



Ref.No.:GSIDC/Engg/Works/854/ 5105

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22 December 2022

To

Deputy Conservator of Forests (M & F)
Office of Principal Chief Conservator of Forests
"Goa Van Bhawan" Forest Department,
Altinho, Panaji, Goa.

Sir,

Sub: *Diversion of 0,2884 ha of Forest land for Design and Construction of Bridge connecting Keri to Tiracol over river Tiracol including approaches in Tiracol Village of Pernem Taluka – reg."*

Ref: *Letter No. 6-829-2022-23/FD/3525 dated 11th November 2022.*

As requested vide letter cited at reference above, it is to inform that no applications are pending before any Court of Law as on date. However, a writ petition No. 121/2017, Salvador Rodrigues & ANR v/s Chief Conservator of Forest & 2 ORS is pending before the Hon'ble High Court of Bombay at Goa.

The Hon'ble High Court while hearing writ petition 121 of 2017 has only recorded that "No activity is going on at site and the work of bridge has already been stopped in view of the Order of Hon'ble NGT" (copy of Order is enclosed). It is therefore clarified that there is no stay operating on the procurement of sanctions/permissions under Forest Conservation Act, 1980 for the Central Ministry as per the Order of Hon'ble High Court.

As the Stage-I Forest Clearance is granted under section 2 of Forest (Conservation) Act, the challenge would not be maintainable before the Hon'ble High Court, as in terms of Section 2A of Forest (Conservation) Act, R/W section 16 of NGT Act, 2010, the challenge to the same would lie before the Hon'ble NGT.

It may also be noted that the applicant, Goa Foundation had again filed an application to recall the Order of Hon'ble NGT dated 22nd January 2020. However, the Hon'ble NGT vide its Order

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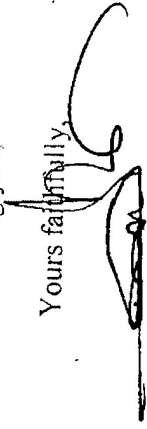
dated 17th January 2022 has disposed the application as the Hon'ble NGT did not find any merit in the case of the applicant. The Order states that CRZ Clearance has been duly granted which is not under challenge and that the in principal Forest Clearance (i.e. stage in principal Forest Clearance) has also been duly granted by the competent authorities.

Subsequently the Applicant i.e the Goa Foundation preferred a Writ Petition bearing no. 557/2022 (F) before the Hon'ble High Court at Goa assailing the Order dated 17/01/2022 (passed by the special bench of the Hon'ble NGT), however the same was disposed of as withdrawn vide its Order dated 29/04/2022.

From the facts and orders mentioned aforesaid it can be inferred that the construction of bridge can commence after obtaining stage-II Forest Clearance by following all the necessary technicalities recommended by NIOT. Orders dated 17/01/2022 and 29/04/2022 are enclosed for your reference. You are requested to kindly grant Stage II Clearance immediately in the interest of the project.

Thanking you,

Yours faithfully,



(Harish Adconkar)
Managing Director

Encl: 1) Order dt. 26/2/2018 of Hon'ble High Court of Bombay at Goa
2) Order dated 17th January 2022 of Hon'ble NGT

3) Order dt. 29th April 2022 of Hon'ble High Court of Bombay at Goa

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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 121 OF 2017

SALVADOR RODRIGUES AND ANR.,

... Petitioners

Versus

CHIEF CONSERVATOR OF FORESTS (C)
AND 2 ORS.,

... Respondents

Ms. Anamika Gode, Advocate for the Petitioners.
Ms. P. Kamat, AGA for Respondent no. 3.
Mr. Shivan Desai, Advocate for Respondent no. 4.

Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 26th February 2018

P.C.

Heard the learned counsel for the parties.

2. Rule.

3. On 11 December 2017 the Court was informed and it was recorded that the Court was at present there is no activity going on at the site and the work of the bridge has already been stopped in view of the orders passed by the National Green Tribunal.
4. Liberty to the parties to apply in case any eventualities arises.

5. Reply-affidavit to be filed by 26 March 2018.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.

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Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Misc. Application No. 21/2021(WZ)
(I.A. No. 124/2021)

IN

O.A. No. 33/2015(WZ)

The Goa Foundation

Applicant

Versus

Goa State Environment Impact
Assessment Authority & Ors.

Respondent(s)

Date of hearing: 17.01.2022

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Ms. Norma Alvaris, Advocate for Applicant in M.A. 21/2021(WZ)

Respondent(s): Ms. Ruchira Gupta Advocate for R-1,2,4 & 5
Ms. Bhavya Pande, Advocate for R-3 (GSIDC)
Mr. Milind M. Mahajan, Advocate for R-6

ORDER

Misc. Application No. 21/2021(WZ)

1. This application has been filed to recall order of this Tribunal dated 22.01.2020 in O.A. No. 33/2015, *Goa Foundation vs. Goa State Environment Impact Assessment Authority & Ors.* By the said order, the Tribunal dealt with the issue of compliance of environmental norms in construction of Tiracol Bridge on Querim beach in Goa. After considering

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a report filed by National Institute of Ocean Technology, Chennai (NIOT) dated 08.02.2016 that the bridge could be constructed subject to mitigation of adverse impact and subject to compliance of recommendations mentioned therein, the Tribunal disposed of the application with the direction that construction of the bridge should be after taking all necessary precautions and complying with the recommendations of NIOT. The operative part of the order is reproduced below:-

"4. In substance, the report is that during construction mitigation measures need to be taken. The observations and recommendations are as follows:-

"Observations

The analysis of long term data with satellite imageries indicate that pillar 6 is normally submerged in sandpit due to natural processes. However, occasionally there could be exposure of pillar 6 due to high fresh water discharge from the catchment.

