

Chapter-4
CRZ Clearance and Post Clearance Monitoring

A Snapshot

Audit observed many instances where GCZMA solely relied on the information given by the Project Proponent (PP) for projects which led to non-evaluation of impacts and absence of mitigation measures thereon. In many other projects, GCZMA left critical pre-requisites such as disaster management reports, risk assessment reports, NOC from GPCB etc., on the PP rather than making them a pre-condition before recommending for clearances. The EIA reports were found deficient in various aspects related to the identification of environmental risk and required mitigation measures. There were gaps in post-clearance monitoring by GCZMA and DLCs, in ensuring implementation of conditions stipulated in the clearance. The post-clearance monitoring mechanism was not effective as PPs failed to submit the half-yearly compliance reports.

Introduction

As mentioned in **paragraph 1.4.2** for obtaining the CRZ clearance for a project, the Project Proponent (PP) shall submit the project proposal along with the relevant documents to GCZMA for scrutiny and recommendation. GCZMA, after vetting of the proposal by the technical committee and discussions in its meetings, recommends it to the authority as mentioned in the table below:

Table 4.1: Classification of projects for CRZ clearances

Category of projects	Authority to which the proposal is required to be sent for CRZ clearance
Category-A projects as per EIA Notification, 2006 Projects mentioned in Clause 4 (ii) of CRZ Notification, 2011	MoEF&CC
Category-B Projects as per EIA Notification, 2006	SEIAA
Projects in the CRZ II areas having less than 20,000 Sqm. construction area	Town planning authorities

Source: CRZ Notification 2011

During the period 2015-20, ninety-two CRZ/ Composite clearances were recommended by GCZMA (40 to MoEF&CC, 33 to SEIAA and 19 to town planning authorities). Audit selected 13 projects (as specified in **Paragraph 1.10** of this Report) for detailed scrutiny, the description of which is given in **Appendix-3**.

Audit observations related to the 13 projects are discussed in the succeeding paragraphs:

4.1 Technical vetting of the projects by the GCZMA and their final recommendation to SEIAA and MoEF&CC

CRZ Notification, 2011 stipulates that the PP shall apply to Coastal Zone Management Authority of the concerned State with the required documents¹ for seeking prior clearance. GCZMA scrutinises the project based on documents submitted, site visits, presentations by PP etc. Audit verified the documents of the 13 Projects as submitted by the PPs to the GCZMA for seeking CRZ/ composite clearance. It can be seen from the *Appendix-3* that nine out of 13 PPs did not submit all pre-requisite documents, still their projects were recommended by the GCZMA for clearance. This shows lack of adequate internal control which resulted in recommendation of projects without proper vetting at GCZMA level.

The State Government/ GCZMA stated (August 2022) that the required documents might have been kept at some other place and not furnished to Audit.

The reply is not acceptable as the GCZMA could not produce these documents to Audit.

Recommendation 8: GCZMA may strengthen the evaluation process of project proposals and EIA reports to ensure that they adhere to all necessary pre-requisites before giving recommendation/ clearance.

4.2 Accreditation of consultant for preparing EIA report

CRZ Notification, 2011 stipulates submission of rapid/ comprehensive Environmental Impact Assessment (EIA) report and Environmental Management Plan (EMP) by the PP along with Form 1 at the time of applying for CRZ clearance. EIA Notification, 2006 also stipulates submission of EIA report, if the project falls under category 'A' and 'B'. MoEF decided (December 2009) that all the consultants working in the area of EIA/ EMP preparation would be required to get themselves registered with the National Accreditation Board of Education and Training (NABET)/ Quality Council of India (QCI) and EIA/ EMP prepared by non-accredited consultants shall not be considered after June 2010.

Further, MoEF notified (18 March 2010) that (a) the Consultants would be confined in their consultancy, only to the accredited sectors and parameters for bringing in more specificity in the EIA document and (b) after accreditation, the Consultants would need to include a certificate in this regard in the EIA/ EMP Reports prepared by them.

