

Item No.1

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.193/2023(WZ)

Narendra Gajanan Gaude & Ors.

.....Applicant

Versus

State of Goa & Ors.

....Respondent(s)

Date of hearing: 08.12.2023

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

Applicant : Ms. Ronita Bhattacharya, Advocate

ORDER

1. This Original Application has been filed raising the issue of revocation of the NOC dated 11.06.2021 granted by the respondent No.2/GCZMA to the Assistant Engineer, Sub Division IV, WD XI, Water Resource Department, Government of Goa/respondent No.3 and the Executive Engineer, WD XI, Water Resource Department/respondent No.4 for construction of a barrage on Khandepar River at Murdiwada and it is submitted that these respondents have violated the terms and conditions noted therein in the NOC at serial nos.3, 4, 5, 8, & 9 under the head of sub-conditions and condition no.2 under the general condition. This project is being constructed for providing drinking water as well as irrigation water in the residential Village V.P. Savoi Vernem, Keri in Ponda Taluka, Goa. The local Gram Sabha Resolutions were passed on different dates with respect to stopping of the work of this project because it was mandated that it would result in disaster to the villagers. The project in question falls within the estuarine area of the

River Khandepar, which is rich with mudflats, fisheries, shell fish breeding grounds, aquatic flora and aquatic fauna and mangroves, which all would be affected adversely in case this project is allowed to be completed. Because of this reason, it is prayed that the construction work, which has been started by the respondent Nos.3 to 5/Water Resource Department, Government of Goa being in violation of the above-mentioned conditions of the NOC dated 11.06.2021 should be directed to be stopped. Besides that, it is also prayed that respondent No.2/GCZMA be directed to revoke the impugned NOC by invoking Condition No.5 in view of the above-mentioned gross violations.

2. We find *prima facie* case adversely impacting environment is made out, therefore, we deem it appropriate to admit this application and accordingly admit the same.

3. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

4. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

5. Applicants are also directed to provide copy of the application and relevant documents to the respondents within a week.

6. Respondents are directed to submit their reply affidavits within four weeks and also circulate the same to the applicants as also other respondents by available e-mail.

7. Rejoinder, if any, is directed to be submitted within one week thereafter.

Put up this matter for further consideration on 15.02.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 08, 2023
Original Application No.193/2023(WZ)
P.Kr