

**MINUTES OF THE 132<sup>ND</sup> MEETING OF THE  
GOA STATE POLLUTION CONTROL BOARD HELD ON 27<sup>TH</sup>  
MARCH, 2018, AT 2.30 PM, IN THE CONFERENCE HALL OF THE  
GOA STATE POLLUTION CONTROL BOARD, PANAJI.**

1. The 132<sup>nd</sup> meeting of the Goa State Pollution Control Board was held on 27<sup>th</sup> March, 2018 at 2.30 p.m. in the Conference hall of the Goa State Pollution Control Board.

The following members / officials attended the meeting:

1.	Mr. Ganesh Budhu Shetgaonkar, Chairman
2.	Mr. S.T. Nadkarni, Chief Engineer, Water Resource Dept
3.	Director of Mines and Geology was represented by Mr. Manuel Barreto, Dy. Director
4.	Director of Tourism was represented by Mr. Brijesh Manerkar, Dy Director
5.	Director of Health Services was represented by Dr. Vandana Dhume
6.	Mr. Shawn Brian Martins, Panch Member, Village Panchayat Calangute
7.	Mr. Shubham Chodankar, Corporator, Corporation of the City of Panaji
8.	Ms. Unnati Sahastrabhudhe, Panch Member, Village Panchayat Velgum
9.	Mr. Rajsingh Rane, Councillor, Mapusa Municipal Council
10.	Mr. Sanjay Naik, Panch Member, Village Panchayat Sanvordem
11.	Mr. Atrey Sawant, Chairman, Confederation of Indian Industries
12.	Mr. Savio Messias, President, Travel and Tourism Association of Goa
13.	Mr. Srinet Kothwale, Managing Director, Goa State Infrastructure Dev. Corpn.
14.	Mr. Nikhil Dessai, Managing Director, Goa Tourism Dev. Corpn.
15.	Mr. Levinson Martins, Member Secretary

Director of Industries, Trade and Commerce and Chairman, Goa Bagaytdar Sahakari Khjatredi Vikri Saunstha did not attend the meeting.

II. At the outset, Chairman welcomed the Board members for the meeting. Thereafter, agenda was taken up for deliberations, discussions and suitable decision in the matter.



**Agenda item no. 01**

Confirmation of the minutes of the 131<sup>st</sup> meeting of the Board held on 08/01/2018.

The minutes of the 131<sup>st</sup> meeting of the Board held on 8<sup>th</sup> January, 2018, meeting duly signed by the members were forwarded vide this office letter no. 4/131/18 -PCB/Adm/19222 dated 09/01/2018. The same were confirmed so as to enter in the minutes Book.

**Agenda item no. 02.**

Follow up action on the decision taken at the 131<sup>st</sup> meeting of the Board held on 08/01/2018.

Agenda item nos. 1 to 2 - Consents as approved during the meeting have been issued to the mining units. – The members noted the same.

Agenda item no. 03: The members noted that the matter in respect of M/s. SWPL filed in Appeal no. 7/2018 before the Hon'ble NGT at New Delhi for quashing and setting aside the direction dated 09/01/2018 passed by the Board revoking Consent to Operate and stoppage of all coal/coke handing activities will be heard in the National Green Tribunal on 04/04/2018.

Agenda Item no. 4. The members noted that M/s. Mormugao Port Trust has been issued directions dated 10/01/2018 to suspend operation of coal handling activities at the mooring dolphin facility with immediate effect.

**Agenda item no. 03.**

Installation of Continuous Ambient Air Quality Monitoring Station (CAAQMS) (MoEF&CC funds)

Member Secretary informed the members that the matter regarding the installation of Continuous Ambient Air Quality Monitoring Station (CAAQMS) was discussed in the 129<sup>th</sup> meeting of the Board held on 20/12/2017 and a decision was taken to first identify/locate a suitable place with requisite space. NOC etc., and thereafter invite fresh quotations for procuring of the instruments/equipment as the present work order will have to be cancelled being considerable time back and the present cost of such CAAQMS could have been dropped/reduced.

Thereafter, a purchase order was issued by the Board vide Order no.3/20/09-PCB/Vol.VII/8626 dated 21/01/2016 to M/s. Envirotech Online Instruments Pvt. Ltd., Hyderabad, the bidder had already processed the procurement and delivered some of the material, the execution/installation was



pending for finalisation of alternate site by the Board in view of stop work instruction received from Government of Goa

In view of the above fact, it is proposed to mount the CAAQMS on mobile vehicle instead of a fixed stationery location. An estimate additional amount Rs.28 lakhs plus installation charges towards the installation on a vehicle (vehicle chassis, fabrication of mobile van and fixing of analysers on 19" racks in mobile van) is submitted by the agency.

Members deliberated and decide that the CAAQMS be installed on a mobile van, as the same could be utilised as and when required at different location. Members also agreed for incurring the additional cost to be incurred for the same.

**Agenda item no. 04.**

Appointment of Panel of Advocates for defending the interests of the Board before the Legal Forums

Member Secretary informed the members that the Board is required to constitute a panel of Advocates for defending the interests of the Board before the Legal Forums, for which the Board is required to set terms and conditions and fee structure.

