas Caitan Dsouza and Lucy Alvares present. Adv. Balkrishna appeared for other 3 Respondents on 21/10/2021 however due shortage of time the matter was posted on 23/10/2021 at 2.30pm. On 23/10/2021 none appeared for the Respondent”.*

AND WHEREAS, in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021 it was decided as follows:- *“The Authority discussed and deliberated on the matter pertaining to M/s Ferromar Shipping Pvt Ltd and Vipul Engineering Works Dock. The Authority perused the documents filed by the respondent and submission made by the Complainant. The Authority noted that the Captain of Port has earlier already submitted a plan showing extent of area covered under N.O.C of Captain of Ports.*

With regard to matter of Ferromar Shipping Pvt Ltd, the Authority noted that the said Respondent has been granted area of 336 sqmtrs and additional water frontage area of 1050 sqmtrs by Captain of Ports in the year 2004. The Authority observed that the Respondent has produced Certificate's dated 22/07/1972 and 27/01/2020 issued by Captain of Ports, Certificate of Registration of Small scale industries issued by Directorate of Industries and Mines dated 03/10/1968, N.O.C dated 05/08/1999 issued by Village Panchayat Cortalim, Form I & XIV of Survey no.43/1, 3, 4, 5 Cortalim village, Mormugao, Renewed N.O.C from the Captain of Ports dated 26/02/2016 & 27/01/2020, House Tax and Trade Tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020, Consent to Operate under Air and Water Act issued by Goa State Pollution Control Board dated 21/10/2015 and 22/09/2020. In view of permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Ferromar Shipping Pvt Ltd.

With regard to matter Vipul Engineering works, the Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalilm/Quelossim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works."

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby discharges proceedings with regard to **M/s Vipul Engg Works Dock** interms of decision taken in the 276th

MEETING held on 21/10/2021 and 23/10/2021. The proceedings are accordingly disposed off.

For and on behalf of the
Goa Coastal Zone Management Authority


(Dasharath M.Redkar)

Member Secretary (GCZMA)

o/c

To,
M/s Vipul Engg Works Dock, Slipway, Ship building and repairing Maddant,
Cortalim

Copy to:

1. The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa..... *for information and necessary action.*
2. The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa.... *for information and necessary action.*
3. The Secretary, Village Panchayat of Cortalim -Quellossim -Goa*for information and necessary action.*
4. Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa.....*for information.*
5. Mr. Joaquim Vaz R/o Hno. 788/1, Zamboll, Cortalim, Goa.....*for information.*
6. Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa.....*for information.*

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Pato, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref no. GCZMA/APPL no.16/2016/WZ/NGT/58/1297

Dated: 08/11/2021

09

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune inter alia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for

time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardesai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard' The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.

AND WHEREAS, the matter was placed in the 252nd **GCZMA meeting** held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th **GCZMA meeting** held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

AND WHEREAS, in the 263rd **meeting** held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th **GCZMA meeting** held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of

natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd meeting held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-
“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he

submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.”

AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: *“The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm”.*

AND WHEREAS, the matter was fixed for personal hearing in the 274th GCZMA meeting held on 07/10/2021. The proceedings in the said matter can be seen as follows:-
“Complainant Mr. Salu Dsouza Present in person. Respondent Inas Caitan Dsouza and Luisi Alvares present. Adv. Balakrishna appeared for other 3 respondents. Officials from Captain of ports also remained present on request of this Authority. Adv. Balakrishna filed following documents and argued the matter.

1. *Two old survey plans (Xerox copies) during Portuguese time.*

In case of Feromar :

1. *Deed of sale dated 24/08/2006 along with plan (Notarized copy).*
2. *Copy of site plan (Notarized copy).*
3. *Lease deed dated 26/02/1971. (Notarized copy).*

In case of Sachida engineering works

1. *NOC dated 18/10/2010 issued by COP along with plan and statement of calculation (Xerox)*
2. *Lease deed dated 09/04/1980 (Xerox)*
3. *Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox)*
4. *Site plan of the property bearing survey no. 43/1(Part)., Mormugao(Xerox)*

5. *Vide letter dated 12/10/2021 submitted*

(a) *Certified copy of lease dated 5/06/1980 along with plan (Notarised copy)*

(b) *NOC dated 5/11/1981 issued by COP.*

(c) *NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell (Notarized copy).*

(d) *Certificate issued by Directorate of Industries & Mines dated 27/04/1982.*

In case of Vipul Engineering works

No documents produced, however as per COP report he is been permitted and operating within the permitted area. Officials from Captain of Ports explained the mapping done to the Respondents.

