

**No.10-138/2008-IA-III**  
Government of India  
Ministry of Environment and Forests  
(IA-III Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi-110003.

Dated the 15<sup>th</sup> December, 2010

To,

**M/s Mundra Port and Special Economic Zone Limited,**  
"Adani House",  
C-105, Anand Niketan,  
New Delhi -110021.

**Sub: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Regulation Zone Notification, 1991 by M/s Mundra Port & SEZ Limited - regarding.**

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Whereas, the Ministry of Environment and Forest (MoEF) had received a representation from Shri Bharat Patel, General Secretary, Machimar Adhikar Sangharsh Sangathan vide e-mail indicating gross violation of the Coastal Regulation Zone area for establishing various facilities of M/s Mundra Port & SEZ Limited, attached at Annexure-I of this notice; and

2. Whereas, the Ministry had directed Dr. A. Senthil Vel, Additional Director, Ministry of Environment and Forests (MoEF) to undertake site visit and submit a report; and

3. Whereas, a site visit was undertaken by Dr. A. Senthil Vel, Additional Director alongwith the officials of the Gujarat Pollution Control Board and Gujarat Ecological Commission on 6<sup>th</sup> and 7<sup>th</sup> December, 2010; and

4. Whereas, a site visit report has been submitted by Dr. A. Senthil Vel, Additional Director, MoEF on 14<sup>th</sup> December, 2010, a copy of which is at Annexure-II of this notice; and

5. Whereas, the site visit report indicates that large scale reclamation using dredged material is being carried out on mangrove area behind the West and North port site; and

6. Whereas, a dredging disposal pipeline has been laid in the intertidal area carrying the dredged material to the landward side of the port to reclaim the land area on the West and North port side and which pipeline has been obstructing the tidal flow due to which the mangroves stretches on the western and northern port side have been seriously affected and at several places the mangroves have dried up; and

7. Whereas, at several places there has been large scale destruction of mangrove areas, especially at the northern port side abutting the dredge disposal pipeline; and

8. Whereas, the creeks systems and the natural flow of seawater is being obstructed by reclamations along the creeks, with destruction of mangroves being observed at several stretches; and

9. Whereas, M/s Mundra Port & SEZ Limited have developed an airport the sign board at the site indicating "airport", which is located close to the shore and it is noted that the clearance letter from Civil Aviation Department dated 30<sup>th</sup> October, 2008 provided by M/s Mundra Port & SEZ Limited *inter alia* refers to development of a Mundra aerodrome while development of a aerodrome/airport requires prior environmental clearance under the Environmental Impact Assessment Notification, 2006; and

10. Whereas, a township named as "Samundra Township", which has been accorded clearance under the EIA Notification, 2006 by Gujarat SEIAA on 20<sup>th</sup> February, 2010, is observed to be located in the Coastal Regulation Zone area of the creek and no clearance under the Coastal Regulation Zone Notification, 1991 has been obtained therefor; and

11. Whereas, a hospital named as "Sterling" has been constructed in the Coastal Regulation Zone area of the same creek thereby requiring a clearance under the Coastal Regulation Zone Notification, 1991, which clearance has not been obtained; and

12. Whereas, under the provisions of the CRZ Notification, 1991 as amended from time to time *inter alia* stipulate the following:-

(a) In Para 6(1), sub-heading CRZ-I; the areas that are ecologically sensitive such as mangroves, areas close to breeding and spawning ground of fish and other marine life, areas of outstanding natural beauty, areas rich in genetic diversity are classified as CRZ-I(i), while, the area between Low Tide Line and High Tide Line are classified as CRZ-I(ii).

(b) Under Para 2(xi) and (xii), construction/developmental activities indicated therein, such as reclamation and destruction of mangroves, construction of path in the mangrove area, developmental activities in the mangrove area are prohibited.

(c) Under Para 2(viii), land reclamation, bunding or disturbing the natural course of seawater by undertaking such developments indicated above is a prohibited activity, further, under this para reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities are not permissible.

(d) Under Para 2, the projects with the investment more than Rs.5crores are to be accorded clearance under the Coastal Regulation Zone Notification, 1991 by the Ministry of Environment and Forests after obtaining necessary recommendations from the State Coastal Zone Management Authority.; and

13. Whereas, Ministry of Environment and Forests had accorded clearance to the Coastal Zone Management Plan of Gujarat with conditions and modifications on 27<sup>th</sup> September, 1996.

