

**F.No.11-91/2009-IA-III**  
**Government of India**  
**Ministry of Environment & Forests**  
**(IA Division)**

**Paryavaran Bhawan,**  
**CGO Complex, Lodhi Road,**  
**New Delhi - 110 003**

**Dated: 18<sup>th</sup> February, 2014**

**To,**  
**M/s Gujarat Pipavav Port Ltd.**  
**Pipavav Port, TalukaRajula,**  
**District- Amreli, Gujarat**

**Subject: Environmental and CRZ Clearance for proposed expansion and moderation of Pipavav Port, TalukaRajula, district- Amreli, Gujarat by M/s Gujarat Pipavav Port Ltd. –Reg.**

This has reference to the order of NGT dated 22.08.2013 Wherein, Hon'ble NGT ordered to keep the clearance in abeyance for six months and the matter was remitted to the Expert Appraisal Committee (EAC) for the purpose of reconsideration of appraisal.

The Environmental and CRZ Clearance was granted on 05.06.2012 for expansion and modernization plan of Pipavav Port, Gujarat. The Environmental and CRZ Clearance was challenged before the NGT stating that the proposed expansion will adversely affect mangrove forests, migrating birds etc. NGT partly allowed the appeal and ordered to keep the clearance in abeyance for six months and the matter was remitted to the Expert Appraisal Committee (EAC) for reconsideration of appraisal.

2. Accordingly, the proposal was re-examined by the EAC in its 126<sup>th</sup> meeting held on 19<sup>th</sup> – 21<sup>st</sup> September, 2013, 127<sup>th</sup> EAC meeting held on 28<sup>th</sup> -30<sup>th</sup> October, 2013, 128<sup>th</sup> meeting held on 20<sup>th</sup> – 23<sup>rd</sup> November, 2013 and 129<sup>th</sup> meeting held on 26<sup>th</sup> - 28<sup>th</sup> December, 2013.

3. The EAC examined the details of the project, issues raised before the NGT, issues raised during Public Hearing, NGT observations, responses of the Project proponent along with empirical evidence for or against the issues etc. It is noted that the major issues are impact on the mangroves, impacts on migratory bird habitats and various species of wild fauna, impacts on village grazing land, impact on ground water, coal dust impacts and management, ballast waste water management, violation of the terms and conditions of the EC granted earlier, non - consideration of social welfare program, adequacy of road capacity and traffic management, connectivity of Shiyalbet, impact of excessive dredging, non assessment of comprehensive effect etc, The EAC after deliberation and the additional information furnished in response to its observations recommended the project for grant of Environmental and CRZ Clearance stipulating certain additional conditions" over and above the conditions stipulated vide clearance letter dated 05.06.2012.

4. It is noted that the EAC examined all the above issues along with the responses of the PP in detail. Also EAC had noted that PP has assessed all the likely impacts due to the project



and arrived at suitable EMP and had also suitably responded to the issues raised during PH. Therefore has recommended to stipulate certain additional Conditions.

6. Shri Rahul Choudhary, Advocate has vide Notice dated 06.12.2013 stated that PP has not addressed certain issues viz. study on traffic, road carrying capacity, hydrodynamic, ship movement, dredge disposal location, biological impact etc as per the ToRs and EAC has also not examined all the issues and not applied its mind. It is also stated that the dust control measures have not been compared with other similar ports as observed by Hon'ble NGT, hence it amounts to contempt.

7. It is noted that the Advocate has made the above observations only based on the minutes without knowing the details submitted and presented by the PP, details called for by the EAC and examination carried out by EAC etc. It is pertinent to note that normally the EAC examines the projects and record the major issues and suggest conditions accordingly. It cannot and need not minute the entire EIA, EMP and deliberations etc.

8. The EAC refuted all the allegations made by Shri Rahul Choudhary and was of the considered view that PP made detailed presentations based upon the TORs and observations of NGT and all the relevant issues have been examined threadbare in its three consecutive meetings held in September, 2013, October, 2013 and November, 2013 in full compliance with the directions of Hon'ble NGT. The measures provided in the existing ports like Chennai Port were also discussed by the members before making recommendations. The additional conditions on certain issues have been stipulated by the EAC. It was of the view that the legal notice was frivolous and a dilatory tactic.

