

## MINUTES OF COMPLAINT COMMITTEE MEETING


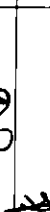


7<sup>th</sup> MEETING OF THE COMPLAINT COMMITTEE

Date : 14/10/2016 Time : 3.00 p.m.

## COMPLAINTS COMMITTEE MEETING MINUTES

Date : 14/10/2016 Time : 3.00 P.M.

## Members Present:

Sr. No	Name of Member	Designation	Signature
1	Mr. Sanjeev Joglekar	Environmental Engineer	
2	Ms. Connie Fernandes	Scientist 'C'	
3	Mrs. Natalia Dias	Senior Law Officer	
4	Mr. Praik Chari	Engineering Assistant (Computers)	

## MINUTES

## Fresh complaints as on 06/10/2016

Sr No	Comp.No. /FLM No	Complainant name	Complaint concern	Discussion	Proposed Action Plan	Responsibility	Target Date to be placed for meeting	Present Status
1	GSPCB/Leg Section/LGI/2 015/301046	Mr. Shivanand S. Naik. Igramol, Quepem	Complaint against Vailankani Rice & Flour Mill. Quepem	May call the parties for Personal hearing on 27/10/2016 at 3.30 p.m.		Legal section	28/10/2016	Hearing was conducted on 22/07/2016 and requested for a fresh hearing.
2	2016/GSPCB/Letter/12483 0047/PCB/C/C dated	Dinesh Damodar Bhounsule	Complaint against M/s. Valankanni Service Workshop at Segundo Bairro. Santa Cruz	Consent to Operate was issued to the unit on 7/10/2015 with a validity period of one year which has expired on 7/10/2016. As per	Issue SCN as to why the unit should not be closed for operating without CTO.	Legal section	28/10/2016	Record keeper at 003 the documents: complaint copies. inspection report and consent copy of consent file

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	07/10/2016			records available with the Board it is noticed that the unit has not applied for Renewal of Consent to Operate nor has applied for extension of validity.				no. GSPCB/TECH/TECH/2016/62402 3 is attached at consent- documents. for reference
3		Marta Fernandes	Complaint from Marta Fernandes against M/s. Fia Garden for creating noise pollution, harassment and health hazard.	Inspection was conducted on 17/5/2016 and it was noted that the open parties were held upon permission from the Deputy Collector and SDM South sub division Quepem. It was also noted that the unit is operating without consent to operate. As per the recommendations, the unit is required to apply for consent to operate, install oil and grease	Upon perusal of the records available with the Board it is noted that the unit has applied for consent to operate and hence the application may be processed upon consideration of the noise pollution.	<b>Technical section- Keshav Fadke, JEE</b>	28/10/2016	CTO application






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4	2016/GSPCB/Letter/11838 0038/PCB/cc dated 29/09/2016	Lalithkumar Kothari,Borda	Compl- reg.health hazardous issue due to unauthorised kitchen/unhygienic food preparation by M/s. OLA DELIGHT.	The issue raised by the complainant is regarding the health hazard due to the operation of the unit M/s. OLA DELIGHT.	May conduct inspection and also forward the complaint to Community Health Centre and Margao Municipal Council	Technical and Legal section	28/10/2016	Sudiksha - As per the online XGN and FLM search there is no previous record of complaint received in this matter. in the name of the complainant and in the names of against whom the complaint is made.  The unit named Ola Delight as mentioned in the complain is also not registered under the XGN system. As per the record section there is no earlier complain received regarding this matter.

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5	2016/GSPCB/ Letter/11967 0043/PCB/CC dated 03/10/2016	Abdul Hameed,Zuarinag ar	Regarding Manufacturing of Lead Acid Batteries Illegally/Without NOC by M/s. Sagar Batteries, Vasco de Gama-Goa	The issue is regarding manufacturing of Lead acid batteries by M/s. Sagar Batteries, Vasco de Gama-Goa. The units manufacturing require to obtain consents/authorizations as per the required laws.	May be inspected and also forward a copy to Complaint to M/s. Sagar Batteries, Vasco de Gama-Goa.	Legal and Technical Section	28/10/2016	Sudkisha - As per XGn system there is one complain received on 09/09/2014 from Mohmad Yaseen and Raseed Shaikh against Sagar batteries with compl ID:752 and the present status of the complain is showing as closed complain.
								On FLM search there is one file with file no:(GSPCB/eg Section/LGI/2016/ 330588 regarding complain received on 09/09/2014 from Mohmad Yaseen and Raseed Shaikh against Sagar batteries but