14. Whereas, the Ministry of Environment and Forests had issued environmental clearance vide letter No.10-47/2008-IA-III, dated 12<sup>th</sup> January, 2009 for "Coastal Regulation Zone clearance for proposed waterfront development project at Mundra district, Kachchh, Gujarat of M/s Mundra Port & SEZ Limited"; and

15. Whereas, the Specific Condition at item No.i) of the above clearance letter stipulated that, "No existing mangroves shall be destroyed during construction/operation of project; and

16. Whereas, the Specific Condition at item No.ii) of the above clearance letter stipulated that, "There shall be no filling up of the creek and reclamation of the creek"; and

17. Whereas, the General Condition at item No.(i) provides that, "Construction of the proposed structures, if any in the Coastal Regulation Zone area shall be undertaken meticulously conforming to the existing Central/local rules and regulations including the Coastal Regulation Zone Notification, 1991 & its amendments. All the construction designs/drawings relating to the proposed construction activities must have approvals of the concerned State Government Departments/Agencies"; and

18. Whereas, the General Condition at item No.(v) stipulates, "Sand dunes, corals and mangroves if any, on the site shall not be disturbed in anyway";

19. Whereas, in view of the above foregoing paras, the Ministry is of the opinion that M/s Mundra Port & SEZ Limited have violated the Coastal Regulation Zone Notification, 1991, approved Coastal Zone Management Plan of Gujarat dated 27<sup>th</sup> September, 1996 and have not complied to the conditions listed in the environmental clearance letter issued by the Ministry vide letter No.10-47/2008-IA-III dated 12<sup>th</sup> January, 2009;

20. Now, therefore, under Section 5 of Environment (Protection) Act, 1986, you are hereby directed to show cause within fifteen days of the issue of this Notice as to why:-

- i. (a) the clearance accorded vide letter No.10-47/2008-IA-III dated 12<sup>th</sup> January, 2009 and an Addendum vide letter No.10-47/2008-IA-III, dated 19<sup>th</sup> January, 2009 for the West port and North port should not be cancelled;
- (b) the environmental clearance accorded to the Township Project by Gujarat SEIAA vide letter dated 20<sup>th</sup> February, 2010 should not be cancelled;
- (c) the pipeline carrying the dredged material for reclamation should not be dismantled and removed and the channels opened up for the in flow of the tidal water flow;
- (d) all reclamations that have been carried out in the mangrove area should not be dismantled and removed.
- (e) all channel/creek systems which have been reclaimed should not be opened up in order to provide for the natural flow of seawater.
- (f) a mangrove afforestation of additional 1000ha should not be undertaken in and around the project site in consultation with the organizations like Gujarat Ecological Commission and with provision necessary funds for this purpose by M/s Mundra Port & SEZ Limited.

21. It may be noted that if no response is received within fifteen days or receipt of these directions, appropriate orders as deemed fit will be passed under the circumstances of the case without any further notice to you. In case personal hearing is desired, it may be so indicated in your response.

22. The following directions are issued for compliance by the Gujarat Coastal Zone Management Authority:-

1. The Gujarat Coastal Zone Management Authority shall enquire into and submit a report to MoEF within four weeks regarding the construction of the Samudra

Township and the "Sterling" hospital in the Coastal Regulation Zone area without any clearance being obtained under the Coastal Regulation Zone Notification, 1991.

2. The Gujarat Coastal Zone Management Authority shall within four weeks have the revised Coastal Regulation Zone area prepared for the site and the layout plan with permissible activities will be superimposed, thereupon, whereafter those activities which have been undertaken or the structures which have been constructed or are in the process of being constructed in violation of the Coastal Regulation Zone notification, 1991 shall be removed/dismantled forthwith, following the due process.
23. These directions issue with the approval of the Competent Authority.

**Encl's:** As above

**Sd/-**  
**(Dr. A. Senthil Vel)**  
**Additional Director**

**Copy to:-**

1. Member Secretary, Gujarat Coastal Zone Management Authority, Forests & Environment Department, Government of Gujarat, Block No. 14/8, Sachivalaya, Gandhi Nagar - 382010.
2. Shri Bharat Bhushan, Director, IA Division, Ministry of Environment and Forests, New Delhi.

**Sd/-**  
**(Dr. A. Senthil Vel)**  
**Additional Director**