After perusing the Agenda item and after detailed deliberations, and after considering Orders dated 8/4/2013, 12/1/2018, 18/1/2016, 23/6/2017 and 16/6/2017 issued by the Law Department, Government of Goa, (copies enclosed), the Board members decided as follows:-

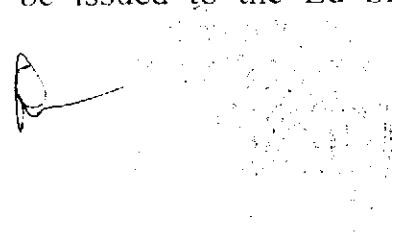
It shall be ensured that the interest of the Board is upheld, protected and defended by appointing Competent Advocates to appear on behalf of the Board before various Courts and Judicial Forums in and out of the State.

Ld. Senior Advocate A. N. S. Nadkarni:-

Ld. Senior Advocate A. N. S. Nadkarni shall be the Board's Senior Counsel.

The Ld. Senior Advocate of the Board shall be permitted to appear along with a Junior / briefing Advocate and an Advocate on record in matters before Courts / Judicial Forum at New Delhi.

A specific letter of allotment of matter shall be issued to the Ld Sr. Advocate by the Board.



The Chairman shall ensure that Senior Advocate A. N. S. Nadkarni is consulted in respect of all legal matters pertaining to GSPCB that are of High Stakes and/or that involve complicated questions of Law and shall ensure that advice of the Senior Advocate so tendered is duly acted upon by the Board.

In the event of the legal opinion or Conference being required by the Board on such issues or Court matters, the Chairman shall solicit the opinion of the Ld. Senior Advocate and shall on receipt of the same act accordingly.

In so far as the professional fees payable to Ld. Senior Advocate A. N. S. Nadkarni are concerned, the Board resolves to pay the following:-

- Ld. Senior Advocate A.N.S. Nadkarni shall be paid a professional fee of **Rs. 3 lakhs per appearance** made by him on behalf of the Board before Courts / Judicial Forums, in allotted matters. (Relevant para (ii) of Order dated 12/01/2018 issued by the Law Department Government of Goa stands adopted.)

The **Junior / briefing Advocate** appearing along with the Boards Senior Counsel as well as the Advocate on record shall be paid a fee of **Rs. 3,000/- per hearing** while the **Advocate on Record (AOR)** that appears along with them shall be paid a fee of **Rs. 3,000/- per hearing**.

The **Junior / briefing Advocate** appearing along with the Boards Senior Counsel shall inform the Board as to the details regarding the AOR and shall also certify the bills submitted by the AOR to the Board for payment.

The Board shall ensure that Ld. Senior Advocate A.N.S. Nadkarni is permitted to travel by Business Class (Air Travel) for attending matters on behalf of the Board as required.

Accommodation for the Ld. Senior Advocate A.N.S. Nadkarni as per his request shall be arranged by the Board for the period during which he is attending matters of the Board out of State as per his request.

Panel of Advocates:-

In addition to the above and in terms of the specific provision of Rule 18 (15) of the Goa Water Rules, the Member Secretary with the approval of the Chairman, is hereby empowered to ensure that all matters / Petitions/ Applications etc., served upon the Board from Private parties / Courts / Judicial Forums etc., are immediately allotted to a Competent Advocate as below:

a.	In respect of Court matters before Hon'ble Supreme Court of India,
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Principal Bench of the Hon'ble National Green Tribunal at New Delhi and any other Court within the Jurisdiction of New Delhi, the following Panel of Advocates is constituted.	
i.	Adv. Datta Prasad Lawande
ii.	Adv. Pratap Venugopal
iii.	Adv. Salvador Santosh Rebello
iv.	Adv. Ruchira Gupta
v.	Adv. Jai A Dehadrai
vi.	Adv. Arjun Bobde
vii.	Adv. Mayuri Nayyar Chawla

The above Advocates shall ensure that when they appear before a Court / Judicial Forum at New Delhi along with an Advocate on record, the same shall be done with due intimation to the Board.

b.	In respect of cases before the Hon'ble National Green Tribunal at Pune, the following panel is constituted
i.	Advocate Datta Prasad Lawande
ii.	Advocate Fawia Mesquita
iii.	Advocate Prachi Sawant

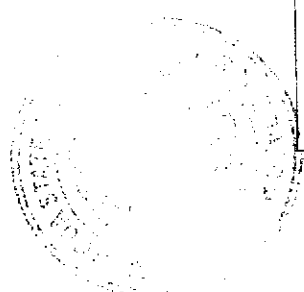
c.	With respect to cases before the Hon'ble High Court of Bombay at Goa and High Court of Bombay, the following panel is constituted;
i.	Advocate Datta Prasad Lawande
ii.	Advocate Pradosh Dangui
iii.	Advocate Joaquim Godinho
iv.	Advocate Pravin Phaldessai
v.	Advocate Deep Shirodkar

d.	In respect of cases before the Administrative Tribunal, Human Rights Commission, Information Commission and other Quasi Judicial Bodies:
i.	Advocate Joaquim Godinho
iii.	Advocate J. B. Faria

e.	In respect of all Criminal matters filed by the Board or concerning the Board before various courts
i.	Advocate J. B. Faria

f.	Notwithstanding the above, the Member Secretary with the approval of the Chairman, is empowered to appoint any Advocate (other than those above named) at his discretion to ensure that the interest of the Board is upheld, protected and defended before any
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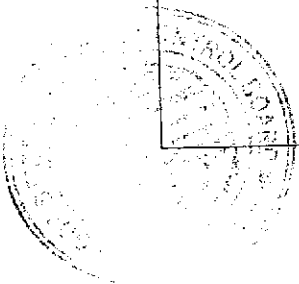