Subsequently, Clause 13 was inserted in EIA Notification, 2006 through amendment (March 2016), which *inter alia* stipulated that a consultant shall be allowed to prepare EIA/ EMP in those sectors only for which it is accredited by

¹(i) Form 1 (ii) Environment Management Plan (iii) Project layout superimposed on CRZ map (iv) CRZ map covering 7 km radius around the project site (v) Rapid EIA report including marine and terrestrial component (vi) Disaster Management Report (vii) Risk Assessment Report (viii) CRZ map with HTL and LTL marked (ix) Map with CRZ Zones and Ecologically sensitive areas (x) No objection certificate from GPCB.

NABET. The status of accreditation of EIA/ EMP consultants for the 13 projects is shown in *Appendix-4*. Audit observed that:

1. In five projects (Sl. No. 1 to 5), EIA/ EMP was prepared by consultants who were not accredited by the NABET.
2. In one project (Sl. No. 6), the consultant was not accredited for the given sector.
3. In seven projects (Sl. No. 7 to 13), EIA/ EMP was prepared by the consultant accredited by the NABET. However, in two projects (Sl. No. 12 and 13) the consultant did not attach the accreditation certificate with the EIA/ EMP report.

While reviewing the minutes of GCZMA meetings, it was observed that in two projects², GCZMA deferred recommendation until the PP submitted an EIA report prepared by consultant accredited by NABET. However, in the six cases (Sl. No.1 to 6), GCZMA did not insist on accreditation of EIA consultants in the relevant sector with NABET.

Thus, GCZMA could not ensure compliance to the MoEF&CC's Notification regarding accreditation of consultants. EIA and EMP report preparation by either non-accredited consultants or by the consultants not accredited in the relevant sector may lead to incorrect assessment of the negative environmental impact of the projects and may affect decision on relevant mitigation measures to be taken.

The State Government/ GCZMA stated (August 2022) that during the presentation by PP, it was ascertained that each EIA report had been prepared by NABET accredited consultant. It further stated that requisite certificate might not be part of report at the time of submission of details and there are certain activities which attract only the provisions of CRZ Notification. Hence, they may not require NABET accreditation certificate. However, the State Government/ GCZMA assured that accreditation of the Consultant with competent authority would be ensured during scrutiny of the projects in future.

The reply is not acceptable as GCZMA recommends the project to MoEF&CC or SEIAA, based on the category of project as per EIA Notification, 2006. EIA is also prepared as per the Notification. Hence, MoEF&CC directions regarding EIA preparation are applicable to the above projects. Further, Audit instead of relying solely upon attachment of certificate of NABET accreditation with EIA report, had independently verified accreditation of the Consultants at the time of submission of EIA report with the list of NABET accredited Consultants published for that period.

²Ship building and fabrication yard by Efforts India Limited (deferred in 14th meeting held on 27 February 2012) and Desalination plant by Electrotherm (India) Limited (deferred in 15th meeting held on 30 March 2012).

4.3 Deficiencies observed in EIA report of the projects

For projects involving both Environment and CRZ clearances, EIA submitted by the Project Proponent (PP) was compared with Terms of Reference (ToR) issued by MoEF&CC or State Expert Appraisal Committee (SEAC) and the generic structure as prescribed in Appendix III to EIA Notification, 2006. In the case of Projects involving only CRZ clearance, as no ToR is issued, EIA submitted by PP was compared with the generic structure only. The discrepancies in EIA, observed with reference to the generic structure, are as follows:

