

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

**M.A. No. 166 of 2013
In
Appeal No. 25(T_{HC}) of 2013**

Smt. Octavia Albuquerque & Ors. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Appellants: Ms. Srishti Govil, Advocate
Respondent Nos.1&7: Mr. Malaya Kumar Chand, Adv.
Respondent Nos. 2 to 5, 9 to13, 17: Mr. Parakshit Anpadi for Mr. V.N. Raghupanthi, Advocates
Respondent No. 8: Mr. Vivek Chib, Mr. Asif Ahmed and Mr. Kushal Gupta, Adv.
Respondent Nos. 14 & 15: Mr. Girjesh Pandey, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 6 May 13, 2014	<p>We have heard the Learned counsel appearing for the parties.</p> <p>All the learned counsel have commonly suggested the following names of the Members of the Committee which should inspect the site in question and file a comprehensive report on the terms directed hereafter. Following shall be the Members of the Committee:-</p> <ol style="list-style-type: none">1. Dr. Rajasekhariah Shankar2. Dr. Ramachandra Bhatta, Scientist G.3. An Scientist - E to be nominated by Indian Institute of Science, Bangalore4. An Expert on Coastal Zone Management to be nominated by the Secretary of Ministry of Earth Sciences.5. Director or his Senior nominee from Space Application Center, Ahmedabad.6. Member Secretary, Karnataka Coastal Zone Management Authority <p>All nominations as afore-referred shall be named within one week from today. MoEF shall coordinate the activities of the Committee and shall also meet the expenses in connection with the inspection and report preparation.</p> <p>The Committee shall conduct inspection of the site and submit a comprehensive report in all respects. The</p>

Report should indicate past and present status of the creek and whether the creek or any part thereof has been filled by any process and shall answer the following:

1. What is the history of the Creek and its significance in the life of the people living around the area?
2. What is the size and depth of the Creek at present and what was it prior to 2004?
3. Whether there existed a Creek (water body) as reflected in the Google Imagery of the year of 2004 and even of the year of 2012?
4. Whether creek shown in the survey of India map and google maps from 2004 to 2013, is reflected/ shown in CZMP, 1996?
5. Whether low tide line and high tide lines are demarcated properly and shown in CZMP, 1996
6. Whether the proposed project area in question is in CRZ 1 or 2?
7. Whether there are any CRZ violations at the site?
8. Whether the creek (water body) has been manually filled to convert it into solid mass of earth for the purposes of establishing the Fishery Harbour and Processing Unit at the site in question?

The Committee shall submit its Report to the Tribunal within six weeks from today.

List this matter on 09th July, 2014 for directions and arguments.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

.....,EM
(Dr. R.C. Trivedi)