	Court of Law or Judicial Forum. The fees payable to an Advocate so appointed shall be decided by the Chairman and such decision shall be final and binding.
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Professional Fees payable to the Advocates (other than the Ld. Senior Counsel ) of the Board:-

A.	The fees payable to Advocate Datta Prasad Lawande shall be as follows:-				
	<table border="1"> <tr> <td style="width: 5%; vertical-align: top;">1.</td> <td>Fees for appearance before the High Court / Professional fees for each hearing – Rs. 10,000/- (Rupees Ten Thousand only) per case per day before the High Court in respect of all cases, except matters listed for Court “Orders” where fees shall be Rs. 3,000/- (Rupees Three thousand only) per case per day provided that the maximum amount of fees shall not exceed Rupees Eight lakhs per month.</td> </tr> <tr> <td style="vertical-align: top;">2.</td> <td>Fees for appearance before the Supreme Court, Court, Tribunal, Authority outside the State of Goa – Fees of Rs. 75,000/- (Rupees Seventy-five thousand only) per official visit to New Delhi for conferences / per appearance per day in Special Leave Petitions, Writ Petition, Civil applications.</td> </tr> </table>	1.	Fees for appearance before the High Court / Professional fees for each hearing – Rs. 10,000/- (Rupees Ten Thousand only) per case per day before the High Court in respect of all cases, except matters listed for Court “Orders” where fees shall be Rs. 3,000/- (Rupees Three thousand only) per case per day provided that the maximum amount of fees shall not exceed Rupees Eight lakhs per month.	2.	Fees for appearance before the Supreme Court, Court, Tribunal, Authority outside the State of Goa – Fees of Rs. 75,000/- (Rupees Seventy-five thousand only) per official visit to New Delhi for conferences / per appearance per day in Special Leave Petitions, Writ Petition, Civil applications.
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	Relevant portion of Order dated 8/4/2013 issued by Law Department, Government of Goa is adopted.				

B.	In respect of Advocates (other than Adv Datta Prasad Lawande) appearing before Hon'ble Supreme Court of India, Principal Bench of the Hon'ble National Green Tribunal at New Delhi and any other Court within the Jurisdiction of New Delhi, on behalf of the Board in allotted matters.
a.	The Advocate shall be paid Rs. 5,500/- (Rupees Five thousand five hundred only) per effective appearance before the Hon'ble Supreme Court of India, Principal Bench of the Hon'ble National Green Tribunal at New Delhi and other Courts at New Delhi and also they shall be entitled to a fee of Rs. 1,000/- (Rupee One Thousand Only) for every drafting of Affidavit or Special Leave Petition. In addition to this, they shall be entitled for reimbursement of an amount of Rs. 2,500/- (maximum) (Rupees Two thousand five hundred only) per month towards miscellaneous expenses such as stationery purchase of papers photo copying of documents, pleading, case extracts / citations etc., subject to production of necessary bills / cash memos / receipts duly certified by respective Advocate. (Relevant portion of Order dated



		23/06/2017 issued by the Law Department Government of Goa stands adopted.)
	b.	In the event an Advocate appears on behalf of the Board in an allotted matter <u>along with an AOR</u> then the Advocate shall inform the Board as to the details of the AOR and shall ensure that the bill for appearance of AOR is submitted along with the Bill of the concerned Advocate and certified for payment by him. The Board shall pay professional fee of Rs. 3,000/- to such AOR's who appear on its behalf as aforestated along with the Boards Advocate.
C.		In respect of Advocates (other than Adv Datta Prasad Lawande) appearing before the Hon'ble National Green Tribunal at Pune, on behalf of the Board in allotted matters.
	a.	The Advocate shall be paid Rs. 5,500/- (Five Thousand Five Hundred Only) per effective appearance before the Hon'ble National Green Tribunal at Pune and also they shall be entitled to a fee of Rs. 1,000/- (Rupee One thousand only) for every drafting of Affidavit or Special Leave Petition. In addition to this, they shall be entitled for reimbursement of an amount of Rs. 2,500/- (maximum) (Rupees Two thousand five hundred only) per month towards miscellaneous expenses such as stationery purchase of papers photo copying of documents, pleading, case extracts / citations etc., subject to production of necessary bills / cash memos / receipts duly certified by respective Advocate.
D.		With respect to Advocates (other than Adv. Datta Prasad Lawande) appearing before the Hon'ble High Court of Bombay at Goa and High Court of Bombay, on behalf of the Board in allotted matters
	a.	Advocate shall be entitled to Rs. 3,000/- per appearance, in all types of matters/ cases in the High Court of Bombay at Goa, any High Courts or Tribunal of other States etc., with a monthly cap of Rs. 75,000/-. with effect from April, 2018. (Relevant para of Order dated 18/01/2016 issued by Law department Government of Goa stands adopted.)
	b.	The Board Advocate shall be entitled to a fee of Rs. 1,000/- (Rupee One Thousand Only) for every drafting of Affidavit or Petition. In addition to this, they shall be entitled for reimbursement of an amount of Rs. 2,500/- (maximum) (Rupees Two thousand five hundred only) per month towards miscellaneous expenses such as stationery purchase of papers photo copying of documents, pleading, case extracts / citations etc., subject to production of necessary bills / cash memos / receipts duly certified by respective Advocate.