The maximum anticipated depth at bridge pillar 6 is 0.8 m which may occur during high river discharge. The simulations were conducted to this worst case scenario for fair weather and monsoon conditions. Under the above condition, the effective area of obstruction at pillar no. 6 is 3.84 sq.m against the total cross sectional area channel 900 sq.m, which is not significant.

The simulation studies indicate no significant accretion during monsoon season. But during fair weather from October to April, an accretion of 10 to 20 m is noticed around the pillar location. The flow simulation with this condition indicates no significant changes in the water exchange between estuary and Open Ocean.

Recommendations

- *Increase in the elevation of pile cap by 1m above high flood level to allow natural movement of the sand.*
- *Monitoring of the morphological changes of sand spit at the bridge pillar no. 6 at closed*

internal to study the seasonal and long term variability.

- *Monitoring the shoreline changes up to 2km on either side of the pillar no. 6, both in open coast as well as estuary.”*

5. *Having regard to the fact that Tiracol Bridge may be a matter of public utility and the same can be constructed without any adverse damage to the environment, there is no justification to stop the same in absence of any illegality being shown.*

6. *Accordingly, we dispose of this application with a direction that the construction of Tiracol Bridge may proceed after taking all due precautions in accordance with law, particularly all the observation and recommendations of the MOT.”*

2. The applicant preferred Writ Petition No. 183 of 2021 (F), The Goa Foundation, thr. its Secretary & 4 Ors. vs. Goa State Environment Impact Assessment Authority thr. Its Secretary & 5 Ors. before the High Court of Bombay at Goa with the grievance that the applicant could not put forward its point before the Tribunal. The High Court disposed of the petition vide order dated 11.3.2021, giving liberty to the applicant to approach this Tribunal again to highlight its grievance.

3. In pursuance of above, this application has been filed. The points raised in the application inter-alia are:-

“8.The O.A No. 33/2015 challenges the construction of a Rs. 77 crore "signature bridge" extravaganza proposed in the CRZ I of Querim beach in north Goa, across the estuarine mouth of the Tiracol river to the forested slopes of Tiracol village on the other side of the river. The O.A raises the following challenges:

- (i) *that the construction of the bridge in CRZ I violates the provisions of the CRZ Notification, 2011;*
- (ii) *that the construction violates the Forest Conservation Act, 1980 as there is no prior approval from the Ministry of Environment;*
- (iii) *that the construction of the bridge would destroy forever several permanent ecological assets in Goa, including the beautiful Querim beach, the natural forest on*

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Tiracol hill and the Tiracol estuary which is highly dynamic, due to river/ sea interface;

(iv) that the estuarine area, also being the principal fishing grounds of the villagers, would be damaged by the piers to be located in the estuary on both sides of the Tiracol river;

(v) that the alignment of the bridge was decided at the behest of the owners of a proposed luxury golf course resort to be constructed in Tiracol i.e. chiefly for private purpose although propped up as a public utility.

9. The construction of the bridge was first stayed in December 2014 by the Hon'ble NGT (WZ) in Appeal No. 31/2014 (filed by this applicant) on the grounds that "prima facie, there is material to show that there is violation of the CRZ notification". After the appeal was disposed of, the applicant filed O.A No 33/2015 and the stay of the project was continued vide Order dated 17.4.2015 right up to disposal of the O.A No 33/2015 on 22.01.2020. A copy of the order dated 17.4.2015 in OA 33/2015 is enclosed as **Annexure D**. Even post the Hon'ble Tribunal's order dated 22.01.2020, no work has resumed on the bridge and the situation at loco is the same as when the Hon'ble NGT first stayed the project.

10. Applicant states that as the project's stage I forest clearance has already expired, the bridge cannot be constructed at present. In the meanwhile, the private company's proposed golf course project has also been stayed by the Hon'ble High Court and there are media reports that the proponents of the golf course resort have filed for bankruptcy. The construction of such a grandiose bridge in such circumstances would be a futility, besides waste of public funds, in addition to causing unwarranted environmental distress.

11. The impugned order dated 22.01.2020 shows that this Hon'ble Tribunal has disposed of the application chiefly on the basis of a report received from the National Institute of Ocean Technology (NIOT) who had been directed to examine the ecological impact of two piers of the bridge proposed for construction within the estuary of the Tiracol river. Applicant submits that this was only one of the several issues raised in the OA and the others have not been examined by this Hon'ble Tribunal. For that matter, the applicant was not heard on its concerns regarding the NIOT report either. Thus, the Hon'ble Tribunal has not dealt with the various issues raised in the petition including the serious violation of laws meant to protect the environment. Hence, the applicant prays that this Hon'ble Tribunal may hear the applicant on the issues raised in the application in public interest and in the interest of environmental conservation as well."

