

Item No. 10

Court No. 1

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

(By Video Conferencing)

Appeal No. 32/2020  
(Earlier Appeal No. 14/2020(WZ))

Bainguinim Citizens Forum

Applicant(s)

Versus

Goa Waste Management Corporation & Ors.

Respondent(s)

Date of hearing: 24.09.2020

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

Applicant(s): Mr. Rahul Choudhary, Advocate

Respondent(s): Mr. Devidas Pangam, Advocate General with Mr. Shivdutt Munj,  
Advocate for GWMC  
Mr. Geetesh R. Shetye, Advocate for State of Goa  
Ms. Ruchira Gupta, Advocate for R-3

**ORDER**

1. This Appeal has been preferred against environmental clearance granted in favour of Respondent No.1 (the project proponent) on 06.01.2020 for proposed establishment of 250 TPD +20% of the Solid Waste Management Facility at Bainguinim Taluka, North Goa.

2. In short, case of the appellant is that the project site is against the siting criteria laid down under the Solid Waste Management Rules, 2016. As against the required distance of 200 to 500 meters from the habitation, in the present case, nearest habitation is only 35 meters away. Hospital is 239 meters away. School is 291 meters away. There

are on-going construction projects on the western side. There is no space for the buffer zone or no-development zone on the boundary of the project site. The current project has concealed the construction of dense settlement around the project. The issue was raised during the public hearing but the project proponent stated that when the site was acquired, request was made to the TCP to freeze the land development within 500 meters. EIA report was faulty, by concealing material facts and without considering the environmental impact on the air and noise. No analysis was carried out for alternative site or source of water and raw material.

3. The appeal was filed on 04.02.2020. The Tribunal issued notice on 17.03.2020 to the respondents i.e. the project proponent, State of Goa, State PCB, SEIAA, EAC, Water Resources Department and the Town and Country Planning Department of Goa. A detailed reply has been filed by the project proponent on 05.09.2020 to the effect that the site was identified prior to the year 2006 and the land was acquired for the purpose in that year. The application was challenged before the High Court in WP No. 734 of 2013 which was upheld. The State PCB approved the site in the year 2005 and granted 'in principle' authorization. In 2016, the authorization was renewed till 2021. The Town and Country Planning was requested to freeze all the developments within 500 meters, in the year 2010. The Council of Ministers approved the proposal for setting up the waste management facility in the year 2017. DPR was prepared in 2018. The facility is required for waste management. The High Court, vide order dated 11.07.2019 in W.P No. 02. Of 2017, directed the setting up of the waste management facility for protection of the environment. The EAC duly conducted the appraisal in terms of the Impact Assessment Notification of 2006. EIA report was duly prepared,

public hearing was held on 28.07.2019. CSIR-NEERI responded to objections during the public hearing. A detailed presentation was given and revised EIA report was furnished. Conditions of EC are being duly complied with and the same were published in the local newspapers. Buffer zone is being managed. 500 meters around the facility is no-development zone. The siting criteria is duly adhered to. The petitioner in W.P No.12 of 2009 who approached the High Court was running an educational institution which could not be a ground to restrain the project proponent from operating the waste management facility.

4. We have duly considered the rival submissions and gone through the record.

5. There is no dispute that scientific waste management facility is needed for protection of environment. The High Court issued direction for setting up such facility which is also the obligation of the State. The site in question was identified prior to 2006, as per applicable norms and land was acquired by the State accordingly, which was upheld by the High Court. The TCP was informed that buffer zone was to be maintained. Public hearing was duly held. There is nothing to show that any construction was pre existing when the site was selected. There is nothing to show when the constructions said to be in existence came up. There is nothing to show that any complaint against violation of EC conditions has been made. The waste management facility being necessary and the site having been duly selected, acquisition having been done for the purpose, having been upheld, no fault can possibly be found with the grant of EC. All that is required is that conditions of EC must be complied with and all environmental safeguards must be duly observed which should be monitored by the State PCB. Subject to this

being done, we do not find any ground to interfere with the impugned EC.

The appeal is dismissed except for the direction that the EC conditions be duly followed and all environmental norms observed which should be monitored by the State PCB.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 24, 2020  
Appeal No. 32/2020  
AK