E.	In respect of Advocates appearing before the Administrative Tribunal, Human Rights Commission, Information Commission and other Quasi Judicial Bodies, on behalf of the Board in allotted matters
a.	Rs. 2,500/- per hearing before the Administrative Tribunal, Rs. 1,000/- before District & Sessions Courts and Subordinate Courts and Rs. 750/- for hearing before Quasi Judicial Forum.
b.	For drafting and filing of Affidavit and all pleadings Rs. 1,000/- per Affidavit.
F.	In respect of Advocates appearing in all Criminal matters filed by the Board or concerning the Board before various courts, on behalf of the Board in allotted matters.
a.	Advocate J.B. Faria who is appointed as a Legal Retainer of the Board shall be paid professional fees, Retainer ship fees and other charges as per the appointment order dated 07/08/2017 issued to him by the Board. However, all General Terms and Conditions as stated at Para 2 of Order dated 16/6/2017 issued by the Law Department Government of Goa shall also be added in the appointment order.

Payment of Bills towards Professional Fees:-

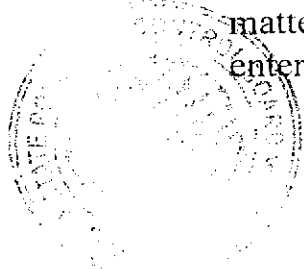
The Bills towards Professional fees are to be submitted by the concerned Advocates to the Board within one month of appearance in a matter and shall be accompanied with a Certificate of Appearance issued by the concerned Court of Law before which the concerned Advocate has appeared. In the absence of Certificate of Appearance the Bill shall be rejected. The bill should also be affixed with revenue stamp.

All the professional bills presented for payment must be accompanied by copy of allotment letter issued to the Board Advocates and that no other bill is presented previously for payments are claimed in the bill.

Such bills complete in all respects shall be certified by the concerned Board official and approved for payment by the Accounts section of the Board after verifying the compliance with the present terms and conditions.

All Advocates appointed by the Board shall be issued a specific allotment letter and Vakalatanama.

No Advocate other than the Advocate to whom a particular matter has been allotted to shall be permitted to appear on behalf of the Board in the said matter and no claim for professional fees from such an Advocate shall be entertained by the Board. However, an Advocate appearing on behalf of the





Board in a particular case may request another Advocate to appear on his behalf on a specific date if he is in any difficulty. *However, no payment of professional fees shall be made for such an appearance.*

In respect of matters that are tagged together or which are heard along with each other on the same date by the same Court; the Board shall pay the Advocate appearing on its behalf, professional fees for single appearance.

Payment towards legal opinion submitted by the Board's Senior Counsel or any other Board Advocate shall be decided by the Chairman.

No additional fees shall be charged or claimed by Boards Advocates (other than the Boards Senior Counsel) for Conferences.

Travelling Expenses:-

In the event Board Advocates are required to attend Court matters out of the State they shall be permitted to travel by Air ( Economy Class only ) and /or by Road via Taxi or by Train (First Class).

The Board Advocate shall submit a detailed travel plan to the Board at least 2 days in advance / prior to the date of travel indicating the date and time of travel.

The concerned official of the Board dealing with hiring of vehicles, booking of tickets and booking of Hotel accommodation shall ensure that the required travel arrangements for the Board Advocates are made. These arrangements are to be made by the concerned Board official in consultation with the Boards Advocate.

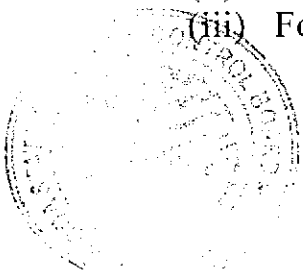
A proper record of such arrangement shall be maintained by the concerned official.

Payment of bills towards travel by the Board Advocate as above are to be certified by the concerned Board Advocate and submitted to the Board office/concerned official for processing and payment.

Accommodation Expenses:-

Board Advocates shall be **reimbursed** expenses incurred by them on Hotel Accommodation, charges for Travel within city and food Bill subject to the following limits.

- (i) Hotel Accommodation ..... Rs. 3,000/-
- (ii) Charges for Travel Agency Bill (Non AC Taxi charges upto 50 kms only).
- (iii) Food Bill per day ..... Rs. 300/-



Travel by Board Officials for Court matters out of State:-

In the event that an Official/Officials of the Board is/are required to remain present before a Court of Law, out of the State, to assist the Boards Advocate, then the concerned Advocate and /or the briefing Advocate of the Board Senior Counsel shall make a formal request to the Board for deputation of such an Officer at least one week prior to the date on which the official is required to be present before the Court.

All Officials of the Board that are required to travel out of the State to attend Court matters along with official records/files/documents etc are permitted to travel to and from the destination by air (economy class) and all other payments incurred during such travel shall be as per their entitlements. Bills towards travel within the city by Board Officials shall be settled as per actual cost incurred.

*No Official shall be permitted to undertake such travel without an express prior order from the Board permitting such travel.*

Deputation of officials of the Board for attending Court matters at the request of the Boards Advocate shall be at the discretion of the Member Secretary.

