

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.193 OF 2023 (WZ)
WITH
I.A.NO.216 OF 2024 IN O.A. NO.193 OF 2023 (WZ)**

Narendra Gajanan Gaude Applicant

Versus

State of Goa & Ors. Respondents

Date of hearing : 30.07.2024

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

Applicant : Ms. Ronita Bhattacharya, Advocate

Respondents : Ms. Manasi Joshi, Advocate for R-2, R-6 and R-8
Ms. Supriya Dangare, Advocate for R-3 to R-5
Mr. A.D. Bhobe, Advocate for R-10
Mr. Shane Coutinho, Advocate holding for Mr. Nigel Da Costa
Frias, Advocate for R-11

ORDER

1. From the side of the applicant, learned counsel Ms. Ronita Bhattacharya has appeared and drawn our attention to the reply-affidavit dated 19.07.2024, filed by respondent Nos.3 to 5, wherein in paragraph No.32, following is stated:

“It is further submitted that after making every endeavor to execute the project with all necessary legal requirements and with all the assurances to strike a balance between development and environment the present respondent has proposed the drinking water project which is the subject matter of the present application. Although the present respondent tried all means by educating people/villagers by holding Gram Sabha/Public Presentation, Ministerial Meetings with agitating villagers on the ground the villagers continue to disturb and resist the said project. The same resulted into an unreasonable delay of more than 2 years. In spite of Police intervention the project could not substantially commence. In addition to this the Department had carried out the hydrographic

survey riverbed/mapping, it is observed that the riverbed has deepened as much as 7 mts to 9 mts below the normal bed level at the center of the river. Which may be the result of illegal extraction of riverbed material. This has damaged the site and to restore the same huge quantity of earth filling would be required. Considering all the above factors the project does not seem to be technoeconomically viable at present. Hence, the matter was brought to the notice of Respondent No.1 – The State of Goa pointing all the issues. The Respondent No.1 has thus approved the abandonment of the project. A Notice dt. 10.04.2024 with regard to the foreclosure of contract with respect to abandonment of the project was issued to Respondent No.9. The same is annexed herewith and marked as ‘Annexure-‘.”

2. In view of above, it is apparent that since the project has been abandoned by respondent No.1 – State of Goa, there is no grievance left to the applicant in this case. The only prayer made by the learned counsel for the applicant is that a copy of the notice dated 10.04.2024 with regard to foreclosure of contract, showing abandonment of the project, issued to respondent No. 9 by respondent No.1 through its Executive Engineer, Works Division XI, Water Resources Department, Salcete, Goa, which was required to be annexed with the affidavit, is not annexed with the said affidavit, nor a copy thereof has been served on the learned counsel for the applicant and other respondents. Learned counsel Ms. Supriya Dangare, representing respondent Nos.3 to 5 assured that the same would be submitted before this Tribunal, to the learned counsel for the applicant and other respondents, through e-mail today only. Accordingly, learned counsel Ms. Supriya Dangare, through her e-mail sent today, has forwarded a copy of the said notice dated 10.04.2024 to this Tribunal, which is taken on record and marked “X” for identification purposes.

3. In view of abandonment of the project, as aforesaid, we find that nothing remains to be decided in this Original Application. It stands disposed of accordingly.

4. In view of disposal of O.A. No.193/2023, I.A. No.216/2024 filed on behalf of respondent No.9 for its deletion from the array of parties in O.A. No.193/2023 does not survive and stands disposed of accordingly.

5. From the side of respondent No.2 – GCZMA, respondent No.6 – the Principal Chief Engineer, PWD, Government of Goa and respondent No.8 – the Collector and District Magistrate, South Goa district, learned counsel Ms. Manasi Joshi has appeared.

6. From the side of respondent No.10 – Village Panchayat, Usgao-Ganjam, learned counsel Mr. A.D. Bhobe has appeared.

7. From the side of respondent No.11 – Village Panchayat, Curti Khandepar, learned counsel Mr. Shane Coutinho, holding for Mr. Nigel Da Costa Frias has appeared.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 30, 2024
O.A. No.193/2023(WZ)
npj