9. As regards the allegation of Shri Rahul Choudhary regarding ship movement, ship waste, dredge disposal, non-compliance of ToR, ground water drawal etc, it noted that PP has already submitted and presented response on each and every issue along with reference to the EIA report. According to the Chief Conservator of Forests, Wildlife Circle, Junagadh letter dated 16.11.2013, Gir Wildlife Sanctuary is about 30 km from the Pipavav village boundary.

10. It is noted that the PP used to submit the six monthly monitoring report regularly to the Regional Office, MoEF, Bhopal which shows that PP complied with all the specific conditions. The compliance report dated 05.12.2013 from GPCB shows the compliance of various conditions stipulated under Consent orders.

11. As regards the averment that the EC issued by MoEF was without giving reasons, it is stated that the EAC recommendation to grant clearance implies that the EMP proposed by the project and with the adopting of certain conditions will not cause impact to the environment. When the EAC is not satisfied, it always call for additional information before making a final recommendation.

12. As regards the allegation that Ministry granted EC without application of mind, it is stated that expertise in various field is required to examine the project proposal and therefore, Ministry has constituted EAC involving experts in various relevant fields. There are certain procedures prescribed for grant of EC under the EIA Notification, 2006. According to which it is seen that whether there is compliance with the existing regulations like permissibility of the

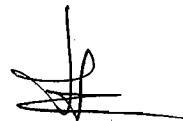


project, submission of required documents etc. and whether EAC has considered and examined all the relevant issues of the project. In the present case, all the procedures have been complied.

13. Notwithstanding to the contention at para 11 & 12 above, it is stated that the foreshore facilities are permissible activities at other than high eroding sites, adequate EMP has been proposed by PP/ conditions suggested by EAC, PP's existing facility complies with conditions of clearance/ consent etc. Further, it is stated that EAC examined all the above issues along with the response of the PP in detail. Also EAC had noted that PP has assessed all the likely impacts due to the project and arrived at suitable EMP and had also suitably responded to the issues raised during PH. Therefore EAC has recommended stipulation of certain additional Conditions.

14. In view of the above, the recommendation of the EAC has been accepted by the Ministry. Accordingly, the Ministry hereby accords necessary EC and CRZ Clearance for the above project as per the provisions of Environment Impact Assessment Notification, 2006 and CRZ Notification, 2011 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

- (i) The landing jetty for the mooring of ferry crafts which facilitates transport of Shiyalbet Islanders to/ from the Shiyalbet Island shall be upgraded with proper connectivity as committed.
- (ii) The coal shall be stored only in designated stock yard with dust control measures viz. wind screen of height atleast 2 ft above the of coal stock, made of fabric/HDPE, water sprinkler assignment, green belt of at least three layers of suitable trees and scrubs. Use of creepers should also be explored in consultation with the Forest Department.
- (iii) The Project Proponent shall provide additional plantation in the gaps to develop proper filter screen.
  - (a) The entry and exit points for dumber trucks shall be suitably designed with loop in and loop out arrangement of traffic and a fabric mesh for acting as a filter barrier for coal dust.
  - (b) Bus frequency for Shyalbet Island residents should be increased during peak hours so as to reduce the waiting time to 10 minutes.
- (iv) The vehicles used for coal transportation to M/s Ultra tech Cement Ltd. at Jaffarabad shall be properly covered to prevent dust pollution.
- (v) 16.5 Mcum dredged material out of total 18 Mcum is proposed to be utilised for reclamation purpose in port development. The rest shall be disposed off shore at the site suggested by NIOT.
- (vi) PP shall adopt closed conveyer coal transport to the proposed power plants in the vicinity.




The Project Proponent shall comply the above conditions also in addition to the conditions stipulated in the clearance letter dated 05.06.2012.

  
**(Lalit Kapur)**  
**Director (IA-III)**

**Copy to:**

1. The Principal Secretary, Department of Forests & Environment and Chairman, GCZMA, Govt. of Gujarat, Sachivalaya, Gandhinagar.
2. The Director, Forests & Environment Department, Govt. of Gujarat, Block No.14, 8<sup>th</sup> Floor, Sachivalaya, Gandhinagar – 382 010.
3. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 32.
4. The Chairman, Gujarat State Pollution Control Board, Paryavaran Bhawan, Sector 10 A, Gandhinagar-382 010.
5. The Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No. 3, Ravishankar Nagar, Bhopal-462016 (M.P.)
6. Guard File.
7. Monitoring Cell, MoEF.

  
**(Lalit Kapur)**  
**Director (IA-III)**