



भारत 2023 INDIA

Ref.: GSIDC/Engg/Works/854/2692



To

The Deputy Conservator of Forests,
Monitoring & Evaluation,
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 in North Goa Division/District 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. GSIDC/Engg/Works/854/1700 dated 27th June 2023

In continuation to letter dated 27th June 2023 and in view of the proposed Western Zonal Council Meeting, the detailed status of the project "Design and Construction of Bridge connecting Keri to Tiracol over river Tiracol including approaches in Tiracol Village of Pernem Taluka" is enclosed.

It is to further state that as per the records available with GSIDC, the NOC dated 17th October 2019 furnished by M/s. Leading Hotel Limited states that the land bearing Survey No.14/1, Survey No.14/2, Survey No.15/1, Survey No.15/7 are owned by them and relevant Sale Deed and Deed of rectification are furnished. The NOC obtained for Survey Nos.14/1, 14/2, 15/1, 15/7 from M/s. Leading Hotel Limited was forwarded to the Deputy Conservator of Forests, Altinho, Panaji, vide letter dated 24th February 2022.

It may also be noted that the Hon'ble Supreme Court has granted interim stay in the appeal filed by Goa Foundation Challenging the orders passed by the Hon'ble NGT.

Thanking You,

Yours faithfully,

(Harish Adconkar)
Managing Director

Encl : Detailed Status of the Project

DETAILED STATUS OF THE PROJECT

**“DESIGN AND CONSTRUCTION OF BRIDGE CONNECTING KERI TO TIRACOL
OVER RIVER TIRACOL INCLUDING APPROACHES IN TIRACOL VILLAGE OF
PERNEM TALUKA”**

1. The construction of Keri – Tiracol Bridge was taken up by GSIDC as per the Budget Assurance 2012 – 2013 of the state Government.
2. Statutory clearances required for project were obtained from Goa Coastal Zone Management Authority on 22nd October 2013, Water Resources Department on 31st October 2013 and Captain of Ports Department on 28th August 2013. The construction work was awarded to the Contractor, M/s. M. Venkata Rao Infra Projects Pvt. Ltd., vide Work Order dated 22nd February 2014.
3. M/s Leading Hotels Ltd vide their letter dated 07/06/2014 and 17/10/2019, conveyed it's No Objection Certificate for acquisition of its property bearing sy.no. 14/1 admeasuring 2710 sq.mtrs, sy.no.14/2 admeasuring 50 sq.mtrs, sy.no.15/1 admeasuring 105 sq.mtrs and sy.no.15/7 admeasuring 20 sq.mtrs for the purpose of connecting the bridge from Keri to Tiracol. M/s Leading Hotels Ltd certified that they are the owners of the aforesaid sy.nos by virtue of Deed of Rectification and Sale dated 03/09/2010 executed before the Sub Registrar, Pernem.
4. The Goa Foundation had preferred an Appeal bearing no.31/2014 before the Hon'ble Tribunal challenging therein the permission /approval dated 22/10/2013 granted by Goa Coastal Zone Management Authority (GCZMA) and has further sought restoration of the beach at Keri.
5. During the hearing of the original Appeal no.31/2014 on 10/12/2014, it was submitted on behalf of GSIDC that the work of project will not proceed on the forest land towards the Tiracol side and will not in any way affect the forest land, without seeking forest clearance. Further vide Order dated 22/12/2014, the

Hon'ble NGT directed that no further construction on Tiracol side to be carried out unless forest clearance is obtained.

6. In compliance of the orders passed by the Hon'ble NGT, GSIDC has not undertaken any construction in the area affected by Forest.

7. Vide letter dated 13/01/2015, GSIDC applied to the Principal Conservator of Forests for obtaining Forest Clearance in Sy. Nos. 14 and 15 admeasuring approx. 2885 sq.mtrs. of Tiracol Village.

8. The Ministry of Environment, Forest and Climate Change (MOEF & C), Southern Zone vide Letter dated 30/12/2015 through Conservator of Forests (Central) has granted in Principle Approval (Stage-I) for diversion of 0.2884 Ha. of forest land bearing survey nos. 14 and 15 of Tiracol, Pednem in North Goa Forest Division / District for design and construction of bridge connecting Keri to Tiracol over river Tiracol including approaches in Tiracol Village of Pednem Taluka, for a period of 20 years on terms and conditions enumerated therein.

9. The Deputy Conservator of Forests, Monitoring & Evaluation, Altinho, Panaj vide letter dated 15/02/2015 had requested GSIDC to deposit an amount of Rs.3,61,807.60 towards Compensatory Afforestation Fund and GSIDC transferred the above said amount on 24/02/2016 for needful.