AND WHEREAS, in the 274th GCZMA meeting held on 07/10/2021 it was decided as follows *“The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey.”*

AND WHEREAS, the matter was fixed for personal hearing in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021. The proceedings in the said matter can be seen as follows:- *“Respondent Inas Caitan Dsouza and Lucy Alvares present. Adv. Balkrishna appeared for other 3 Respondents on 21/10/2021 however due shortage of time the matter was posted on 23/10/2021 at 2.30pm. On 23/10/2021 none appeared for the Respondent”.*

AND WHEREAS, in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021 it was decided as follows:- *“The Authority discussed and deliberated on the matter pertaining to M/s Ferromar Shipping Pvt Ltd and Vipul Engineering Works Dock. The Authority perused the documents filed by the respondent and submission made by the Complainant. The Authority noted that the Captain of Port has earlier already submitted a plan showing extent of area covered under N.O.C of Captain of Ports.*

With regard to matter of Ferromar Shipping Pvt Ltd, the Authority noted that the said Respondent has been granted area of 336 sqmtrs and additional water frontage area of 1050 sqmtrs by Captain of Ports in the year 2004. The Authority observed that the Respondent has produced Certificate's dated 22/07/1972 and 27/01/2020 issued by Captain of Ports, Certificate of Registration of Small scale industries issued by Directorate of Industries and Mines dated 03/10/1968, N.O.C dated 05/08/1999 issued by Village Panchayat Cortalim, Form I & XIV of Survey no.43/1, 3, 4, 5 Cortalim village, Mormugao, Renewed N.O.C from the Captain of Ports dated 26/02/2016 & 27/01/2020, House Tax and Trade Tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020, Consent to Operate under Air and Water Act issued by Goa State Pollution Control Board dated 21/10/2015 and 22/09/2020. In view of permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Ferromar Shipping Pvt Ltd.

With regard to matter Vipul Engineering works, the Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalim/Quelossim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works."

AND WHEREAS, the matter was heard in the 277th **GCZMA meeting held on 02/11/2021** wherein it was decided as follows. "*With Regard to M/s Sachita Engineering, the Authority noted that Captain of Ports has identified area of 1510 sq mts as permitted area. The remaining area of 572 sq mts abutting each slipways hence without any permission from any Authority. The Respondent M/s Sachita Engineering has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 572 sq mts is*

572 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Sachida Engineering to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 5 Lakhs to be recovered from the Respondent M/s Sachita Engineering as compensation for Environmental damage to the area."

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby directs **M/s Sachita Engineering** interms of decision taken in the **277th MEETING** held on **02/11/2021** to restore the said area of 572 sqmts and pay cost of Rs. 5 Lakhs as compensation for Environmental damage. The said fine/penalty is required to be paid in the office of the GCZMA C/o Department of Environment and Climate Change (Govt. of Goa), 4th floor, Dempo Towers, Panaji- Goa-403 001 via cheque/Demand Draft in favour of "GOA COASTAL ZONE MANAGEMENT AUTHORITY".

**For and on behalf of the
Goa Coastal Zone Management Authority**



(Dasharath M.Redkar)

Member Secretary (GCZMA)

**To,
M/s Sanchita Engg
Ship building and Repairing C/o Shirodkar Engg Chovoth, Cortalim**

Copy to:

1. **The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa... for information and necessary action.**
2. **The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa...who is required to enforce these directions in accordance with law.**

3. **The Secretary, Village Panchayat of Cortalim -Quellosim -Goa ...for information and necessary action.**
4. **Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa.....for information.**
5. **Mr.Joaquim VazR/o Hno. 788/1, Zamboll, Cortalim, Goa.....for information.**
6. **Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa.....for information.**
7. **Captain of Ports, Captain of Ports Department, Dayananad Bandodkar Road, Panaji-Goa . . . for information and necessary action.**
8. **River Navigation Department, Dayananad Bandodkar Road, Panaji-Goa . . . for information and necessary action.**

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment and Climate Change (Govt. of Goa)

4th floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref no. GCZMA/APPL no.16/2016/WZ/NGT/58/1298

Dated: 08/11/2021

09

ORDER

WHEREAS, an Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies (Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

AND WHEREAS, upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

AND WHEREAS, further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

AND WHEREAS, based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued. The office was in receipt of replies from the Respondents on the show cause notices issued by Authority.

