

No: WLP/32/B/ 1913-14 /2017-18

Office of the
Principal Chief Conservator of Forests
Block No. B/1, Aranya Bhavan,
Ch-3 Circle, Sector-10 A,
Gujarat State, Gandhinagar.
Date: 1 /06/2017.

Sub: Permission under Section - 29 of Wildlife (Protection) Act, 1972 for use of 11.2680 ha land of Block No. 25 in Marine Sanctuary for laying of 2504 m. long and 45 m. wide Waste Water Pipeline by Tata Chemicals Ltd. (TCL) - Gujarat.

Ref:

1. Chief Conservator of Forests, Marine National Park Jamnagar's letter No. A/LND/24/T-9/337-38 dated 10-06-2015.
 2. Recommendation of the State Board for Wildlife, Gujarat circulated vide this office's letter no. WLP/28/A/1686 dated 27-01-2016.
 3. This Office's letter No: WLP/32/A/1740-42 dated 02-02-2016 submitting proposal to Forest & Environment Department, Government of Gujarat.
 4. Forest and Environment Department, Government of Gujarat's letter No. VPS/102016-233/W dated 16-02-2016 to the Secretary MoEF&CC.
 5. Recommendation of Standing Committee of National Board for Wildlife, circulated vide MoEF&CC, GoI's letter no. F.No. 6-109/2016/WL (39th Meeting) dated 19-09-2016.
 6. Recommendation of Standing Committee of National Board for Wildlife, circulated vide MoEF&CC, GoI's letter no. F.No. 6-69/2017/WL (42nd Meeting) dated 30-05-2017.
 7. Hon'ble Supreme Court of India's Order dated 05-10-2015 in I.As filed in reference to Writ Petition (Civil) 202/95.
1. A proposal was received vide reference no. 1 above for permission under Section-29 of the Wildlife (Protection) Act, 1972, for use of 11.2680 ha land of Block No. 25 in Marine Sanctuary for laying of 2504 m. long and 45 m. wide Waste Water Pipeline by Tata Chemicals Ltd. (TCL) - Gujarat.
 2. The proposal was placed before the State Board for Wildlife (SBWL) in its 10th meeting held on 21-12-2015 for consultation. The SBWL has approved and recommended the proposal in its meeting vide reference no. 2 above with certain conditions.
 3. The proposal was sent to Forest and Environment Department, Government of Gujarat vide reference no. 3 above for onward submission to MoEF&CC, GoI. The said proposal was submitted to MoEF&CC, GoI for consideration of Standing Committee of National Board for Wildlife (NBWL) vide reference no. 4 above. The proposal was discussed in 39th meeting of the Standing Committee of NBWL held on 23-08-2016 and in 42nd meeting of the Standing Committee of NBWL held on 15-05-2017, the Standing Committee of NBWL recommended the proposal vide reference no. 5 & 6 above in its meetings with certain conditions respectively as under:



"After discussions, considering that the activity is planned in compliance of CRZ regulation and environment clearance conditions and involves use of existing channel for making the pipeline subterranean instead of open channel. Standing Committee agreed to recommend the proposal along with the conditions stipulated by State Chief Wildlife Warden."

"After discussions, the Standing Committee decided to recommend the laying of trestle mounted pipeline instead of subterranean for discharge of waste water from the said plant into the sea."

4. Hon'ble Supreme Court of India has passed an order dated 05-10-2015 in reference to different I.As in Writ Petition (Civil) 202/95 vide reference no. 7 above. The order of the Hon'ble Supreme Court of India is reproduced as under:

"All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 13.11.2000, 9.5.2002, 16.12.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors., reported in (2014) 6 SCC 590.

We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.

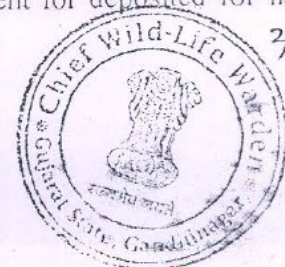
If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned amicus curiae."

5. Therefore, in view of the references mentioned and explained above, the permission is hereby granted to the The Tata Chemicals Ltd under Section - 29 of Wildlife Protection Act, 1972 for the use of 11.2680 ha land of Block No. 25 in Marine Sanctuary for laying of 2504 m. long and 45 m. wide Waste Water trestle mounted Pipeline subject to following Conditions:

Conditions:

1. The User Agency shall not violate any regulatory provisions under Section - 9, 17 A, 27, 29, 30, 31 & 32 of Wildlife (Protection) Act, 1972.
2. No damage / adverse effect shall be caused to marine life and its habitat by the user agency and its establishment during the implementation of the project. The User Agency or its contractor shall implement the project carefully.
3. User Agency or his contractor shall not use any area of the Sanctuary other than the area permitted for laying of the waste water pipeline and its maintenance.
4. 5% of the cost of the project (Rs. 11.45 Crore) shall be spent for deposited for habitat improvement and wildlife conservation in the Sanctuary area.



5. The User Agency shall discontinue discharge through existing open channels into the marine sanctuary, once proposed pipelines become fully operational.
6. As & when required, the User Agency will obtain permission from the Deputy Conservator of Forests, Marine National Park for maintenance of the waste water pipeline
7. The User Agency will not pollute any of the water channels going to the Marine Sanctuary or Marine National Park in the area.
8. The User Agency is bonded to the precautionary measures suggested for the area on the EIA study carried out.
9. Any other conditions that may be imposed by the Chief Wildlife Warden / Government and or the Standing Committee of the National Board for Wildlife will be strictly complied with.

(Signature)
(G. K. Sinha)

Chief Wildlife Warden
Gujarat State, Gandhinagar.

To,

- ✓ 1. The Chief Conservator of Forests,
Marine National Park,
Jamnagar
2. The TATA Chemicals Ltd,
Mithapur.

Copy Submitted to: The Additional Director General of Forests (WL), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Baug Rad, Ali Ganj, New Delhi for information.

Copy Submitted to: The Additional Chief Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar for information.

Copy to: The Additional Principal Chief Conservator of Forests, Land, Gujarat State Gandhinagar for information and necessary action.

Copy to: The Deputy Conservator of Forests, Marine National Park, Jamnagar for information and necessary action.

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