Table 4.2: Discrepancies in EIA reports in the test-checked projects

Sl. No.	Name of Chapter	Description of the details not incorporated in EIA Report	Name of the project/ PP which were non-compliant
1	Introduction	Scope of the study – details of regulatory scoping carried out as per ToR	<ul style="list-style-type: none"> Development of Petroleum, Chemical and Petro-Chemical Investment Region (PCPIR) at Dahej, District Bharuch by Gujarat Industrial Development Corporation.
2	Project Description	Proposed Schedule for approval and implementation	<ul style="list-style-type: none"> Common treated effluent disposal pipeline project at Vapi, district Valsad by Wel Treat Enviro Management Organization. Laying of treated effluent disposal pipeline and diffuser system for disposal of treated wastewater at Marine outfall point in Gulf of Kachchh at Mithapur, Devbhumi Dwarka by Tata Chemicals Limited.
3	Anticipated environmental impacts and mitigation measures	Mitigation measures	<ul style="list-style-type: none"> Construction of marine bridge between Beyt Dwarka and Okha by Roads and Buildings Department.
4	Environment Monitoring Program	Technical aspects of monitoring- the effectiveness of mitigation measures (including measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures and detailed budget and procurement schedules)	<ul style="list-style-type: none"> Development of Petroleum, Chemical and Petro-Chemical Investment Region (PCPIR) at Dahej, District Bharuch by Gujarat Industrial Development Corporation. Discharge of 10 MLD industrial effluent in Bhavnagar creek, Bhavnagar by Madhu Silica Private Limited. Laying of treated effluent disposal pipeline and diffuser system for disposal of treated wastewater at Marine outfall point in Gulf of Kachchh at Mithapur, Devbhumi Dwarka by Tata Chemicals Limited. Construction of marine bridge between Beyt Dwarka and Okha by Roads and Buildings Department. Additional Saltworks (2,395.15 acres) located at village Kalatalav and Narmad, taluka and district Bhavnagar by Nirma Limited.
5	Summary and Conclusion	Overall justification for the implementation of project and	<ul style="list-style-type: none"> Construction of marine bridge between Beyt Dwarka and Okha by Roads and Buildings Department.

		explanation as to how adverse effects have been mitigated	
6	Disclosure of consultants engaged	Names of the consultants engaged with their brief resume and nature of consultancy rendered	<ul style="list-style-type: none"> • Discharge of 10 MLD industrial effluent in Bhavnagar creek, Bhavnagar by Madhu Silica Private Limited. • Additional Saltworks (2,395.15 acres) located at village Kalatalav and Narmad, taluka and district Bhavnagar by Nirma Limited.

Source: Information taken from EIA Report of respective projects

It can be seen from the above table that PPs did not incorporate the required details as per the generic Structure of the EIA document. However, the above projects were recommended by GCZMA for CRZ clearance. Observations related to non-preparation of EIA as per ToR are discussed in ensuing paragraphs.

The State Government/ GCZMA while accepting the observation stated (August 2022) that GCZMA scrutinized application *prima facie* considering CRZ aspects and did not look in much depth the other terrestrial EIA aspect due to limitation of manpower, infrastructure etc. The State Government/ GCZMA further assured to take care of this aspect in future.

4.4 Specific issues on EIA reports of the projects

Audit compared the EIA reports submitted by PP with various Notifications/ Orders issued by MoEF&CC. Project- wise specific observations are discussed below:

1. Expansion of Adani Petronet (Dahej) Port at Dahej, District Bharuch by Adani Petronet (Dahej) Port Private Limited

The EMP did not contain details of post monitoring of sediment quality, phytoplanktons, zooplanktons and benthos in and around the project site.

Environment policy approved by the Board of Directors and system of reporting of violations/ non-compliances by the Company to its Board of Directors and stakeholders at large were not incorporated in EIA Report.

2. Development of Petroleum, Chemical and Petro-Chemical Investment Region, (PCPIR) at Dahej, District Bharuch by Gujarat Industrial Development Corporation

Condition number (iv) of the ToR issued (December 2013) to PP for the project stipulated that the latest data should be used for the preparation of EIA studies. In this regard, the Office Memorandum issued (22 March 2010) by MoEF&CC stipulated that the EIA/ EMP Report should be submitted with primary data not older than three years. However, the PP submitted data older than three years in EIA Report at various places³. Audit observed that GCZMA did not insist on the latest data while reviewing the EIA.

³Chapter 3 of the EIA report (August 2015) of the project, viz. "Description of Environment" contained baseline data regarding Air Environment (for the year 2010, 2013 and 2014), Noise Environment (no period mentioned), Water Environment (the year 2010), Land Environment (no period mentioned) and Biological Environment (Horticulture: 2009-12 and fisheries: 2005-08).

3. Laying of treated effluent disposal pipeline and diffuser system for disposal of treated wastewater at marine outfall point in Gulf of Kachchh at Mithapur, Devbhumi Dwarka by Tata Chemicals Limited

Mangroves near the project site were reported in the EIA. However, the EIA did not mention the impact of the project on mangroves in terms of health and genetic biodiversity.