AND WHEREAS, in the 231st GCZMA meeting held on 15/10/2020. The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

AND WHEREAS, the matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents 8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m. However none appeared on 19/11/2020. The Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

AND WHEREAS, in the 239th meeting on 10/12/2020 the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for



time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

AND WHEREAS, in the 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court. The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

AND WHEREAS, in the 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The Authority after hearing the parties the matter is posted on 18/02/2021. The Authority directed the Respondents to produce the copies of plan along with documents to show the area of land possessed by them individually and the location' The captain of ports shall also be requested to produce the documents along with plan and permissions granted to the Respondents. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

AND WHEREAS, the matter was placed in the 251st GCZMA meeting held on 25/02/2021. In the Complainants present. Adv Lad appeared for respondent 8,9,11,12 and 13. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard' The officials from Captain of Ports present. The matter was discussed with the Officials of Captain of Ports. They are been asked to super impose the plan prepared by DSLR and come with facts and figures of allotment of land to docks. The matter was posted on 02/03/2021 at 3.30 pm for further clarifications.

AND WHEREAS, the matter was placed in the 252nd GCZMA meeting held on 02/03/2021. In the said meeting it was decided to write to village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents. The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and usage permitted under the Indian Port Act and whether the structures present on the spot have got requisite permission, if, yes then when. The matter was posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021.

AND WHEREAS, the matter was posted for hearing in the 255th GCZMA meeting held on 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3 30 pm.

AND WHEREAS, in the 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing. The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

AND WHEREAS, 264th GCZMA meeting held on 06/07/2021 Adv A Bhohe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent. The Authority noted that since the Complainant was absent and in the interest of



natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m. However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

AND WHEREAS, in 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

AND WHEREAS, in 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

AND WHEREAS, the matter was finally placed in the 272nd meeting held on 23/09/2021 for final hearing. The proceedings in the said matter can be seen as under:-
“Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers vests with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he



submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity."

AND WHEREAS, in the 272nd MEETING held on 23/09/2021 it was held as follows: "The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt Ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm".

AND WHEREAS, the matter was fixed for personal hearing in the 274th GCZMA meeting held on 07/10/2021. The proceedings in the said matter can be seen as follows:-
"Complainant Mr. Salu Dsouza Present in person. Respondent Inas Caitan Dsouza and Luisi Alvares present. Adv. Balakrishna appeared for other 3 respondents. Officials from Captain of ports also remained present on request of this Authority. Adv. Balakrishna filed following documents and argued the matter.

1. Two old survey plans (Xerox copies) during Portuguese time.

In case of Feromar :

1. Deed of sale dated 24.08/2006 along with plan (Notarized copy).
2. Copy of site plan (Notarized copy).
3. Lease deed dated 26.02/1971. (Notarized copy).

In case of Sachida engineering works

1. NOC dated 18/10/2010 issued by COP along with plan and statement of calculation (Xerox)
2. Lease deed dated 09/04/1980 (Xerox)
3. Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox)
4. Site plan of the property bearing survey no. 43-1(Part), Mormugao(Xerox)

5. *Vide letter dated 12/10/2021 submitted*

(a) *Certified copy of lease dated 5/06/1980 along with plan (Notarised copy)*

(b) *NOC dated 5/11/1981 issued by COP.*

(c) *NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell (Notarized copy).*

(d) *Certificate issued by Directorate of Industries & Mines dated 27/04/1982.*

In case of Vipul Engineering works

No documents produced, however as per COP report he is been permitted and operating within the permitted area. Officials from Captain of Ports explained the mapping done to the Respondents.