General Terms and Conditions:-

- i. The Advocates on panel shall furnish to the Board such information statements, returns, statistic etc., pertaining to the cases conducted by him or under his charge as may be required from time to time.
- ii. The Advocates on panel shall be duty bound, when in cases attended to by him is decided against the Board and or its Officers, to give immediately the Judgment passed by the Court, his opinion regarding advisability of filing the appeal, revision etc. from such decision, whether he continues to be on the panel on the date of judgement or otherwise.
- iii. The Advocate on panel may during his absence with the permission of the Board appoint a substitute Advocate, who will discharge the duties of the Advocate. However, no Junior should be allowed to contest the matter of the Board but minor work like filing of documents prepared by the Board Advocate can be done through Juniors for which no fees shall be payable. (This will not be applicable to the Junior/Briefing Advocate to the Boards Senior Counsel at New Delhi and the AOR that will appear along with him and to AOR s that appear along with the Boards Advocates at New Delhi.)



iv. It shall be duty of every Board Advocate to file monthly statement of all the matters handled by him before various Courts showing details of the allotment of matter, date of joining, parties, Case Number, Court in which case is pending, etc., by the 7<sup>th</sup> day of next month.

v. All the aforesated Advocates shall be intimated as to the aforesaid decision of the Board

vi. In case of any dispute/difficulty in implementation of the aforesaid terms and conditions; the decision of the Chairman of the Board shall be final and binding on all concerned.

The Board further resolves that in addition to the above, hereinafter the power to take all decisions on all issues regarding the appointment of Advocates to represent the Board including issues regarding appointment of Advocates, amount of Professional Fees to be paid to Advocates, Terms and Conditions etc. shall be delegated to the Chairman of the Board and such decisions shall be final and binding.

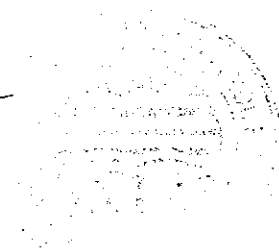
**Agenda item no. 5:**

Application for Consent to Operate under Water and Air Act from M/s South West Port Ltd., and for change over from limestone and steel products to iron ore.

Member Secretary informed the members that the Board is in receipt of an application dated 12/1/2018 from M/s South West Port Limited seeking fresh Consent to Operate under the Water Act and the Air Act from the Board in respect of handling of 7.5 million tons per annum of coaking/thermal coal/coke. 4.38 million tons per annum of Limestone/Dry bulk cargo and 2.0 million tons per annum of Steel Coils/Slabs, Unitised Steel Cargo, at Berth nos. 5A and 6A at MPT.

The Board is also in receipt of a representation from the Goa Foundation objecting to the grant of the aforesated Consent to the SWPL on the ground that the unit has exhausted the consented capacity of coal handling that was initially granted to it by the Board and that the unit itself has claimed that the equipment at its facility is obsolete and continued usage of the same could have an adverse impact on the environment.

The Technical Advisory Committee of the Board has recommended that the application be granted only in respect of non dusty cargo without any enhancement in capacity.



Perusal of the application and its enclosures indicates that the application is not supported by a valid Environmental Clearance issued by the MoEF under the EIA Notification 2006 for the proposed handling of 7.5 million tons per annum of coaking/thermal coal/coke, 4.38 million tons per annum of Limestone (Dry bulk cargo) and 2.0 million tons per annum of Steel Coils/Slabs, Unitised Steel Cargo. at Berth nos. 5A and 6A at MPT.

Documents with the Board clearly indicate that the SWPL has now applied to the MoEF for the grant of Environmental Clearance under the EIA Notification 2006 for Proposed Terminal Capacity Enhancement at Berth nos. 5A and 6A of MPT. This Environmental Clearance has not been granted to SWPL by the MoEF till date.

The Board vide its letters dated 21/1/2018 has objected to the EAC recommendation to the MoEF for granting EC to the aforesaid proposal for the reasons as set out in the letter.

Possession of a prior valid Environmental Clearance issued by the MoEF issued under the EIA Notification 2006 would be a condition precedent for M/s South west Port Limited to carry out operations of cargo handling as aforesaid at Berth nos. 5A and 6A at MPT.

The Board had granted M/s SWPL Consent under the Air Act and the Water Act to handle 5.5. MMT/annum of coaking coal and coke. This was subsequently reduced by the Board to 4.125 MMT/Annum. However in terms of data received from the MPT it is seen that M/s SWPL has in complete defiance of the specific condition contained in the Boards Consent to Operate Orders (mandating it to handle 5.5. MMT/annum of coaking coal and coke and subsequently 4.125 MMT/Annum) has handled excess coaking coal and coke at its facility at Berth nos. 5A and 6A. The Table below illustrates the gross violation of the consent conditions by the SWPL in respect of the consented capacity for handling of coaking coal and coke;

Sr. no.	Year	Consented qty.	Qty. submitted in Env. Statement by M/s SWPL	Actual handled quantity of coal /coke as per MPT records	Excess handling with respect to Consent quantity	Deviati on in the qty. in respect of data submitt ed by MPT and Environ mental

						statement submitted by SWPL
1.	2010-2011	5.5 MMTA				
2.	2011-2012	5.5 MMTA	6.505 MMTA			1.005
3.	2012-2013	5.5 MMTA	7.491 MMTA	6.897 MMTA	1.397 MMTA**	1.991
4.	2013-2014	5.5 MMTA		7.459 MMTA	1.959 MMTA**	
5.	2014-2015	5.5 MMTA	7.495 MMTA	8.065 MMTA	2.565 MMTA**	1.995
6.	2015-2016	5.5 MMTA	7.15 MMTA	9.929 MMTA	4.429 MMTA**	1.65
7.	2016-2017	5.5 MMTA	6.012 MMTA	10.112 MMTA	4.612 MMTA#	0.512
8.	2017-2018	4.125 MMTA		9.032 MMTA (upto 12/02/2018)	4.907 MMTA@	

\* The total permitted capacity including limestone and steel is 7.50 MMT/annum

\*\* Vide letter dated 25/05/2016 received from MPT

# Vide letter dated 25/07/2017 received from MPT

@ Vide letter dated 21/09/2017 received from MPT

It is also pertinent to note that on account of gross exceedance of the consented capacity of Coal and Coke by the SWPL at Berth nos. 5A and 6A at MPT, the Board had revoked its Renewed Consent to Operate that was earlier granted to M/s SWPL by the Board. Criminal Proceedings against M/s SWPL have also been initiated by the Board in this regard.