EIA submitted in May 2016, contained data for the year 2009-10 or older, however, GCZMA did not insist on the latest data.

4. Modification of existing jetty and expansion of isolated storage facility at Dahej, Bharuch by Gujarat Chemical Port Terminal Company Limited

Conditions number 4 (project implementation schedule), 11 (berthing facility and vessels details), 24 (treated and untreated waste water), 27 (air pollution control measure), 57 and 58 (firefighting and prevention mechanism) and 64 (green belt development) of the ToR issued in September 2014 by SEAC were not complied in EIA Report. In spite of this, the GCZMA did not insist on compliance with the above terms before recommending the project to SEIAA for clearance.

5. Revival of existing jetty with liquid storage terminal, pipeline, road connectivity at Gandhidham, Kachchh, by Ahir Salt and Allied Product Private Limited

Initial ToR for this project was issued by SEAC in May 2015. SEAC asked (November 2015) the PP to also consider model ToRs mentioned in the MoEF&CC's Technical Guidance Manual (TGM) for isolated storage and handling of hazardous chemicals (project category 6(b)) and Ports and Harbours (project category 7(e)) besides ToR of May 2015 in the preparation of EIA report.

Audit verified the EIA submitted by the PP with the TGMs of MoEF&CC and found that 9⁴ and 14⁵ points of the TGM for project categories 6(b) and 7(e) respectively were not included in EIA Report.

GCZMA did not insist on the inclusion of the above points in the EIA report and recommended the project for CRZ clearance to SEIAA.

⁴a) Technologies involved for design, construction, equipment and operation (b) Hydrographic charts of the offshore area giving general morphology of the coastal stretch to a scale of 1: 50000 (c) Bed Sediment Contamination (d) Sea Harbour Water Quality (e) Marine/ Coastal Ecology (f) Socio-Economic and Occupational Health Environment (g) Solid Waste Disposal Facilities (h) Public Utilities and (i) Assessment of anticipated impact of the project construction/ operation on the coastal hydrology on account of port construction.

⁵i) domino effects of storage tanks, ii) specific control equipment, iii) infrastructure facilities, iv) compliance to previous ECs, v) litigations against project, vi) air quality, vii) baseline monitoring network, viii) monitoring network, ix) leak detection programme, x) occupation safety and health protection, xi) monitoring agencies, xii) socio economic development activities, xiii) socio economic influence on local community and xiv) administrative and technical organizational structure for post project monitoring.

6. Construction of residential project 'Sun city' at Barbodhan village, Surat by Pramukh Organisers LLP

EIA report was prepared by PP based on the ToR. Audit noticed that point number 6 (project implementation schedule), 10 (service and commercial units and amenities), 30 (solid waste facilities), 35 (tree plantation/ removal/ transplantation), 40 (ground water recharge plan) and 47 (financial outlay for EMP) of the ToR were not included in the EIA report.

Thus, EIA reports were not prepared by PPs as per the ToRs prescribed by MoEF&CC/ SEAC and GCZMA also did not verify compliance of the prescribed ToRs in EIA reports before recommending the project for clearance. This would impact the quality of EIA/ EMP report of the projects and weaken the process to conserve the coastal ecosystem.

The State Government/ GCZMA stated (August 2022) that GCZMA scrutinized applications *prima facie* as per CRZ Notification and recommended them to MoEF&CC/ SEIAA for final CRZ clearance. It was further stated that it was responsibility of MoEF&CC/ SEIAA to verify every aspect of procedures for preparing EIA report.

The reply is not acceptable as MoEF&CC/ SEIAA considers projects for clearance based on the recommendation of GCZMA and it is the responsibility of GCZMA to verify the detailed aspects of EIA before recommending it to MoEF&CC/ SEIAA.

4.5 Construction of Marine bridge between Beyt Dwarka and Okha

State Highway expansion projects in hilly terrain (more than 1,000 metre above Mean Sea Level) and/ or ecologically sensitive areas are classified as Category 'B' Projects in EIA Notification, 2006. The Notification prescribes prior Environment Clearance (EC) for such projects. Further, CRZ Notification of 2011 classifies Marine Parks as an ecologically sensitive area.