AND WHEREAS, in the 274th GCZMA meeting held on 07/10/2021 it was decided as follows *“The Authority after hearing both the parties decided to post the matter for further arguments on 21/10/2021 at 3.30 pm. Further fresh cases to be opened against 5 violators identified by the Captain of Ports after survey.”*

AND WHEREAS, the matter was fixed for personal hearing in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021. The proceedings in the said matter can be seen as follows:- *“Respondent Inas Caitan Dsouza and Lucy Alvares present. Adv. Balkrishna appeared for other 3 Respondents on 21/10/2021 however due shortage of time the matter was posted on 23/10/2021 at 2.30pm. On 23/10/2021 none appeared for the Respondent”.*

AND WHEREAS, in the 276th GCZMA meeting held on 21/10/2021 and 23/10/2021 it was decided as follows:- *“The Authority discussed and deliberated on the matter pertaining to M/s Ferromar Shipping Pvt Ltd and Vipul Engineering Works Dock. The Authority perused the documents filed by the respondent and submission made by the Complainant. The Authority noted that the Captain of Port has earlier already submitted a plan showing extent of area covered under N.O.C of Captain of Ports.*

D

With regard to matter of Ferromar Shipping Pvt Ltd, the Authority noted that the said Respondent has been granted area of 336 sqmtrs and additional water frontage area of 1050 sqmtrs by Captain of Ports in the year 2004. The Authority observed that the Respondent has produced Certificate's dated 22/07/1972 and 27/01/2020 issued by Captain of Ports, Certificate of Registration of Small scale industries issued by Directorate of Industries and Mines dated 03/10/1968, N.O.C dated 05/08/1999 issued by Village Panchayat Cortalim, Form I & XIV of Survey no.43 1, 3, 4, 5 Cortalim village, Mormugao, Renewed N.O.C from the Captain of Ports dated 26/02/2016 & 27/01/2020, House Tax and Trade Tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020, Consent to Operate under Air and Water Act issued by Goa State Pollution Control Board dated 21/10/2015 and 22/09/2020. In view of permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Ferromar Shipping Pvt Ltd.

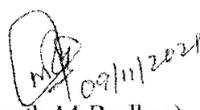
With regard to matter Vipul Engineering works, the Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalim Quelosim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works."

AND WHEREAS, the matter was heard in the 277th GCZMA meeting held on 02/11/2021 wherein it was decided as follows." *The Authority noted that it had earlier discharged the M/s Ferromar Shipping Pvt Ltd for the areas allotted and verified by Captain of Ports as depicted in their plan. The Authority observed that there is area having 2177 sq mts with water logged portion and slip way. The Authority noted the M/s Ferromar Shipping Pvt Ltd claims that said area belongs to them and utilised for foreshore activities. The Respondent M/s Ferromar Shipping Pvt Ltd has failed to*

produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 2177 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Ferromar Shipping Pvt Ltd to restore the said area to its original state at their own cost in 4 weeks falling which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 10 Lakhs to be recovered from the Respondent M/s Ferromar Shipping Pvt Ltd as compensation for Environmental damage to the area".

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 3975 (E) dated 31/10/2019 issued by the Ministry of Environment & Forests, Government of India, hereby directs **M/s Ferromar Shipping Pvt Ltd** in terms of decision taken in the **277th MEETING** held on **02/11/2021** to restore the said area of 2177 sq mts and pay cost of Rs. 10 Lakhs as compensation for Environmental damage. The said fine/penalty is required to be paid in the office of the GCZMA C/o Department of Environment and Climate Change (Govt. of Goa), 4th floor, Dempo Towers, Panaji- Goa-403 001 via cheque/Demand Draft in favour of "GOA COASTAL ZONE MANAGEMENT AUTHORITY".