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								<p>presently the file is available with records section.</p> <p>Also as per XGN search there is no unit named Sagar Batteries registered in XGN system.</p> <p>As per record maintained by legal section Board there was a complaint dated 09/09/2014 from Moahmad Yassen &amp; Rassed Shaikh with regard to illegal manufacturing unit for Lead Acid Batteries (M/s. Sagar Batteries, Vasco), which may be verified from record section</p> <p>As per records section there was a</p>






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6	2016/GSPCB/ Letter/11613 0028/PCB/CC dated 26/09/2016	Primary Health Centre-Loutulim	Regarding discharge of waste water and sewage water into the paddy fields from illegal houses of migrants at Manora and Salgoankar College	The PHC has submitted copy of IR conducted with regard to the complaint made by the VP.	NOTED and filed as no observations with regard to water and air pollution from the Salgoankar College.		RESOLVED	Sudiksha - As per the online XGN and FLM search there is no previous record of complaint received in this matter. in the name of the complainant and in the names of against whom the complaint is made.  Also as per record section there is no

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7	GSPCB/2016/ Tech Section. Technical Section/9703 XGN ID 1351 dated 10/08/2016	Mr. Gaurish Shashikant Sawant	Complaint against Jayant Mono Rama Prabhudesai for illegal operation of units	Inspection was conducted on 14/9/2016. Units are operating without consents hence SCN may be issued to the units mentioned in the inspection report operating without CTO.	SCN may be issued to the units mentioned in the inspection report operating without CTO.	Legal Section	28/11/2016	earlier complain received regarding this matter.
8	2016/GSPCB/ Letter/8531	Telephonic complaint	Complaint of improper collection of waste along the highway as a result of which waste is seen dumped at such collection points for days together.	Directions were issued to GSIDC & M/s. BVG India Ltd. Reply was received and subsequently inspection was conducted to check the compliance.	We may seek the details from the Solid Waste Management Cell regarding the frequency of the waste being collected by the contractor.	Technical section	28/10/2016	
9	2016/GSPCB/ Letter/12488 0050/PCB/cc	Swapnil Bhandarim Savordem	Compliant regarding transportation of fly ash bricks & Fly Ash	Since the issue is regarding transportation of fly ash bricks & Fly Ash.	Letter may be issued to RTO for initiating action as per the Motor Vehicles Act	Legal Section	28/10/2016	Sudiksha - On XGN system there was one complain received

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	dated 06/10/2016			the same may be forwarded to RTO for initiating action as per the Motor Vehicles Act.				on 06/05/2014 From Swapnil Bhandari with cmp ID:650 .present status of the complain is showing as closed complainThe inspection reports for the same are attached for reference.  On FLM there was a complaint from Swapnil Bandare againts Goa Sponge and Power reg. blocking of flow of natural spring. The complaint file is uploaed on FLM having File No. 330479.  M/s Goa Sponge is registered on XGIN system and has a



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10	2016/GSPCB/Other/12647		Application or CCA-fresh from Jimi's corner (id:16879) (inward:57614)	This is an application regarding Consent to Operate by the unit M/s. Jimi's Corner, Colva. As per the inspection report, the wash water is disposed in the soak pit/ collection tank/ the soak pit// collection tank is emptied by using night soil tanker. There is no specific complaint in respect to this unit. However a general complaint was filed with regards to colva creek pollution.	The application may be processed in view of the findings in the inspection report.	Technical section - Keshav Fadke, JEE	28/10/2016	valid consent to operate valid till 30/05/2017. Consent & IR is attached for reference

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11	2016/GSPCB/ Letter/12572 0054/PCB/CC dated 12/10/2016	Safia Curtinho e paes	Complaint against Raj Cafe,Cuncolim	The unit was inspected on 31/05/2016. Complaint is regarding letting the waste water/food items from Hotel Raj Cafe in the open space. It is a 14no. of seating capacity unit serving Tea & Snacks and has not obtained consent from the Board. As per the information of the complainant the unit is illegally constructed and that the waste water from the unit is discharged on open ground located adjacent to the unit. It was observed that the waste water was collected in drum/container and	SCN may be issued to the unit for operating without consent and to construct septic tank/soak pit and observations recorded in the IR.	Legal section	28/10/2016	





