

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)
Original Application No.534/2022

Kuldeep Rana

...Applicant

Versus

State of Goa

...Respondent

Date of hearing: 15.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a letter petition received by Post.

ORDER

1. The grievance in the present letter petition, which is treated and registered as original application, is regarding large scale illegal Pucca/R.C.C construction of Hotel within 50 meters from the Sea H.T.Z/CRZ line in Arambol Beach, North Goa. Many people made complaints about this illegal construction in GCZMA and village panchayat office but no action has been taken in this regard.

2. Vide order dated 02.09.2022, the Registry was directed to submit a report as to pendency before/decision by any other Bench of this Tribunal of any application involving the property in question/the properties in Arambol Beach, North Goa. In compliance thereof the Registry has submitted that there is no pending matter regarding the Arambol Beach, North Goa.

3. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 *suo moto* as held by Hon'ble Supreme Court in **Municipal Corporation of**

Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Goa Coastal Zone Management Authority, State PCB and Deputy Commissioner, North Goa and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

5. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

- (i) the Project Proponent to enable it to comply with the recommendations in the report of the Joint Committee or file objections against observations/recommendations in the same and file its response before this Tribunal if so desired by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the concerned Statutory Authority including Goa Coastal Zone Management Authority, State PCB and Deputy Commissioner, North Goa to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken reports by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF within one month from the date of receipt of a copy of the report of the Joint Committee.

6. List for further consideration on 29.11.2022.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Goa Coastal Zone Management Authority, State PCB and Deputy Commissioner, North Goa by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 15, 2022
AG