The project of construction of marine bridge between Beyt Dwarka and Okha was taken up by the Jamnagar Division of Roads and Buildings Department. The project being in an Ecologically Sensitive Area (ESA), required composite clearance i.e., CRZ as well as environment clearance from SEIAA. However, the project proponent applied (June 2017) only for CRZ clearance instead of composite clearance. EC is necessary for assessing the impact of the proposed projects on environment and people so that steps to mitigate such impact may be taken. GCZMA recommended (August 2017) the project to SEIAA for CRZ clearance, which was granted on 24 August 2017. The project was in-progress in August 2021.

Thus, the SEIAA/ GCZMA did not insist on the EC though the project was falling in ESA.

The State Government/ GCZMA stated (August 2022) that it is the responsibility of PP to obtain all regulatory clearances and GCZMA imposed a

condition that PP shall obtain all necessary permissions from different departments/ authorities.

The reply is not acceptable as GCZMA recommends the project to SEIAA/ MoEF&CC based on the category of the project mentioned in EIA Notification, 2006 which prescribes for obtaining EC for the project falling under ESA. Thus, before recommending the project for CRZ clearance, GCZMA should have ascertained the category of the project and ensured that related statutory requirements were complied with. Further, as the PP did not apply for the EC, the EIA was prepared without obtaining ToR from the SEAC. GCZMA vetted the project details including EIA considering it as normal CRZ clearance proposal without emphasizing on ESA status.

4.6 Submission of compliance report by Project Proponent

CRZ Notification 2011 requires the PP to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the EC to the regulatory authority(s) concerned on 1st June and 31st December of each calendar year. Such compliance reports submitted by the PP are required to be published in the public domain and displayed on the website of the concerned regulatory authority. Further, SEIAA/ MoEF&CC also require the PP to display the compliance report in respect of all the clearances on its website. Audit verified (September 2021) compliance to the above clauses/ conditions in respect of 12 out of the 13 test-checked projects⁶ from the date of clearance of the project to September 2021. The findings are detailed in *Appendix-5* and summarised as under:

Table 4.3: Status of submission of Compliance Reports by PPs and display thereof on website as on 30 September 2021

Particulars of Compliance Reports	No. of reports required to be submitted/ uploaded	No. of reports actually submitted/ uploaded	No. of PPs	Sl. No. of Appendix-5
Status of reports submitted				
All reports submitted	28	28	3	10 to 12
No reports submitted	50	0	5	1 to 5
Lesser number of Reports submitted	39	30	4	6 to 9
Status of uploading of submitted reports on website of PPs				
Reports submitted and uploaded on website of the PP	28	28	3	9,11 and 12
Reports submitted but not uploaded on website of the PP	30	0	9	1 to 8 and 10
Status of uploading of received reports on website MoEF&CC and SEIAA				
Reports submitted but not uploaded on website of the MoEF&CC and/ or SEIAA	58	0	12	1 to 12

Source: Information provided by GCZMA/ PPs and websites of the MoEF&CC, SEIAA and the PPs

Thus, five PPs (Sl. No. 1 to 5) were non-compliant and four PPs (Sl. No. 6 to 9) were partially compliant to the conditions related to submission of compliance

⁶Out of the 13 selected projects, one project had been delisted after obtaining required clearance.

reports. Further, nine PPs (Sl. No. 1 to 8 and 10) did not upload the compliance reports submitted by them on their website. Non-compliance by PPs would impair the ability of regulatory agencies to notice and take steps to mitigate any negative impacts on the coastal ecosystems.

The State Government/ GCZMA stated (August 2022) that monitoring the compliance is primarily responsibility of the Integrated Regional Officer of MoEF&CC and GCZMA is only a recommending authority.

The reply is not acceptable as CRZ Notification 2011 stipulates maintenance of half-yearly compliance reports by GCZMA and to provide a copy of the same to any person, on application to GCZMA. Further, GCZMA also stipulates condition in its recommendation letter to SEIAA/ MoEF&CC regarding submission of compliance report to GCZMA by PP. In every clearance letter issued by SEIAA/ MoEF&CC, it is mentioned that PP has also to comply with the condition stipulated by GCZMA in its recommendation letter.

