

Item No.6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.141 OF 2017 (WZ)**

Kashinath Jairam Shetye & Ors. .... Applicants

Versus

The State of Goa through its Chief Secretary & Ors. .... Respondents

Date of Hearing : 03.07.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Applicant No.1 in person present

Respondents : Ms. Ruchira Gupta, Advocate for R-2 and R-3  
Mr. A.V. Pavithran, Advocate for R-4  
Ms. Manasi Joshi, Advocate for R-6

**ORDER**

1. At the very outset, it has transpired that 15 persons have filed this Original Application, including applicant No.1 – Kashinath Jairam Shetye, who is present-in-person today. Rest of the applicants are not present, nor vakalatnama of any Advocate is found to have been filed from their side on record. Applicant No.1-in-person wants to pursue this matter, which is old one of the year 2017.

2. We also find that there is no service-affidavit filed from the side of the applicant No.1, but he submits that the service has been effected on all the respondents, including respondent No.1 – the State of Goa through its Chief Secretary and respondent No. 5 – Central Wetlands Regulatory Authority (CWRA), but none has appeared from their side.

3. Today, from the side of respondent No. 2 – the Goa State Wetland Authority (GSWA) and respondent No. 3 – the Goa State Biodiversity Board (GSBB), learned counsel Ms. Ruchira Gupta has appeared. She

has drawn our attention to the 13<sup>th</sup> Quarterly Progress Report, wherein it is submitted that the current status of the Wetland Identification and Notification is as follows:

<b>Sr. No.</b>	<b>Status</b>	<b>No. of Wetlands</b>
1	Total no. of identified Wetlands in the State of Goa	50
2	Wetlands finally notified	15
4	Draft Notified wetlands	19*
5	Wetlands approved for Draft Notification	10
7	Identified Wetlands to be placed before next GSWA for approval for Draft Notification	6

*Note :\* One of the Draft notified wetlands to be placed for re-draft notification.*

*The above numbers will change subject to the decision of Technical Committee, Grievance Committee, GSWA based n applicability of Wetland (Conservation & Management) Rules, 2017.”*

4. Thereafter, our attention is drawn to the affidavit dated 04.01.2023 filed by respondent No. 2 – GSWA, wherein it is submitted that in order to complete the process of survey, identification and then notifying the wetlands in the State of Goa, the answering Authority has constituted a Technical Committee and Grievance Committee as per Rule 5 Sub-Rule (6) of the Wetland (Conservation and Management) Rules, 2017 (hereinafter referred to as “Rules of 2017” for brevity). The empanelled agency National Institute of Oceanography (NIO) carries out the work of survey, preparation of brief documents, Integrated Management Plan and related maps of the water bodies and also ascertains the existence of structures therein. The brief documents are submitted to the Technical Committee of GSWA, which reviews those documents, management plans and advises on the technical matters referred by the GSWA. After such verification, the Technical Committee identifies the waterbodies as Wetlands and proposes to GSWA for approval. After the waterbody is

identified as wetland, it is presented before the answering Authority for deliberation and approval of the wetlands, which would be draft notified for 60 days in the official gazette of the State of Goa as per the schedule given in paragraph 8 of the said affidavit. It is stated by the learned counsel for respondent Nos.2 and 3 that following this procedure, the total number of wetlands, which have been stated in the above table, has already been given and the process is ongoing. Further it is mentioned in paragraph 14 of this affidavit that the process of identification, draft notification and final notification of the remaining identified wetlands will require a minimum of two years' time from the date of filing of affidavit i.e. 04.01.2023.

5. From the side of applicant No.1, the number of the wetlands, which have been identified by respondent No. 2 – GSWA, is being disputed by referring to the affidavit filed by respondent No.1 – State of Goa on 30.07.2019, wherein in paragraph No.5, following is mentioned:

- a. *385 wetlands have been delineated which have area more than 5 hectares and 167 wetlands which are less than 2.25 hectares, thus totaling to 550 in the State of Goa covering an area of 213.77 sq.kms.*
- b. *There are 101 Inland Wetlands wherein 29 are located in North Goa and 72 in South Goa District. Further there are 282 Coastal Wetlands wherein there are 112 in North Goa and 70 in South Goa District.*
- c. *Wetlands cover about 136.93 sq.kms in North Goa and 76.44 sq.kms. in South Goa.*
- d. *The 4 Wetlands as identified in the Atlas namely Salaulim Reservoir, Anjunem Reservoir, Carambolim Lake & Chorao Wildlife Sanctuary to be recommended to Central Government for declaration as Wetlands.*
- e. *The study has revealed four major types of Wetlands.*
  - i. *Mangroves*
  - ii. *Intertidal Mud Flats*
  - iii. *Salt pans*
  - iv. *Reservoirs.”*

6. But we find that this is an old affidavit of the year 2019 while the current position which is being shown by GSWA in their 13<sup>th</sup> Quarterly Progress Report read with affidavit dated 04.01.2023 is quite different. Applicant No.1-in-person submits that he has not received copy of the affidavit as well as 13<sup>th</sup> Quarterly Progress Report, therefore, he could not file rejoinder, which is disputed by the learned counsel for respondent Nos.2 and 3 by saying that the same has been endorsed to applicant No.1, but instead of losing time on this issue, we direct learned counsel for respondent Nos.2 and 3 to provide copies of the affidavit and 13<sup>th</sup> Quarterly Progress Report to applicant No.1 today itself and thereafter, the rejoinder shall be filed by applicant No.1 within three weeks.

7. From the side of respondent No. 4 – the Goa Pollution Control Board, learned counsel Mr. A.V. Pavithran has appeared and states that he does not want to file reply-affidavit.

8. From the side of respondent No. 6 – MoEF&CC, learned counsel Ms. Manasi Joshi has appeared and states that the reply-affidavit has been filed and orally states that MoEF&CC has no role to play in this matter.

9. We find that the prayers made in this application are to the effect that a direction be issued to respondent No.2 – GSWA to conduct survey to identify the wetlands and declare all lakes/tollems/reservoirs/TolleXet including marsh, fen, peat-land or water, natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salty, including areas of marine water, the depth of which at low tide does not exceed six meters and including all inland waters such as lakes, reservoir, tanks, backwaters, lagoons, creeks, estuaries and manmade wetlands and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as a Wetland sites under Wetland Rules under the Environment Protection Act, 1986. There

are also prayers seeking order for removal of the encroachments by demolishing illegal construction/development activities.

10. Put up this matter for next consideration on 05.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 03, 2023  
O.A. NO.141/2017 (WZ)  
npj