M/s SWPL appears to be relying on a letter dated 24/1/2001 from the Ministry of Shipping, Government of India which is stated to be an Environmental Clearance. However this document appears to be an approval for the construction of two multipurpose cargo berths in MPT and does not specify the quantity or nature of commodity to be handled therein.

It is pertinent to note that the Board while granting its first Consent to operate to the SWPL in 2004 had relied upon an EIA report submitted by the unit that was prepared by Tata AIG Risk Management Services in respect of Proposed Modernization of existing Berth 5 and 6 to General Cargo Berth nos. 5A and 6A at MPT dated February, 2000. The Board had in fact initially granted its Consent for the handling of 3 million tons per annum of coal and subsequently on automization of the facility had granted its Consent for handling of 5.5 million tons per annum of coal.

In any event this EC would be issued under the EIA Notification 1994, whose life would be 5 years from the date of issue, in terms of the Judgement dated 7/2/2018 passed by the Hon Supreme Court of India in Special Leave Application (Civil) no. 32138/2015 and connected matters.

The Hon Supreme Court of India in a number of Judgement particularly in Special Leave Application (Civil) no. 32138/2015 has laid down the principle that a prior Environmental Clearance from the MoEF is a mandatory requirement to be obtained by a project proponent that is categorized as a Category 'A' project under the Schedule to the EIA Notification 2006, prior to commencement of its operation.

The Project of M/s SWPL for which the present fresh Consent to Operate is sought is a project that will specifically require a prior Environmental Clearance from the MoEF.

It is also an established fact that M/s SWPL has submitted an application to the MoEF for the grant of Environmental Clearance under the EIA Notification 2006 for Proposed Terminal Capacity Enhancement at Berth nos. 5A and 6A of MPT. This EC has not been granted to the SWPL till date. In this context it is now seen that though the earlier Consent to Operate granted to the SWPL was for the handling of 5.5 MMT/A of coaking Coal and Coke subsequently reduced to 4.125 MMT/A; M/s SWPL has now submitted a fresh application for grant of Consent to Operate for handling of *7.5 million tons per annum* of coaking/Thermal Coal/Coke.

After detailed deliberation and after considering the submissions of the authorized representatives i.e Captain Sharma who submitted that he is CEO of M/s JSW Group of Companies along with Adv Abhijit Gosavi, who have appeared before the Board today, on this issue and on the issue of grant of Fresh Consent to Operate under the Water Act and the Air Act in terms of the application dated 12/1/2018 submitted by M/s SWPL; the Board after detailed deliberation and in light of the aforesaid is of the firm unanimous opinion that the Board cannot consider the grant of Fresh Consent to Operate under the Water Act and the Air Act to M/s SWPL in terms of the application dated 12/1/2018 submitted by it since as on date the proposed project/activity does not have valid EC from the MoEF and specifically as the applicant has preferred and application for the grant of EC to the MoEF that is yet to be decided by the Authority.

As such in light of the above and in the absence of a valid prior Environmental Clearance from the MoEF and for the reasons as aforesated the application dated 12/1/2018 from M/s South West Port Limited seeking fresh



Consent to Operate under the Water Act and the Air Act from the Board, is hereby rejected.

This rejection of the aforesaid application shall be communicated to M/s SWPL by the Board.

In so far as the fresh request for handling of Iron Ore in lieu of Limestone and Steel made by SWPL to the Board; it is seen that the present handling of limestone and steel at SWPL has been permitted by the Hon High Court of Bombay at Goa. Hence the Board has decided that in the event M/s SWPL desires to handle Iron Ore in lieu of Limestone and Steel the same will have to be done only with the leave and permission of the Hon. High Court of Bombay at Goa and further this activity would also require a prior EC.

This decision of the Board may be communicated to M/s SWPL.

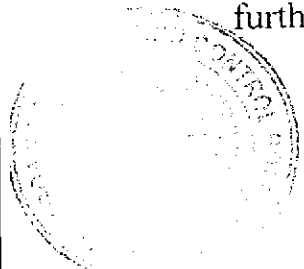
**Agenda item no.6:**

Application for renewal of Consent to Establish for setting up of an Integrated Solid Waste Management facility at Cacora at Survey no. 167-168 of Cacora Village, Quepem Taluka

Member Secretary informed the members the Government of Goa through the Department of Science, Technology & Environment submitted an application for Renewal of Consent to Establish under the Air Act, Water Act and Authorization under the Hazardous Waste Rules, for establishing a Solid Waste Management Facility (SWMF) at Survey no. 167-168 of Cacora Village, Quepem Taluka. The proposed facility had a capacity to handle 100-125 tons/day and it was proposed that this plant be established over an area of 82750 sq. mtrs. Further, the Technical Advisory Committee of the Board at its meeting held on 12/03/2018 had discussed and recommended that Consent to Establish be granted.

