

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

APPEAL NO. 49 OF 2018

CONSERVATION ACTION TRUST & ORS.

...Applicant

Versus

UNION OF INDIA & ORS.

...Respondent

**Written submissions on behalf of Gujarat Coastal Zone
Management Authority**

The gravamen raised by the present applicant pertains recommendation granted made by Respondent No. 3 Gujarat Coastal Zone Management Authority for the proposed expansion/upgradation of Alang-Sosiya Ship Recycling Yard dated 02.11.2016.

The proposed project is for further upgradation of the existing Alang-Sosiya Ship Recycling Yard for undertaking safe and environmentally sound ship recycling operations. The ship breaking activity has been carried out by beaching method since 1982. The proposed project is in fact for upgradation of facilities whereby the environmental damage or harm will be reduced.

The method of ship breaking activity falls within the exceptions to prohibited activities within CRZ under Regulation 3(i)(a) of CRZ Notification dated 06.01.2011. Regulation 3(i)(a) provides that permission in respect of only those activities will be given which

require waterfront or foreshore facilities. The list of activities permitted in CRZ is not an exhaustive list and does not prescribe a list of activities which are permitted or barred. In fact, the Notification provides that any activity which requires waterfront or foreshore facilities can be permitted, subject to other conditions. In other words, a scrutiny of each project must be done subjectively by the experts and thereafter grant/deny permission accordingly. The ship-breaking activity carried out at Alang is wholly dependent on such waterfront and foreshore facilities and the proposal was for upgradation of such activity; as a result of which recommendation of GCZMA were mandatory.

Further, explanation to Regulation 4(i)(b) provides that where a project is also covered by EIA Notification, 2006, in such cases, permission under EIA, 2006 will only be required, subject to recommendation by the concerned CZMA. The present project is listed at serial no. 7(b) in Category 'A' of EIA Notification, 2006. Therefore, the CZMA only recommended the project, which was further considered by MOEF and thereafter, following thorough scrutiny, the EC was granted.

Furthermore, as per Regulation 4.2, the concerned CZMA is required to examine the requisite documents submitted by the Project Proponent for seeking clearance in accordance with CZMP and in compliance with CRZ notification. Thereafter, the CZMA has to make recommendations within a period of sixty days from the date of receipt of complete application. In order to comply with this regulation of the CRZ Notification, 2011, and since at the relevant time the CZMP was not prepared; a map was prepared by the Authorised Agency National Centre for Sustainable Coastal Management (NCSCM), Chennai as per Office Order of MOEF (IA-III Division) dated 14.03.2014.

The Agency, in its report observed that the shoreline has been stable since 1980, with an insignificant change of less than 1 M and that no shoreline changes are expected due to the proposed project. Relying on such observations made by the experts in the Report, the GCZMA recommended the project to MOEF.