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12	2016/G/SPCB/ Letter/12487 0049/P/CB/CC dated 04/10/2016	Ramchandra M. Mandrekar	regarding illegal hill cutting in sy no. 71/1 by Prasha	In the reply to the collector. Shri. Mandrekar has raised issue about pollution to the River Valvanti due to operation of petroleum of Ratnabai Ananad Mandrekar/	Letter has to be issued to the Petrol Pump owner as well as the company concerned i.e. Hindustan Petroleum to deposit the money as per the letter issued earlier within a period of 15 days to enable for carrying out analysis and monitoring for water. In the meantime river water samples	Legal section	28/10/2016	Rajendra As per online XGN & FLM search and comments from Record keeper and Legal DFO there is no previous record found regarding this complaint matter
				later discharged on open ground adjacent to the unit which was creating unhygienic conditions in the area. 6) It was informed that approx. 0.5kg/day of dry and wet waste is generated, which is given to Cuncoilm Municipal Council. Unit has submitted receipt copy during inspection.				

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13	2016/GSPCB/Letter/12485 0048/PCB/CC dated 7/10/2016	Diago G.Fernandes	regarding dumping of Garbage by Shantivar Kunj Co-op. Hs	Complaint regarding dumping of garbage by Shantivar Kunj Co-op. Hsg. Society of the flats and shops in the vacant place near the bed rooms creating health hazards. the issue has to be dealt with by the Village Panchayat. <b>The Village Panchayats</b> are the local authorities assigned with the basic responsibility of maintaining sanitary conditions in the areas under their jurisdiction. The provisions of Goa Panchayat Raj Act. 1993 in particular deal with sanitation namely section 60, 70 and 89.	has to be collected and analysed May conduct inspection and initiate action under the Goa Non-Biodegradable Act.	<b>Technical section JEE Devesh Cholkar</b>	28/10/2016	Complaint regarding dumping of garbage by Shantivar Kunj Co- op. Hsg. Society of the flats and shops in the vacant place near the bed rooms creating health hazards. the issue has to be dealt with by the Village Rajendra - As per online XGN & FLM search and comments of Record keeper and legal DFO there is no previous record found regarding the complaint matter.

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14	2016/GSPCB/Leave/12688	City metal	Complaint against Pushpa Industries for causing pollution	Inspection was conducted on 20/06/2016.	SCN to be issued for operating without Consent and to comply with the observations as recommended in the inspection report.	Legal section	28/10/2016	
15	2016/GSPCB/Letter/12556 0053/PCB/CC dated 10/10/2016	Cavelossim Village Forum	Regarding destruction and pollution of natural low lying area within NDZ of River Sal by dumping mud by Hotel Leela at mobor Cavolossim, Salcete-Goa.	Joint Inspection with WRD, Deputy Collector, Deputy TCP (Salcete), may be conducted to verify the said allegation. Letter may be issued to hotel Leela for their say in the matter with regard to the complaint.	Joint Inspection with WRD, Deputy Collector, Deputy TCP (Salcete), may be conducted to verify the said allegation. Letter may be issued to hotel Leela for their say in the matter with regard to the complaint.	Technical section and Legal section	28/10/2016	Sudiksha - As per FLM search as mentioned by the record section there is one telephonic complain received from Cavelossim Villagers Forum againsts the Hotel Leela Venture. The Complaint is uploaded on FLM having FLM file No. 331089.  As per the XGN system there is one complain received on 13/05/2014 from Cavelossim Villagers forum against the unit Leela Ventures with cmp ID: 629

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								<p>Present status of the complain is showing as closed complain. The inspection report for the same is attached for reference.</p> <p>The unit named Hotel Leela Ventures Ltd. ( The Leela Palace Goa) located at Mobor Cavelossim, Salcete, Goa is registered under XGn system and has a valid consent to operate till 28/02/2019. Consent copy is attached for reference</p> <p>IR &amp; Consent attached</p>