The facility would include material segregation and re-cycling stations, where the wet and dry waste would be segregated. The process of bio-methanation, methane gas would be generated, which in turn would be used to generate 0.5 MW of power, which would be of captive consumption for the plant. The sorted material would be either re-cycled or utilized as fuel in cement kilns.

Members were also informed that the facility has been granted Environmental Clearance by SEIAA. The proposed technology and equipment is further improvement as compared to the plant operating at Calangute. The part of



the solid waste would be composted and this compost would be utilized as a fertilizer.

Members approved for grant of renewal of Consent to Establish for setting up of an Integrated Solid Waste Management facility at Cacora at Survey no. 167-168 of Cacora Village, Quepem Taluka.

**Agenda item no.7:**

Application of M/s Mormugao Port Trust (Mooring Dolphin) for change in product

Member Secretary informed the members that the Port facility is proposing to handle pig iron, limestone, bauxite, break bulk cargo, iron ore pellets and sand at the mooring dolphin.

After deliberations, the members opined that the proposed activity of Mooring Dolphin located off Khariwada coast would require a prior Environmental Clearance, which is not enclosed / submitted with MPT's application.

Members also noted that MPT is not in a position to adopt any pollution control measures at the Mooring Dolphin facility as the facility is in the middle of the sea.

In view of the above facts the Board members after deliberations have decided to reject the application for Consent submitted by the MPT.

**Agenda item no. 8:**

Revision of fees for Biomedical Waste Authorisation

Member Secretary informed the members that the Health Care Facilities (HCF's) obtain Authorisation under the Biomedical Waste Management & Handling Rules, 1998. The fees for which are notified in Official Gazette dated 21/08/2014. He further informed that the new Rules have not explicitly provided for levy of fees to the health care facilities in respect of application submitted for grant of authorization under the Rules.

Member Secretary further informed that since the Board is an autonomous body and is funded through the fees submitted by the proponents. In view of the





expenses incurred by the Board is required to increase processing charges to the HCFs for their application:

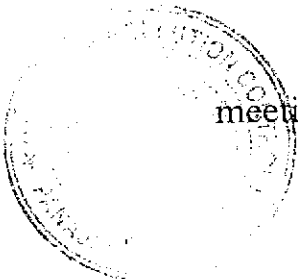
The members deliberated and approved the following fee structure, so as to forward the same to the Department of Environment, for issue of a suitable notification.

Sr. No	Categories		Proposed fees (per annum)
1	On bed capacities of health care establishments providing service to indoor patients	Upto 5 beds	Rs.1000/-
		6-25 beds	Rs.1500/-
		26-50 beds	Rs.3000/-
		51-100 beds	Rs.6000/-
		101-200 beds	
		201-500 beds	Rs.15000/-
		501 and above	Rs.20000/-
2	Health care establishments not providing treatment/service to indoor patients (Non-bedded)	Private	Rs.1000/-
		"Not for profit" and Government	
3	Biomedical waste management agencies	Common biomedical waste treatment facility	Rs.10000/-
		Transporter of biomedical waste	Rs.7500/-
		Other biomedical waste handling agencies	Rs.5000/-
4	Research or Educational Institutions /Veterinary Institutions/ Forensic Laboratory/Animal Houses		Rs.5000/-
5	All "Not for profit"		Rs.200/-
6	Govt. institutions and Veterinary Hospitals		Rs.1000/-

**Agenda item no.9:**

Decision on Bank Guarantee as submitted by the mining units

Member Secretary informed the members that the Board at its 124th Board meeting had directed the mining units for submission of a Bank Guarantee for



compliance of the Plan of Action. And to adhere to AAQ standards failing which the mining units jointly and severally should be responsible and Bank guarantee could be forfeited for exceedance of AAQ. Further, the Board has rejected the application for renewal/amendment of mining units post the decision of the Hon. Supreme Court vide no Special Leave application (Civil) No. 32138 of 2015 with SLP(C) Nos. 32699-32727 of 2015. Writ Petition (C) No. 711 of 2015 and Writ Petition (C) No. 720 of 2015.

The Scientific section of the Board should examine the monitoring data of AAQM of various clusters for the period after grant of Consent to mining units till date of operation and give its findings exceedance by respective mining units / clusters as per Consent conditions. The Board would accordingly initiate action for forfeiture of bank guarantee and for issue of show cause notice on case to case basis.

**Agenda item no. 10:**

Application for Consent to Operate (change in product mix) under the Air Act and the Water Act of M/s Deccan Fine Chemicals (I) Pvt. Ltd. located at Survey No 28, Santa Monica Works, Corlim, Ilhas-Goa.

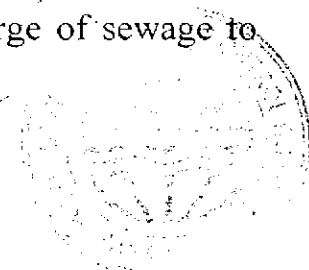
Member Secretary informed the members that M/s Deccan Fine Chemicals (I) Pvt. Ltd. has submitted an application for Consent to Operate (Change in product mix for rationalization of Pretilachlor capacity from 1400TPA to 2300 TPA ) under the Water and Air Act. The previous application for Consent to Establish for the change in product mix was placed before Technical Advisory Committee and the unit was asked to submit certificate for no increase in pollution load. The unit submitted the said certificate from Birla Institute of Technology & Science, Pilani, Goa campus confirming the same Accordingly, Consent to Establish was placed before 125<sup>th</sup> Board meeting and was approved. In terms of Office Memorandum of Ministry of Environment and Forest change in product mix is permitted.