4.7 Post Clearance monitoring of the projects

While recommending the project, GCZMA stipulates several conditions to be complied with by the PP before and during the construction and operational phase of the projects. Similarly, MoEF&CC and SEIAA also stipulate several conditions in the clearance letter which are to be complied with by the PPs.

Audit observed that out of 13 test checked projects, in seven projects, PPs did not comply with the conditions mentioned in the EC/ CRZ clearance granted by the regulatory authorities. Observations related to non-compliance of conditions are mentioned in the *Appendix-6*. Non-compliance to these key conditions adversely impact the surrounding ecosystems of the projects and indicate inefficient monitoring by regulatory authorities.

The State Government/ GCZMA stated (August 2022) that as per EIA Notification and various Guidelines issued by MoEF&CC, Regional Office of MoEF&CC and State Pollution Control Board are nodal agencies to verify compliance of conditions prescribed by various authorities.

The reply is not acceptable as Regional Officers of GPCB are member secretaries of concerned DLC and as per CRZ Notification, DLCs in the State were constituted to assist GCZMA. Compliance reports are required to be sent to GCZMA as well as DLC by the PP. On receipt of the compliance report from the PP, GCZMA can direct DLCs to verify impact of non-compliance of conditions by PP on the CRZ area.

4.8 Disposal of treated wastewater through open channel in intertidal zone of the Gulf of Kachchh at Mithapur

The chemical manufacturing plant of Tata Chemicals Limited (TCL) at Mithapur generates treated wastewater from its various processes which was being discharged (17 August 2021) into the Gulf of Kachchh through an open channel in the intertidal zone. The above channel was passing through the

eco-sensitive zone and releasing the effluents in Marine National Park and Marine Sanctuary (MNP&MS)⁷.

In order to comply with the standards issued (June 2011) by MoEF&CC for releasing waste water from soda ash industries, TCL proposed laying discharge pipeline of 3,758 metres, out of which 2,504 metres was passing through the MNP&MS and 362 metres through Eco-Sensitive Zone (ESZ). The laying of pipeline in MNP&MS required use of 11.2680 ha of the MNP&MS Area, which required sanction under the Wild Life (Protection) Act, 1972. TCL submitted the necessary proposal to the In-Charge, MNP&MS in January 2015 and the in-principle Forest Clearance (Stage I) was obtained (22 February 2019) from MoEF&CC.

Meanwhile, TCL approached (05 May 2016) GCZMA for CRZ clearance for laying of treated effluent disposal pipeline and diffuser system for disposal of treated wastewater at marine outfall point in Gulf of Kachchh at Mithapur. On recommendations of GCZMA (28 June 2016), MoEF&CC granted (10 July 2017) the clearance.

The CRZ clearance was subject to obtaining prior approval for diversion of forest land (mangroves) under the Forest (Conservation) Act, 1980 before the commencement of work. During joint field visit by Audit with officials of DLC, Jamnagar on 17 August 2021, it was noticed that even though in-principle Forest Clearance (Stage I) was obtained in February 2019, the project was yet to be implemented due to non-receipt of Final Forest Clearance (Stage II) from MoEF&CC. Audit noticed that due to non-implementation of the project, treated effluents were being discharged through an open channel by the PP as can be seen in the following image (taken on 17 August 2021).



Figure 4.1: Treated wastewater being discharged through open channel at marine outfall point in Gulf of Kachchh at Mithapur

⁷Situated along the southern coast of Gulf of Kachchh in Devbhumi Dwarka, Jamnagar and Morbi Districts.

It is pertinent to mention that in the management plan of MNP&MS for the period 2007-08 to 2016-17, it was mentioned that release of effluents by the PP in the MNP&MS through an open channel was causing heavy deposition, which is gradually turning the area difficult to reclaim. While processing Stage I clearance, Chief Conservator of Forest (CCF), MNP&MS opined (February 2015) that protected area in the Mithapur has seagrass vegetation which is a feeding ground for threatened species like Dugong and Sea Turtles. He further mentioned that after implementation of the project, the effluents will be directly drained into the sea and the inter-tidal ecosystem will be protected. Audit observed that the mandate of GCZMA is also to conserve the marine ecosystem of the State. However, after recommending (June 2016) the project to MoEF&CC for CRZ clearance the issue of pursuing Forest Clearance (Stage I and II) from MoEF&CC, was never discussed in any of the 27 GCZMA meetings held between June 2016 and August 2021.