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16	2016/GSPCB/ Letter/12545 0052/PCB/CC dated 10/10/2016	Deepak Nirlikar, H.No.7, Tarzwada Poira, Maem Bicholim Goa.	In Borim Shiroda Modern Patho lab, Barzar Shiroda, Gomantak Ayurved Mahavidyalaya and Research Centre, Shiroda. Shri Kamaxidevi Homeopathic Hospital throw medical waste in drain thereby polluting the ground level.	Bio-medical waste has to be disposed as per Rules to avoid Health Hazard and contamination.	Complaint regarding throwing medical waste in drain by Modern Patho lab, Gomantak Ayurved Mahavidyala and Research Center & Shri Kamaxidevi Homeopathic Hospital Shiroda Bazar. As per the biomedical rules the medical waste has to be disposed off in accordance with the rules, hence may have to be verified by conducting inspection and accordingly initiate appropriate action against the unit and letter may be issued to the Modern Patho lab, Barzar Shiroda, Gomantak Ayurved Mahavidyalaya and Research Centre, shiroda, Shri Kamaxidevi Homeopathic Hospital for necessary action.	Technical section-JEE Manoj Kudalkar	28/10/2016	Rajendra - As per XGN and FLM search and comments from Record Keeper there is no previous record found regarding throwing of medical waste.  May please see the comments of Legal DEO at 004 regarding earlier complaint of nuisance caused due to water leakage.  SLO- Complaint regarding throwing medical waste in drain by Modern Patho lab, Gomantak Ayurved Mahavidyala and Research Center & Shri Kamaxidevi Homeopathic

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17	GSPCB/TEC/H/11C/H/2016/630036	Victor Hotels And Motels Limited	Meeting held on 28/09/2016 regarding solid/sewage disposal by Casino Vessels	Inspection may be carried out of Hotel Majestic and Reis Magos Jetty to verify the operation of composting facilities and their compliance.	Inspection may be conducted.	Technical section	28/10/2016	Hospital Shiroda Bazar.As per the biomedical rules the medical waste has to be disposed off in accordance with the rules. hence may have to be verified by conducting inspection and accordingly initiate appropriate action against the unit. Minutes attached
18	2016/GSPCB/Letter/12101/0046/PCB/CC	Residents of Milroc Kadamba	Complaint regarding use of amplifiers for loud speakers for matt near old goa.	This complaint pertains to noise pollution which is under the purview of the concerned Deputy Collector. May	Letter may be issued to Deputy Collector for initiating appropriate action in the matter.	Legal Section	28/10/2016	Rajendra - As per XGN Search and comments received from Record Keeper and Legal



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	dated 04/10/2016			accordingly forward for initiating appropriate action.				DEO. There is no previous record found regarding the complaint matter.
19	2016/GSPCB/Letter/11841 0039/PCB/CC dated 29/09/2016	Sunil M Khedekar.curti	Regarding release of waste water in open gutters by o.r mess( 2stc. 6tr, ponda)	the issues/grievances alleged by the complainant is regarding release of waste water alongwith solid food waste into the gutters thereby causing health hazards to the nearby residents. the same has to be dealt with by the local village panchayat/Municipality and the Health Department are per the Goa Public Health Act/ Panchayat Raj Act/Municipality Act. hence the complainant may be informed to approach the said authorities with copies	Issue a letter to the incharge of o.r mess( 2stc. 6tr, ponda) enclosing the complaint to take immediate steps to stop the discharge of waste water into the nallah. The complaint may also be forwarded to the Health Officer concerned, Ponda and V.P. for follow up and further necessary action in the matter.  The complain may be closed accordingly.	<b>Legal section</b>	28/10/2016	Rajendra - As per XGN and FLM search and comments from the legal DEO there is no previous record found regarding this complaint matter.  The comments from Record section are yet to be received.  SLO - the issues/grievances alleged by the complainant is regarding release of waste water alongwith solid

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20	2016/GSPC/13 Letter 12057	Rudresh S. Naik, Panaji	Complaint regarding operation of Inland Vessels in violation of	the issue is regarding requirement of consent to operate as per the	The meeting with the C.O.P. River Navigation Department, Coastal Police, Fisheries	Legal Section	28.10.2016	food waste into the gutters thereby causing health hazards to the nearby residents. the same has to be dealt with by the local village panchayat/Municipality and the Health Department are per the Goa Public Health Act/ Panchayat Raj Act/Municipality Act, hence the complainant may be informed to approach the said authorities with copies to them for necessary action.

