

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.20/2023 (WZ)
In
Original Application No.70/2022(WZ)
I.A. No.232/2023(WZ)**

Chandan Suryakant Khorjuvekar

.....Applicant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 13.03.2024

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

Applicant : Mr. Aagney Sail, Advocate
Respondent : Mr. Abhay A. Anturkar, Advocate for R-1/GCZMA

ORDER

1. From the side of execution applicant, learned counsel Mr. Aagney Sail has appeared, who has drawn our attention to the directions, which were issued by this Tribunal vide Judgment dated 26.07.2023 in Original Application No.70/2022(WZ) to be complied with by the respondent No.1-GCZMA, which are stated in brief in tabular form in para no.3 of the present execution application, as below:-

“

S. No.	DIRECTION	TIME-PERIOD	REMARK
1.	GCZMA must conclude the hearing and decide all the violation cases i.e. against Respondent Nos. 5 to 8.	Within One month from 26.07.23.	GCZMA in its 359 th meeting held on 07.09.23 decided to post the matter to pass appropriate order. Till date no order is passed / uploaded or communicated.
2.	GCZMA must place on its website all the consents / approvals granted with respect to Shacks / Huts / Tents / Cottages as prayed.	Within One month from 26.07.23.	Till date said consents / approvals have not been uploaded on GCZMA website.
3.	Finalisation of the draft “Sea Turtle Nesting and Habitat Management Plan” including “No Take Zone”, to be prepared by the Centre for Environmental Education Goa.	Within One month from 26.07.23.	Till date finalization of “Sea Turtle Nesting and Habitat Management Plan” including “No Take Zone” has not been done by GCZMA.

			or uploaded on their website.
4.	GCZMA to decide whether to upload 1:4000 scale CZMP maps on their website.	No time period	No decision taken by GCZMA (communicated or published on website)

”

2. Today, from the side of respondent No.1-GCZMA, counter affidavit dated 12.03.2024 has been filed, wherein it is clearly stated that the answering respondent has passed final orders with respect to the complaints made against the respondent Nos.5 to 8/Private Respondents and copies of those orders are also annexed as Annexures- R-1 to R-3 with this affidavit.

3. As regards respondent No.7- Mr. Satyam Thakral, it is stated by the respondent No.1-GCZMA that respondent No.7 had sold his property to Mr. Rohit Kher, Mr. Anil Sharma and Mr. Arun Bhalla, that is why in the order dated 15.01.2024 in place of the name of Mr. Satyam Thakral, the names of these three persons have been recorded in the operative portion of the said order.

4. The learned counsel for execution applicant has brought to our notice that this Tribunal in its earlier order dated 16.01.2024 in para nos.4 & 5 has mentioned that the policy, under which the respondent No.1- GCZMA is working, suffers from the error because there is no timeline fixed therein, as to how much time would be taken by them in issuing the final order after concluding of the proceedings. We hope and expect that the respondent No.1- GCZMA would pass final orders after taking a decision in respect of any violation having been reported, the same should be communicated to the authorities concerned, within four weeks after holding a meeting and taking decision, as that would facilitate the person aggrieved to approach the Higher Authority against the said order.

5. With respect to the compliance of direction no.1 stated above in tabular form pertaining to GCZMA that it must conclude the hearing and decide all the violation cases i.e. against Respondent Nos.5 to 8, we find that the compliance has already been done by the respondent No.1- GCZMA.

6. With respect to the compliance of direction no.2 stated above in tabular form pertaining to GCZMA that it must place on its website all the consents/approvals granted with respect to Shacks/Huts/Tents /Cottages as prayed. In this regard, the learned counsel for execution applicant has apprised us that the response for the same is given by the respondent No.1- GCZMA in their reply affidavit dated 10.01.2024 in para nos.13 & 14, which we are reproducing herein below:-

“13. The answering Respondent currently maintains a dedicated website (<https://www.czma.goa.gov.in>) which contains records of all meetings conducted by the answering Respondent. It also contains CZMP maps and other relevant documents pertaining to the GCZMA's functioning. The answering Respondent is actively considering creating a dedicated online portal for accepting and processing approvals and permissions pertaining to subject matters over which it has jurisdiction under the applicable laws. The said portal will also contain copies of all orders, approvals and consents issued by the answering Respondent. Creation of such a portal is an exhaustive and comprehensive process involving consultation with concerned stake holders and approvals from appropriate authorities including the Government of Goa.

14. The Department of Environment and Climate Change is currently contemplating the creation of an online portal to process applications for sound licenses. The same is pending approval of the Government of Goa. The said Department has submitted a proposal dated 30.06.2023 in this regard. The answering Respondent is also contemplating the creation of a separate software programme which upon development would give an API (application programming interface) link to the existing website of the answering Respondent by way of which the direction given by Court would be substantially fulfilled or met with. A true copy of the proposal dated 30.06.2023 submitted by the Department of Environment and Climate Change is annexed and is marked as ANNEXURE - 5.”