10. During the pendency of the application before the Hon'ble NGT, one Mr. Salvodore Rodrigues filed a Writ Petition before the Hon'ble High Court being Writ Petition No. 121/2017, interali praying for quashing in Principle Forest Clearance dated 30/12/2015 granted towards the project.

11. Since there was no activity being undertaken at site and the work of the bridge has already been stopped in view of the orders passed by the Hon'ble NGT, vide order dated 26/02/2018, the Hon'ble High Court in Writ Petition No. 121/2017 granted liberty to the parties to apply in case any eventualities arise.

12. Pursuant to stage I clearance granted by the Principal Conservator of Forests,

GSIDC initiated the process of demarcation as stipulated in the condition of stage I clearance, in order to obtain final stage II Forest Clearance.

13. The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 22/01/2020 disposed the application filed by the Goa Foundation with a direction that "the Construction of Triacol Bridge may proceed after taking all due precautions in accordance with law, particularly all the observations and recommendations of the

NIOT".

14. GSIDC vide its letters dated 11/11/2019 and 10/11/2020 submitted Compliance report to the State Forest Department for onward submission to the Regional Office of the Ministry of Environment, Forest and Climate Change (MOEF & C), Bangalore for obtaining final Forest Clearance.

15. In response to the submission of Compliance report, the MOEF & C vide its letter dated 01/02/2021 sought details of cases filed before the Hon'ble NGT and also made reference to Writ Petition No. 121/17 filed before the Hon'ble High Court.

16. GSIDC vide its letter dated 22/02/2021 furnished necessary clarification. The disposal of application filed by Goa Foundation and order dated 22/01/2020

Hon'ble NGT were also brought to the notice of MOEF & C.

17. 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 dated 17th January 2022 has disposed the application as the Hon'ble Court did not find any merit in the case of the applicant.

18. In response to clarification from GSIDC, the MOEF & C vide its letter dated 12/03/2021, informed that **final Forest Clearance (Stage II) cannot be granted** as the ownership of land and Stage I approval issued by them have been challenged in Writ Petition No. 121/2017 and the matter is yet to be decided by the Hon'ble High Court of Bombay at Goa. It is further informed that the proposal

can be considered for Stage II clearance after final decision of the Hon'ble High Court.

19. Vide letter dated 20th April 2023, Deputy Conservator of Forests, Monitoring & Evaluation, Altinho, Panaj stated that Writ petition No. 121/2017 in the matter of Salvadore Rodrigues & Anr v/s Chief Conservator of Forest & 2 Ors. is pending disposal in the Hon'ble High Court of Bombay, Goa Bench. The said Writ Petition challenges the State-1 (in principle approval) and the ownership of the land (i.e. Sy.No. 14 & 15) under contention/applied for diversion under Forest (Conservation) Act, 1980. As the Writ Petition is pending disposal, requested to update the current status of the ownership of the land proposal for Forest diversion.

20. Considering that the completion of the project has been long delayed for the reasons enumerated above, any further delay would incur further financial burden, GSIDC in the interest of the project, sought opinion from the Ld. Advocate General and more particularly with respect to the pending Writ Petition No.121/2017 challenging the Stage I Forest Clearance granted to GSIDC under Section 2 of the Forest (Conservation) Act. The Ld. Adv. General has opined in the matter stating that "*under Sec-2 of the Forest (Conservation) Act, the same would not be maintainable before Hon'ble High Court, as in terms of Sec.2A of the Forest (Conservation) Act R/w Sec.16(e) of the NGT Act, 2010, the challenge to the same would lie before the National Green Tribunal.*"

21. Vide letter dated 27th June 2023, GSIDC informed the Deputy Conservator of Forests, Monitoring & Evaluation, Altinho, Panaji that this office has already initiated necessary proceedings for filing application before the Hon'ble Court of Bombay at Goa seeking early hearing the matter.

22. The order passed by Hon'ble NGT dated 17/01/2022 was further challenged in Writ Petition by the Goa Foundation before the Hon'ble High Court in Writ petition No. 557/2022(F), the same was subsequently withdrawn by the petitioner

on 29th April 2022 with liberty to take recourse to appropriate remedy in the matter.

The Goa Foundation has now challenged the order passed by the Hon'ble NGT before the **Hon'ble Supreme Court** in Appeal being Civil Appeal No.(S) 4384 – 4385 of 2023. The matter was listed for hearing before the Hon'ble Supreme Court on 10th July 2023. The Court has passed the following order:-

“Delay condoned. Issue notice, returnable on 18.08.2023. we make it clear that in the meanwhile the construction of Tiracol river bridge shall not commence.”