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	0045/PCB/CC dated 03/10/2015		Water Act R/w Section of Environment Protection Act.	water Act and the air Act by all inland vesels operated by COP and other	Department along with the TAC to proceed with further action. Date ---25/10/2016 at 4.30 p.m.			<p>comments received from Record Section there is no previous record found regarding the complaint matter.</p> <p>As per the remarks from record section The FLM file NO. 630017 of General Casino file is provided for reference.</p> <p>No comments and remarks received from the legal section DHO.</p> <p><u>SLO</u> - the issue is regarding requirement of consent to operate as per the water Act and the air Act by all inland vesels operated by COP and other</p>

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21	2016/GSPCB/Letter/11956	Chandrakant Vast. vasco	Request to depute the flying squad at Maimolem. vaso de Gama to take action against illegal activities	The allegations are illegal dumping and reclamation of land and water bodies and requested for deputation of flying squad. the issue has to be dealt with by the Collector may forward accordingly	The complaint is addressed to the Collector with a copy to the GSPCB. As the complaint has been addressed to the concerned authority. The complaint may be closed.	Legal section	28/19/2016	<p><u>Sudiksha</u> - As per the online XGN and FLM search there is no previous record of complaint received in this matter, in the name of the complainant and in the names of against whom the complaint is made.</p> <p>As per record maintain by legal section there is no earlier complaint received by the Board pertaining to the matter</p> <p>The record keeper may please verify and put up details and documents if any data is present with the records regarding the</p>

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22	2016/GSPCB/Leave/12817	telephonic complaint from Mr Maruti Karmali	regarding discharge of sewage into nallah at curchorem.	Letter has to be issued separately to the health officer and municipal council and copy to the complainant enclosing copy of the inspection report. requesting to take necessary action as per the applicable rules. The complaint may be closed.	Letter to be issued separately to the health officer and municipal council and copy to the complainant enclosing copy of the inspection report. requesting to take necessary action as per the applicable rules. The complaint may be closed	<b>Legal section</b>	28/10/2016	complain  <b>SLO</b> - the allegations are illegal dumping and reclamation of land and water bodies and requested for deputation of flying squad. the issue has to be dealt with by the Collector may forward accordingly  Inspection report is attached

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23	2016/GSPCB/Letter/12610 0056/PCB/CC dated 12/10/2016	Mahadev Harmalkar, Bamon Vaddo, Candolim	Complaint against M/s. Sukhmantra Resort and Spa located at Bamon Vaddo for releasing untreated sewage waste outside in the next property thereby causing health hazards.	The unit is operating without Consent to Operate. The unit is required to discharge waste water into the septic tank/soak pit and regular disposed through night soil tankers.	Show cause notice be issued to the unit for operating without Consent to Operate. The unit is required to discharge waste water into the septic tank/soak pit and regular disposed through night soil tankers.	Legal Section	28/10/2016	
24	2016/GSPCB/Letter/12602 0055/PCB/CC dated	Milind Verlekar Atharva. H.No.179/37 (1), Alto Bella Vista, Sangolda Bardez Goa.	The grievances are regarding seepage and overflow of the septic tank/soak pit of Adwapalkar's Valley View Apartment Co-operative Housing Society.	As per the official records this is a closed complaint. The discharge of waste water into the septic tank/soak pit by residential houses has to be dealt with by the Health Authorities as per the Goa Public Health Act. The Board has earlier forwarded the complaint to the Health Department for initiating appropriate action and the	May forward the letter to Director of Health Services to initiate action accordingly and inform the complainant to follow up with the Health Department. The complaint be accordingly closed.	Legal Section	28/10/2016	<b>Rajendra</b> - As per the remarks of legal DEO at 001 the complaint no. 1328 by Milan Verlekar is attached for reference at <u>complaint</u> . as per XGN the status of complaint is (closed)  As per the remarks of Record Keeper at 003 the file No. GSPCB Leg Section/T.GI./2016/