For and on behalf of the
Goa Coastal Zone Management Authority


(Dasharath M.Redkar)
Member Secretary (GCZMA)

To,
M/s Ferromar Shipping Pvt Ltd Ship building and Repairing, C/o Agarwal
Shipyards Chovoth, Cortalim

Copy to:

1. **The Collector & District Magistrate (South), Office of the Collector (South), Margao-Goa... for information and necessary action.**
2. **The Dy.Collector & S.D.O of Mormugao having office at Vasco - Goa..... who is required to enforce these directions in accordance with law.**
3. **The Secretary, Village Panchayat of Cortalim -Quellosim -Goa ...for information and necessary action.**
4. **Mr. Salu D'Souza R/o Hno.905 Maddant Cortalim, Goa.....for information.**
5. **Mr.Joaquim VazR/o Hno. 788/1, Zamboll, Cortalim, Goa.....for information.**
6. **Mr.Antonio Domingos Puthampurakal R/o Hno.955 Maddant Cortalim, Goa.....for information.**
7. **Captain of Ports, Captain of Ports Department, Dayananad Bandodkar Road, Panaji-Goa . . . for information and necessary action.**
8. **River Navigation Department, Dayananad Bandodkar Road, Panaji-Goa . . . for information and necessary action.**

Srno	Name of Party/ Respondent number	Particulars of Show Cause Notice	Particulars of reply and documents/ filed by the Respondent	Decision in the matter	Date of Order/Type of Order
1.	M/s A.V Salgaonkar (Respondent No. 7)	18/09/2020	Reply dated 13/01/2021 to Show Cause notice filed by the Respondent Documents produced: 1. Letter dated 09/06/1965 issued by Captain of Ports 2. Challans paid by the Respondent from time to time to the Captain of Ports 3. permission from Captain of Port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop 4. tax receipts imposed by Village Panchayat of Cortalim 5. rental charges paid to Captain of Ports	The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the Complainant in the matter. The Authority noted that M/s A V Salgaoncar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against M/s A V Salgaoncar Ltd.	Order of Discharge Order dated : 22/10/2021 Annex. E
2.	M/s Saparia Dock Steel Pvt. Ltd. (Respondent No. 8)	18/09/2020	Reply dated 08/10/2020 to Show Cause notice Documents produced: 1. Permission to use plot dated 28/09/1964 issued by Deputy Captain of Ports 2. N.O.C dated 28/12/1972 issued by Captain of Ports 3. Registration Certificate of Establishment by Labour Inspector dated 31/12/1984 4. Consent to Operate dated 11/04/2011 issued by GSPCB 5. Letter dated 09/02/2011 issued by	With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.	Order of Discharge Order dated : 22/10/2021 issued by GCZMA Annex. F

			<p>GCZMA</p> <p>6. Affidavit in Reply filed by Respondent in the present matter before the Hon'ble NGT on 29/03/2016</p>	<p>The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them. After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, as such the unit is discharged from the Show Cause Notice issued by this office.</p>	
3.	M/s Sardesai Engg. Works (Respondent No. 9)	18/09/2020	<p>Reply dated 08/10/2020 to the Show Cause notice.</p> <p>Documents produced:</p> <ol style="list-style-type: none"> 1. Permission from Health Centre Mormugao dated 21/11/1968 2. N.O.C dated 09/07/1971 issued by Captain of Ports 3. Registration as Small Scale Industrial Unit issued by Directorate of Industries and Mines dated 20/10/1971 4. Consent to Operate issued by GSPCB dated 14/08/2015 5. Permission issued by GCZMA dated 12/03/2015 6. Letter dated 25/08/1992 from Captain of Ports 	<p>With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit.</p> <p>The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration</p>	<p>Order of Discharge</p> <p>Order dated: 22/10/2021 issued by GCZMA</p> <p>Annex. G</p>

			<p>7. Affidavit dated 10/07/2008 filed by Captain of Ports before the Hon'ble Supreme Court of India in Appeal bearing no.5510/2013 and 5515/2001</p> <p>8. Affidavit in Reply filed by Respondent in the present matter before the Hon'ble NGT on 29/03/2016</p>	<p>therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.</p> <p>After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardessai Engineering Works is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.</p>	
4.	M/s Desa Engg. Works (Respondent No. 10)	21/09/2018	<p>Reply dated 08/10/2018 and 09/10/2018 filed to Show Cause notice along with letter dated 20/12/2018 forwarding the view of Captain of Ports pertaining to list of activities with pertains to repairs and not development</p>	<p>The authority heard the concerned parties in the matter. The authority noted that it had issued a show cause notice only to verify the question of whether the period of stay has been extended further by Hon'ble NGT to M/s Desa Engineering. The authority noted that the respondent has sought several extensions from the Hon'ble High Court of Bombay at Goa and also sought reliefs/clarifications from the Hon'ble National Green Tribunal and Supreme Court of India on various occasions.</p> <p>The authority noted that it had granted permission/N.O.C to the respondent for dry dock and repair work in the year 2010. The permission/N.O.C granted by the GCZMA were set aside by the Hon'ble High Court of Bombay at Goa vide judgment order dated 31/07/2017 with a direction to the Respondent to approach the Competent Authority to take approval for construction of dry dock. The applicant had</p>	<p>Order of Discharge</p> <p>Order dated: 27/05/2019 issued by GCZMA</p> <p>Annex. H</p>