The release of the treated effluents through an open channel in the MNP&MS area may drastically affect the inter-tidal organisms and the coastal ecosystem of MNP&MS.

4.9 Development of tourist facilities and accommodation at Mandvi by Tourism Corporation of Gujarat Limited

The Tourism Corporation of Gujarat Limited (TCGL), approached (09 July 2013) GCZMA for CRZ clearance for development of a beach resort (Project-1) with the facility of 80 cottages and supporting infrastructure at Mandvi, Kachchh. GCZMA recommended (29 January 2014) to the MoEF&CC to grant CRZ clearance. MoEF&CC granted the clearance in March 2015.

During the joint site visit by Audit with the officials of DLC, Kachchh (October 2021), Audit noticed that the proposed project activities were not being carried out as the project did not commence. Further, Audit observed that another resort (Project-2) was functioning, approximately 500 meters on the west side of the site of Project-1. Through satellite images on Google earth pro software, it was ascertained that this project (Project-2) was constructed after April 2017.

Scrutiny of records of TCGL revealed that work order for Project-2 was issued in December 2016 and the work was completed in April 2019. The main components of the above work were (a) Construction of 32 tented accommodations (b) a Dining Hall (c) Other infrastructure and (d) Parking and pathway.

CRZ Notification, 2011 restricts the PP from undertaking any construction within 200 metres on the landward side of HTL and within the area between LTL and HTL i.e. No Development Zone (NDZ). GCZMA while recommending (January 2014) Project-1 and MoEF&CC while granting CRZ clearance (March 2015) had banned TCGL from carrying out any construction activity in the NDZ. TCGL had also furnished an undertaking for the same.

The following Google earth pro images of Project-2 shows construction activity carried out after April 2017, status as of September 2022 and distance from the coastline.

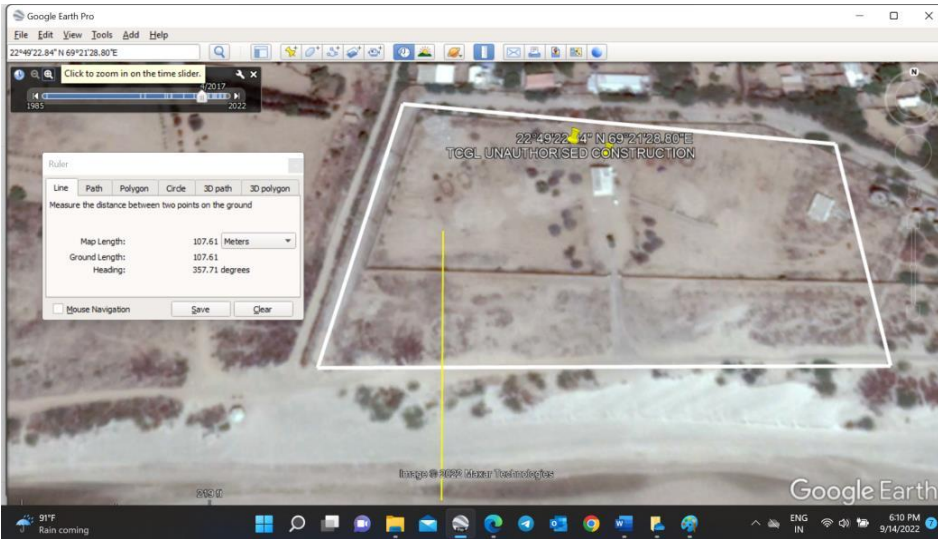


Figure 4.2: No structure at (22°49'22.84"N 69°21'28.80"E) location (April 2017)