4. Without going into any technicality, we have considered the issue once again but do not find any merit in the case of the applicant.

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5. As stated above, the applicant had earlier preferred Appeal No. 31/2014, *The Goa Foundation vs. Goa Coastal Zone Management Authority & Ors.* against minutes of the GCZMA for grant of necessary approval which was dismissed by this Tribunal vide order dated 27.03.2015. The Tribunal noted that the GCZMA permission stood granted on 22.05.2011 and the project is exempted from EIA notification. The observations in the said order are reproduced below:-

“14. The Affidavit of Member Secretary of GCZMA shows that, permission of GCZMA was granted to the project of bridge in question i.e Bridge between river Tiracol and Keri as per communication dated 22nd May, 2011. His affidavit shows that, the proposed bridge from Keri to Tiracol is of 13 Mtrs and comprises of 10 (Ten) Piers. Out of them, 2(Two) Piers will be erected in the NDZ area towards Keri side and 2 (Two) Piers will be erected within in the NDZ area towards Tiracol side. The total area of land occupied on Keri side will be only of 21 Sq.Mtrs under the Piers and rest of the bridge will be suspended in the air above NDZ area, which would not involve any environmental degradation at all.

His affidavit further purports to show that, the construction of bridge is exempted under the EIA Notification from procedure to seek permission. Moreover, the CRZ Notification gives authority to the GCZMA and the Notification itself exempts the construction activities of the bridge from the CRZ Clearance.”

6. The Tribunal dismissed the appeal as barred by limitation and the said order admittedly attained finality. Only liberty granted was to file an application or petition against the project/CRZ order of non-compliance. Status quo for two weeks was also granted. The operative part of the order is reproduced below:-

“23. Considering the fact that prima facie there appears certain material, which indicate violation of CRZ, we grant liberty to the Applicant to file Application or any petition as may be permissible under the Law to challenge the impugned project/ CRZ order non-compliance and for that two (2) weeks the Status quo is continued, as per the statement made by the learned Advocate General.”

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7. Thereafter, the applicant filed O.A. No. 33/2015, which was disposed of on 22.01.2020. Thus, scope of the said application does not go beyond the liberty aforesaid to consider CRZ violation, if any.

8. Learned Counsel for Respondent No. 3, Goa State Infrastructure Development Corporation (GSIDC) submitted that CRZ Clearance has been duly granted which is not under challenge. Further, in principle Forest Clearance has also been duly granted. Construction of bridge will advance public purpose and all precautions for protection of environment will be taken in the course of such construction.

9. We have duly considered the liable submissions.

10. In view of the fact that CRZ Clearance has been granted against which appeal has been dismissed and in principle approval under the Forest (Conservation) Act, 1980 Act has also been granted, no interference is called for by this Tribunal. However, by way of precaution, it may be necessary to direct that compliance of conditions for such clearances must be ensured.

11. Accordingly, we direct Secretary, Environment, Goa, PCCF (HoFF), Goa, SEIAA, Goa and Goa Coastal Zone Management Authority (GCZMA) to monitor the compliance of conditions for permissions under the CRZ Regulation as well as under the Forest (Conservation) Act, 1980 by the PP, including recommendations of NIOT. Subject to such monitoring, it will be open to the PP to proceed with the construction complying with all such conditions, including undertaking requisite afforestation and depositing Net Present Value (NPV) and other environmental safeguard measures, which may be overseen by the statutory regulators.

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The application stands disposed of accordingly. All pending IAs will also stand disposed of.

A copy of this order be forwarded to the Secretary, Environment, Goa, PCCF (HoFF), Goa, SEIAA, Goa and GCZMA by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 17, 2022
Misc. Application No. 21/2021(WZ)
(I.A. No. 124/2021) In
O.A. No. 33/2015(WZ)
SN

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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.557 OF 2022 (F)

THE GOA FOUNDATION THR. ITS
SECRETARY DR. CLAUDE ALVARES ... PETITIONER

Versus

THE GOA STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY
THR. ITS SECRETARY AND 5 ORS. ... RESPONDENTS.

**Ms. Norma Alvares with Mr. Om D'Costa, Advocates for the
Petitioner.**

**Mr. Devidas Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for the Respondent-State.**

Mr. Somnath Karpe, Advocate for Respondent No.6.

**CORAM: C.V. BHADANG &
R.N. LADDHA, JJ.**

DATED: 29th April 2022

P.C:

- 1.** Ms. Alvares, learned Counsel for the Petitioner, on instructions, seeks leave to withdraw the Petition as the Petitioner intends to take recourse to appropriate remedy in the matter.
- 2.** In that view of the matter, the Petition is disposed of as withdrawn with no order as to costs.

R.N. LADDHA, J.

C.V. BHADANG, J.