

Kashtakari Sanghatana

Bamanpada, Malyan, Dahanu Road, Palghar dt. 401 602

07.02.2023

To,
The Chairperson, DTEPA,
Dahanu Taluka Environment Protection Authority,
Sir H.C. Dinshaw Building, 2nd Floor,
16, Horniman Circle, Fort,
Mumbai 400 023

Sub: 49th Sitting of the DTEPA scheduled to be held on 13th February 2023

Dear Sir,

DTEPA Case No.2 of 2022 has been filed by Jawaharlal Nehru Port Authority ("JNPA") seeking permission of the Authority to construct a port in Dahanu. Written Submissions on behalf of Vadhavan Bandar Virodhi Sangharsh Samittee, National Fishworkers Forum, Thane Zilha Machimmar Madhyavarti Sarkari Sangh Maryadit, Maharashtra Machimmar Kruti Samittee, Thane Zilha Machimmar Samaj Sangh, Kashtakari Sanghatana and Bhoomi-Sena opposing the grant of permission to JNPA has been filed before this Ld. Authority on 7th June 2022.

By an email dated 24th January 2023 we have been notified of the 49th sitting of the DTEPA scheduled to be held on 13th February 2023 to consider, *inter alia*, the application made by JNPA in DTEPA Case No.2 of 2022 seeking permission for the setting up of a greenfield port at Vadhavan located in Dahanu Taluka.

Pursuant to the application made by JNPA, a number of documents pertaining to the proposed port including the Pre-feasibility Studies, Detailed Project Report, Draft EIA Report, SIA Report, Impact Study on Coastal Fisheries etc. has been submitted by the Applicant JNPA to this Authority. This Authority has been informed by the Applicant that the process for

obtaining the environmental clearance under the provisions of the EIA Notification, 2006 is in process.

As this Ld. Authority would be aware, the ToR is a crucial stage in the process of environmental clearance where the appraising authorities, on the basis of information provided by the project proponent, recommend studies that are to be undertaken by the project proponent so that the scope of the environmental impact of the proposed project can be holistically assessed.

The ToR for the proposed greenfield port at Vadhavan was granted by the MoEF on 7th October 2020. Based on this ToR a number of studies have been undertaken by JNPA through various agencies. Some of these reports as noted above have been placed before this Authority.

It appears that JNPA has now made an application for an amendment in the ToR earlier granted on 7th October 2020. The amendment sought was with respect to the amount of reclamation required to be carried out. The earlier ToR stated that the reclamation and landfilling of 1,473 ha. of land would be carried out by murrum filling/ earth for which 86.88 million cubic metres of earth would be required. JNPT has now sought permission to dredge 200 million cubic metres of earth from the ocean floor off the coast of Daman to reclaim land for the port.

The Environment Appraisal Committee ("EAC") of the MoEF considered the application for amendment of the ToR in its 318th meeting held on 12th-13th January 2023. The EAC noted that the entire scope of the ToR dated 7th October 2020 has changed on account of significant variations in the project configuration. In particular, it noted that earlier the project was proposed to be located onshore, however this has now been changed to offshore thus requiring large scale reclamation. The EAC has noted as under :

“Thus, the Committee opined that the instant proposal cannot be considered at this moment as the entire scope and configuration has changed and the PP shall revise the total PFR considering the current scope of the work with all the parameters and submit it to the Ministry for further consideration. The information so provided shall be presented before the committee so that additional ToRs can be considered for the project in due course”

A copy of the Minutes of Meeting of the EAC is enclosed herewith.

Thus, considering the fact that the proposal for the amendment of the ToR has been deferred by the EAC and additional studies may be required to be undertaken by JNPA on account of the significant change in the scope of the project, it is felt that the meeting scheduled to be held on 13th February 2023 may be deferred, so that these additional studies, if any, are placed before this Ld. Authority. JNPA may also be required to amend its application made before this Authority given the significant changes in the scope of the project as noted by the EAC.

This Authority is required to consider the impact the proposed projects in Dahanu in a holistic manner. This would entail the consideration of all the reports prepared by the project proponent in pursuance of its application for CRZ and Environmental Clearance, apart from the compliance with the Dahanu EFA Notification January 1991. Without these studies and reports being placed before this Authority to enable them to be considered by the Expert Members, the process of having to obtain the NOC from this Authority would be reduced to an empty formality. Although the process of obtaining an Environmental Clearance under the EIA Notification, 2006 may be an independent process, it must be integrated into the proceedings

before this Ld. Authority so that the true impact of the project, both environmental and socio-cultural can be considered and an appropriate decision can be taken.

Thus, it is requested that the DTEPA Case No. 2 of 2022 made by JNPA seeking the NOC of this Authority for a port at Vadhavan may be deferred until all the studies and reports directed to be prepared by the EAC, and that may be required to be prepared pursuant to the application made by JNPA for an amendment in the ToR, are placed before this Ld. Authority. Furthermore, this Ld. Authority would appreciate that it would be a futile exercise to consider JNPA's application based on outdated studies based on a different project configuration.

It is also requested that if and when the meeting is being held to decide the application made by JNPA, all the objectors may be allowed an opportunity to address the Ld. Tribunal as the concerns of each may defer.

Sincerely,



Brian Lobo

(for Kashtakari Sanghatana)

Cc: The Member Secretary, DTEPA

Dr. Shyam Asolekar, Expert Member, DTEPA

Dr. Rajendra Shinde, Expert Member, DTEPA

Dr. Soniya Sukumaran, Expert Member, DTEPA

Prof K. B. Jain, Expert Member, DTEPA