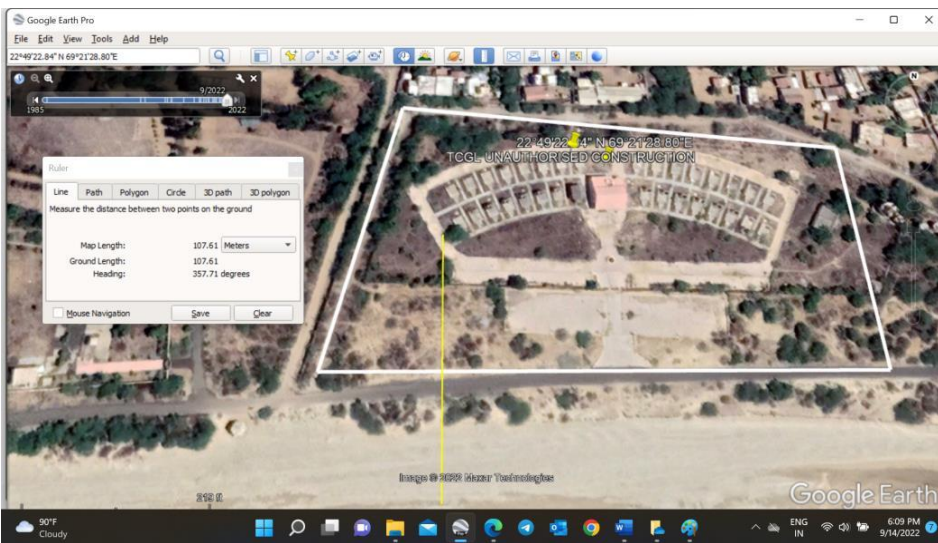


Figure 4.3: Structure of Project-2 constructed within 200-meter from the coastline at the location (22°49'22.84"N- 69°21'28.80"E) as of September 2022

From the above images it was clear that Project-2 was constructed in the NDZ by TCGL. Since Project-2 was not among the projects recommended by GCZMA for CRZ clearance, the activities carried out by TCGL in the project site, were without obtaining CRZ clearance. Thus, carrying out a project without obtaining CRZ clearance and that too in the NDZ may adversely affect the coastal ecosystem.

The State Government/ GCZMA stated (August 2022) that verification of violation was under progress and suitable action would be initiated.

4.10 CRZ clearances for constructions of less than 20,000 Sqm area in CRZ II

CRZ II areas are the areas that have been developed⁸ up to or close to the shoreline. In the earlier CZMP prepared as per CRZ Notification 1991, CRZ II areas were declared in three municipal areas of Gujarat *viz.* Veraval, Bharuch and Porbandar. Any projects falling under CRZ II area of the above three municipal areas were vetted by GCZMA first and then recommended to the concerned local bodies for granting CRZ clearance.

In pursuance of CRZ Notification 2011, district wise CZMPs (except Kachchh and Morbi districts) were approved by MoEF&CC and accepted by GoG in January/ February 2019. As per these CZMPs, CRZ II areas were declared in additional 11 towns/ municipal areas⁹. However, GCZMA had not issued any instructions to these 11 local bodies to direct PPs to submit the proposal for vetting and recommendation for CRZ clearance. Hence, not a single CRZ clearance proposal was received at GCZMA between March 2019 and September 2021 relating to development activities under these local bodies. Thus, possibility of unregulated development activities being carried out in the CRZ areas falling under above 11 local bodies cannot be ruled out.

The State Government/ GCZMA stated (August 2022) that CZMP are published on the website of GCZMA and DLC in each coastal district had been formed. It further stated that based on the audit observation, GCZMA had issued (August 2022) letters to all the concerned ULBs regarding prior requirement of CRZ clearance for carrying out construction activity in the CRZ II area of these ULBs. The fact remains that GCZMA informed the ULBs after more than three years from the approval of CZMP which implied that development activities comprising less than 20,000 Sqm in CRZ II areas remained unmonitored and unregulated by the GCZMA during this period.

⁸“Developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

⁹1. Jafrabad (Amreli) 2. Khambhat (Anand) 3. Bhavnagar 4. Dwarka (Devbhumi Dwarka) 5. Salaya (Devbhumi Dwarka) 6. Jamnagar 7. Mandvi (Kachchh) 8. Bilimora (Navsari) 9. Chhaya (Porbandar) 10. Surat 11. Umbergaon (Valsad).