Members approved for grant of Consent to operate (change in product mix) under the Air Act and the Water Act of M/s Deccan Fine Chemicals (I) Pvt. Ltd

**Agenda item no. 11.**

Communication received from the Casino Operators

Member Secretary informed the members that staff of the Board monitors the discharge of the sewage from the vessel to the Sewage tanker, and that the Casino operators have now requested to reschedule the discharge of sewage to Saturday and Sunday also.



The members decided that the discharge of sewage could take place thrice a week from 6.30 am to 9.00 am.

The Member Secretary further informed that the monitoring charges for disposal of sewage from the casinos requires to be enhanced from Rs. 3000/- per trip to Rs. 5000/- per trip, which involves cost of manpower and transportation. Members agreed to revise the fee to Rs. 5000/- per trip.

**Table item no. 01**

Application for Consent to Establish – Expansion for enhancement of capacity from 100 TPD to 250 TPD + 20% for the Integrated Solid Waste Management Facility at Saligao at survey no. 47/1 of Village Calangute, Bardez – Goa

Member Secretary informed the members that the Goa Waste Management Corporation through M/s. Hindustan Waste Management Pvt. Ltd. has submitted an application for Consent to Establish- expansion under the Air Act, Water Act and Authorisation under the Hazardous Waste Rules for enhancement in the capacity of the Integrated Solid Waste Management Facility at Saligao from 100 TPD to 250 TPD + 20%. The proposed enhancement is due to increase in the quantity of incoming waste to the plant, increase in catchment area for waste collection and change in waste characteristic. The existing 100 TPD Facility at Saligao after expansion to 250 TPD would cater to 27 Village Panchayats and 6 Municipal Councils. The Technical Advisory Committee of the Board at its meeting held on 26/03/2018 had discussed and approved to grant Consent to Establish- Expansion.

Member Secretary further informed that the facility has Organic Extrusion Process to separate the Dry and Wet Waste and sorting/re-cycling stations for segregation of dry waste. The wet waste is subjected to bio-methanation and methane gas is used to generate 0.4 MW power, which is for the captive consumption for the plant, presently the power generation is more. The segregated dry fraction is either re-cycled or utilized as Refuse Derived Fuel (RDF) in Cement kilns. The wet waste post bio-methanation is composted and compost is used in bio-diversity development and as fertilizer. Post enhancement, the plant will be able to handle 250 TPD – 20% waste.

Member of the Board, Shri Shawn Martins informed that unbearable stench from the plant emitting and affecting the residents of Orda and Saipem



and proposed that the Hindustan Waste Management plant shall solve this problem before increasing any capacity of the Plant. He also expressed his apprehension of increase in number of trucks carrying waste.

Members deliberated on the issue and it was decided as follows:

a.	Pollution Control Board to quarterly monitor the effectiveness of the plant for pollution control measures.
b.	To ensure that the trucks carrying solid waste are properly covered enroute to the site and no spillage, leachate flows on the road.
c.	To direct the concerned Village Panchayats to ensure that the trucks are covered and have a leachate collection tank.
d.	To check the number of trucks presently being plied and the number of trucks which shall be operated once the expansion facility is operated. Goa Waste Management Corporation to ensure that proper schedule for trucks is maintained.

**Table item no. 02**

**Pollution at the Baga Creek**

Member Secretary informed the members that a complaint was received by the office from Mr. Shawn Martins, Board member and the Sarpanch, Village Panchayat Arpora stating that units located adjacent to the Baga creek are disposing their waste in the Baga creek. Accordingly an inspection was conducted on 06/02/2018.

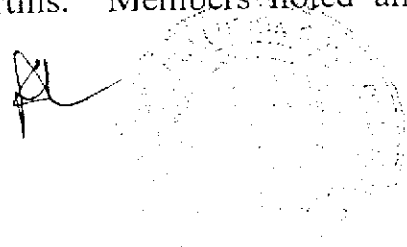
He further informed that the units are presently been issued show cause notice and based on the reply given in the show cause notice, further action will be initiated. He further informed that inspection of the establishments be carried out which are located across the Baga creek.

Members were of the opinion that the Board should deal with such units discharging raw sewage in public water bodies, by taking stringent action against them and if need be even closure

**Table item no. 03**

Details of criminal cases filed by the Board on complaints of Member Secretary, Shri Levinson Martins, before various Criminal Courts in the State.

The Board Members perused the status of Criminal Cases filed before various Criminal Courts on complaints made to the respective Criminal Courts by the Boards Member Secretary Levinson J Martins. Members noted and approved the same.



III. With the permission of the Chair, the following was discussed:

Shri Shawn Martins informed that musical parties are being held in the coastal belt for duration of one or two days. He suggested that the organisers obtain NOC of the Board under the Noise Rules. Member Secretary clarified that the District Collector has nominated Dy. Collector and Mamlatdars for enforcing the Noise Rules. However when bigger events are being held, permission from GSPCB is obtained.

The meeting ended with thanks to the Chair.



(Levinson Martins)  
Member Secretary



(Ganesh B. Shetgaonkar)  
Chairman