				<p>already completed construction of dry dock based on the earlier N.O.C/Permission from GCZMA when the order dated 31/7/2017 was passed by Hon'ble High Court. The authority noted that pursuant to orders of the Hon'ble high Court, the respondent has applied to State Environment Impact Assessment Authority (SEIAA) which is the competent authority to grant necessary permission for the said dry dock. The State Environment Impact Assessment Authority (SEIAA) has presently kept the application of the respondent in abeyance due to bar imposed by Hon'ble NGT for development activity vide its order dated 22/11/2017 passed in the Mehdad & anr V/s Ministry of Environment, Forests & Climate Change &ors.</p> <p>The authority noted that the NGT order dated 19/09/2018 in M.A no.1343/2018 in Mehdad v/s Moef & CC ors has allowed the respondent to undertake barge repair work with a clarification that if the repair activity is found to be minor in nature not amounting to 'development activity', as it is not barred by its order dated 22/11/2017.</p> <p>The authority further took note of letter dated 20/12/2018, forwarding the view of Captain of ports pertaining to list of activities with pertain to repairs and not development. It is the case of the respondent that the activities at site are of minor nature and hence not covered under term 'Development'. It is the case of the Complainant/petitioner the said dry dock is now operating without any permission/NOC from competent authority. The authority</p>	
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5.	M/s Vipul Engg. Works (Respondent No.11)	18/09/2020	<p>Reply dated 08/10/2020 to the Show Cause notice.</p> <p>Documents produced:</p> <ol style="list-style-type: none"> 1. N.O.C issued by Captain of Ports dated 26/09/1974 2. N.O.C from Captain of Ports dated 06/01/2017 3. N.O.C from Village Panchayat of Cortalim/Quelossim dated 28/10/1974 4. Consent to operate granted by GSPCB dated 12/01/2015 5. Renewal of N.O.C from Dry Dock/ Workshop dated 05/10/2020 from 	<p>Authority noted the inquiry has revealed that the Respondent has a N.O.C dated 26/09/1974 issued by Captain of Ports for construction of dry dock, construction licence of the year 1974-1975 issued by Village Panchayat of Cortalim/Quelossim for dry dock and further N.O.C's dated 06/01/2017 and 05/10/2020 issued by Captain of Ports. The Captain of Ports has further confirmed an total area 2472 permitted by them inclusive of water frontage. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against Vipul Engineering works</p>	<p>Order of Discharge</p> <p>Order dated: 25/10/2021 issued by GCZMA</p> <p>Annex. I</p>

			Captain of Ports 6. Affidavit in Reply filed by Respondent in the present matter before the Hon'ble NGT on 29/03/2016		
6.	M/s Sachita Engg. Works (Respondent No. 12)	18/09/2020	<p>Reply dated 08/10/2020 to the Show Cause notice.</p> <p>Documents produced:</p> <ol style="list-style-type: none"> 1. N.O.C dated 05/11/1981 issued by Captain Ports 2. N.O.C from Directorate of Health Services Environment and Pollution dated 16/04/1982 3. Registration of Small Scale Industrial unit issued by Directorate of Industries and Mines dated 23/10/1980 4. Consent to operate issued by GSPCB dated 03/06/2015 5. Affidavit in Reply filed by Respondent in the present matter before the Hon'ble NGT on 29/03/2016. <p>Additional documents produced in course of hearing:</p> <ol style="list-style-type: none"> 1. NOC dated 18/10/2010 issued by COP along with plan and statement of calculation 2. Lease deed dated 09/04/1980 3. Form I & XIV of survey no 43/1 village Cortalim, Mormugao (Xerox) 4. Site plan of the property bearing survey no. 43/1(Part)., Mormugao 	<p>Authority noted that Captain of Ports has identified area of 1510 sq mts as permitted area. The remaining area of 572 sq mts abutting each slipways hence without any permission from any Authority. The Respondent M/s Sachita Engineering has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 572 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Sachida Engineering to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 5 Lakhs to be recovered from the Respondent M/s Sachita Engineering as compensation for Environmental damage to the area.</p>	<p>Order for restoration and environment Compensation (5 Lakhs)</p> <p>Order dated 09/11/2021 issued by GCZMA</p> <p>Annex. J</p>

