

Item Nos. 01 & 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Appeal No. 30/2019 (WZ)
WITH
Appeal No. 31/2019 (WZ)

Sayed Mohammed Sabir Usman

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 15.05.2019

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

For Appellant(s):

Mr. Nitin Lonkar, Ms. Sonali Suryawanshi,
Advocates

For Respondent (s):

Mr. Ajit Wagh, Advocate for R-13

ORDER

1. Challenge in these appeals is to the grant of Environmental and Coastal Regulation Zone (CRZ) Clearance for extension of Breakwater at Chhara Port, Village Chhara Sarkhadi, Taluka Kodinar, Dist. Gir Somnath, Gujarat by M/s Simar Port Private Limited.
2. According to the appellants who claim to be residents of the area, the clearance for extension is in violation of terms and conditions of the original clearance dated 06.01.2014. The extension will affect the aquatic life. It has wrongly been assumed that there was no eco-sensitive area within 10 km radius. Quantity of minerals, construction material, forest and timbers has not been indicated in Form-1. There are various omissions in Form-1, as mentioned in the

appeal. No requisite public hearing was conducted for extension. The period of Terms of Reference (ToR) expired before the grant of clearance. Asiatic lion number has been ignored. Lion Conservation Plan has not been prepared. There is no marking of CRZ Zone. Risk assessment and monitoring reports are stale. The grounds for challenge have been summed up in para 8 of the memo of appeal.

3. Before we consider the appeal, we find it necessary to have para-wise comments from the Respondent No. 1 - Ministry of Environment, Forest and Climate Change (MoEF&CC), Respondent No. 6 - Gujarat Coastal Zone Management Authority (GCZMA), Respondent No. 11 - Gujarat Pollution Control Board (GPCB) and Respondent No. 15 - M/s Simar Port Private Limited (Project Proponent). Such comments may be furnished within one month by e-mail at ngt.filing@gmail.com.

A copy of this order be sent to the MoEF&CC, the GCZMA, the GPCB and M/s Simar Port Private Limited by e-mail for compliance.

The appellant may furnish a complete set of papers each to the MoEF&CC, the GCZMA, the GPCB and the Project Proponent and file an affidavit of service within one week from today.

A copy of the para-wise comments may also be furnished to the learned Counsel for the appellant by e-mail before the date of hearing.

List for further consideration on 31.07.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 15, 2019
Appeal No. 30/2019 (WZ)
WITH
Appeal No. 31/2019 (WZ)
DV