7. Having drawn our attention to these paragraphs, it is urged by the learned counsel for execution applicant that the directions do not appear to be relating to placing on record the Minutes of the Meeting and decision taken by the respondent No.1- GCZMA to be uploaded on its

website, rather the same relates to sound licenses, but the same is rebutted by the learned counsel for respondent No.1- GCZMA by drawing our attention to the Annexure- 5 annexed with the reply affidavit of respondent No.1.

8. It is apprised by the learned counsel for respondent No.1 that they are actively considering creating a dedicated online portal for accepting and processing their approvals and permissions pertaining to the subject matters over which it has jurisdiction and in that regard, the steps, which have already been taken, are contained in Annexure-5, which contains the communication dated 30.06.2023 made by the Additional Project Director (GC & EMS) & OSD Environment & CC to the Project Director (GC & EMS), Director (Dept. of Environment & CC), wherein it is recorded that Goa Coastal Zone Management Authority is in receipt of proposal from Ahasolar Technologies Limited for creation of an Online portal to process such applications without any cost of the State Government, the details of the said proposal are given in tabular form beneath that paragraph and at the end, it is recorded that the Ahasolar Technologies Limited would create an Online portal for processing applications relating to noise rules, wherein it would be charging Rs.225 per application.

9. The other letter dated 25.07.2023 is written by the Additional Project Director, OSD Environment & CC to the Project Director (GC & EMS)- Director (Dept. of Env't. & CC) on the subject of "Empanelment of agency for hiring of Development of Unified Single Window Portal on software as a service (SaaS) Mode" and in it, it is mentioned that the State Government has constituted the Goa Coastal Zone Management Society with objectives to carry out scientific studies and environment restoration projects. It is proposed to issue an expression of interest through Goa Coastal & Environment Management Society (GC&EMS) to identify a Developer for providing the said Online Portal solution to process applications and complaints in Department of Environment &

Climate Change and various Boards and Authorities under its Administrative Control. The draft expression of interest for selection of Developer for Development and Maintenance of Online Portal contains the period of five years.

10. After having indicated these two letters, which are annexed as Annexure- 5 with the reply affidavit of respondent No.1-GCZMA, it is submitted by the learned counsel for respondent No.1-GCZMA that serious efforts are being made at the end of the Department to put in place an Online Website for accepting and processing the approvals and permissions. But no timeline can be given at their end as to by which time, the same would be set up because they are working under the Department of Environment and Climate Change of the Government of Goa, which is the respondent No.3 in the present case, therefore, reply should be obtained from the respondent No.3 as to by which time, this facility can be set up.

11. In view of above, we direct the Registry to issue notice to the respondent No.3, returnable within four weeks.

12. With respect to the direction no.3 quoted above in tabular form pertaining to Finalisation of the draft 'Sea Turtle Nesting and Habitat Management Plan' including 'No take Zone' to be prepared by the Centre for Environment Education Goa; and direction no.4 pertaining to GCZMA to decide whether to upload 1:4000 scale CZMP maps on their website. In this regard, the learned counsel for execution applicant submits that replies to these directions have been submitted by the respondent No.1-GCZMA in their reply affidavit dated 10.01.2024 in para nos.11 & 12.

13. In para no.11, we find that the answering respondent has extracted the relevant part of the Judgment dated 26.03.2023 of this Tribunal, as below:-

"The copy of the minutes of the 39th meeting of the National Coastal Zone Management Authority dated 01.09.2022 has been provided

during the argument by the learned counsel for the Applicant. It is evident from it that the CZMP map on scale of 1:25000 and 1:4000 scale has already been prepared Therefore, it would be appropriate that these CZMPs prepared by GCZMA may be used for finalisation of the draft 'Sea Turtle Nesting and Habitat Management Plan', to be prepared by the Centre for Environmental Education Goa within a period of one month. We are of the view that the effort which has been put in, in preparing these maps should be utilized to the full. Issue No. II is decided accordingly.”

14. In para no.12, it is mentioned that this Tribunal had directed the Centre for Environmental Education, Goa to use the CZMPs prepared by the answering Respondent for finalizing the Turtle Nesting Plan. Hence, the Centre for Environmental Education is responsible for complying with the aforesaid directions. Nevertheless, it is stated that, the answering Respondent would be in a position to take a call only after the discrepancies are put to naught and thereafter upon seeking the nod from the MoEF&CC in relation to use of maps/plans in the scale of 1:4000, the implementation of the said direction can be made. Therefore, it is further mentioned that the respondent No.1 would be in a position to comply with the aforesaid directions of this Tribunal after the correction of discrepancies and an approval of MoEF&CC to use the same in 1:4000 scale.

15. It is urged by the learned counsel for respondent No.1-GCZMA that as to by which time, the correction of the discrepancies would be made and an approval of the MoEF&CC would be granted so that the maps and the plans to be placed on website on the scale 1:4000, would be the domain of the Environment Department of the State i.e. respondent No.3 and no timeline can be given regarding implementation of that direction at the end of respondent No.1-GCZMA.

16. In view of above, we would like to have reply from the side of respondent No.3 as to what is their say in this regard, which should be submitted by them by filing an affidavit within two weeks.

Put up this matter for further consideration on 09.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 13, 2024
Execution Application No.20/2023 (WZ) In
Original Application No.70/2022(WZ)
I.A. No.232/2023(WZ)
P.Kr