			<p>5. Vide letter dated 12/10/2021 submitted</p> <p>(a) Certified copy of lease dated 5/06/1980 along with plan</p> <p>(b) NOC dated 5/11/1981 issued by COP.</p> <p>(c) NOC dated 16/04/81-82 issued by Directorate of health services Environment and pollution cell</p> <p>(d) Certificate issued by Directorate of Industries & Mines dated 27/04/1982.</p> <p>6. Letter dated 26/10/2021 forwarding RTI reply dated 25/10/2021 from the office of Health Services Primary Health Centre Cortalim</p> <p>7. Letter dated 1/11/2021 submitted application by Respondent to Captain of Ports dated 08/06/1981 and plan.</p>		
7.	M/s Ferromar Shipping Pvt. Ltd. (Respondent No. 13)	18/09/2020	<p>Reply dated 08/10/2020 to the Show Cause notice.</p> <p>Documents produced:</p> <ol style="list-style-type: none"> 1. Consent to operate from GSPCB dated 21/10/2015 and 22/09/2020 2. Renewed N.O.C granted by Captain of Ports dated 26/02/2016 and 27/01/2020 3. Amalgamation order dated 16/04/2010 passed by Hon'ble High Court of Bombay at Goa in Company Petition no.09/2010 and 10/10 4. Form I & XIV of Survey no.43/1, 3, 4, 5 Cortalim village Mormugao 5. N.O.C dated 05/08/1999 issued by Village Panchayat of Cortalim 	<p>The Authority noted that it had earlier discharged the M/s Ferromar Shipping Pvt Ltd for the areas allotted and verified by Captain of Ports as depicted in their plan. The Authority observed that there is area having 2177 sq mts with water logged portion and slip way. The Authority noted the M/s Ferromar Shipping Pvt Ltd claims that said area belongs to them and utilised for foreshore activities. The Respondent M/s Ferromar Shipping Pvt Ltd has failed to produce on record any document depicting as which authority has given permission for the same. The Captain of Ports has clearly indicated that the said area of 2177 sq mts is without any permission from them. The Authority hence decided to direct Respondent M/s Ferromar Shipping Pvt</p>	<p>Order for restoration and environment Compensation (10 lakhs)</p> <p>Order dated 09/11/2021 issued by GCZMA</p> <p>Annex. K</p>

		<p>6. Certificate of Registration of Small Scale Industries issued by Directorate of Industries and Mines dated 03/10/1968</p> <p>7. House tax and Trade tax receipts issued by Village Panchayat of Cortalim dated 22/05/2020</p> <p>8. Registration Certificate of Establishment dated 21/06/2012</p> <p>9. Certificate issued by Captain of Ports dated 22/07/1972</p> <p>10. Affidavit in Reply filed by Respondent in the present matter before the Hon'ble NGT on 29/03/2016</p> <p>Additional Documents produced in course of hearing:</p> <ol style="list-style-type: none"> 1. Deed of sale dated 10/08/2006 along with plan 2. Copy of site plan 3. Lease deed dated 26/02/1971 4. Copy of Old Cadastral plan no.222 and 5676 of Cortalim Village 	<p>Ltd to restore the said area to its original state at their own cost in 4 weeks failing which Captain of Ports and River Navigation Department will do the same at the cost of Respondent. The Authority further decided to impose cost of Rs. 10 Lakhs to be recovered from the Respondent M/s Ferromar Shipping Pvt Ltd as compensation for Environmental damage to the area.</p>	
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