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25	2016/GSPCB/Letter/11729 0036/PCB/CC dated 28/09/2016	Lawerence Barreto	Regarding illegal operation of welding workshop(adeo weld) by shri. Edward coutinho h. No. 193, dagualle baxio, maina curtorim after revoking of n.o.c by village panchayat of curtorim	There are numerous complaints pertaining to operation of fabrication, cement godowns, workshops, service centres etc. which are in residential areas. The building by-laws prescribed that the following activities are not permitted in /one S1, S2, S3 and S4. wholesale trade.	It is proposed to call for a specific meeting of the officials of TCP Department, the Department of Industries, Trade and Commerce, Health Department, DOP, DMA, GIDC, GSIA, GCCI with the TAC of the Board to discuss and finalise the further course of action in respect of the units operating in residential area. The meeting is to be scheduled on 25/10/2016 at 3.30 p.m.	This issue may be examined by the Legal Department before taking decision in the matter.	28/10/2016	REGARDING ILLEGAL OPERATION OF WELDING WORKSHOP(AD CO WELD) BY SHRI. EDWARD COUTINHO H. NO.193, DAGUALLE BAXIO, MAINA CURTORIM AFTER REVOKING OF N.O.C BY

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				<p>warehousing, all kind of industries, gas works, fabrication and assembly workshops, scarp yards, scarp yards, transport agencies, godowns, automobile workshops.</p> <p>The issues can broadly be classified in two categories.</p> <ol style="list-style-type: none"> <li>1. The unit in question has commenced operation prior to the construction of residential units/flats/ houses in the area.</li> <li>2. The unit in question is operating in shops below</li> </ol>				<p>VILLAGE PANCHAYAT OF CURTORIM. site inspection was on 02/01/2014 with regards to operation of welding workshop by Shri Edward Coutinho without obtaining Air and Water Consent. Unit has 01nos Bench grinding machine, 01nos shearing machine, 01nos Drilling. There are residential houses adjacent to the said workshop. Unit is a fabrication unit, which deals with fabrication of MS grill, gates and trusses. Fabrications job is done in an open space in front</p>



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				<p>residential areas/ existing area/ house.</p> <p>As a policy, the Board decided to grant consent for one year to such units with a condition to shift in the 112<sup>th</sup> Board meeting, however in the 119<sup>th</sup> Board meeting that since GIDC is yet to allocate separate areas for such units, the Board would issue consent with certain conditions and guidelines as recommended by TAC.</p> <p>The Board has received replies/ representations intimating that these units are not in financially position to</p>				<p>of the residential house. (refer machine, Welding machine, 01 nos hand drilling machine and 01 grinder. Fig No.1 &amp; Closed shed has been constructed in front of house near to the road, but it was. Unit doesn't have Air and Water Consent. (2). Toilet facility is not yet provided. Unit official informed that the same will be informed that there are some objections for the same (refer fig no.3). provided soon. Toilet facility is available for the</p>

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				purchase plots in industrial areas.				residential house. Board had issued show cause notice on 13/02/2014 for operating without consent, to provide acoustic measures for controlling noise level and provide septic tank. reply received on 24/02/2014 giving compliance of the observation. re-inspection was conducted on 20/05/2014 it was observed that the work is been carried out in open shed in front of the house unit is operating with 1 bench grinding machine. 1 drilling machine. 1 shearing machine. welding

*DR*

*[Signature]*

*KS*

*[Signature]*




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								<p>machine. noise level recorded was 65.7dB. NOC from village panchayat is dated 5/04/2012. submitted application on 5/05/2014. inspection was conducted on 13/08/2014. during the inspection conducted on 20/05/2016 the unit owner had informed that he was in the process of installing sliding door as acoustic measures for reducing noise. again on 13/08/2014 same observation was noted no sliding door installed. letter dated 25/09/2014 was issued to give</p>

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								<p>action plan regarding the same. replied on 28/10/2014 that he has complied provided enclosure for workshop and NOC be issued . reinspected on 28/11/2014 noise level was 52.6 and 54.9dBA. CTO ISSUED ON 12/02/2015. IN VIEW OF 112TH Board decision SCN was issued on 28/07/2016 as to why unit should not be directed to be shifted to industrial estate.. unit replied on 5/8/2015 stating that financially not possible to purchase plot in industrial area hence not able to</p>






Sr No	Comp.No. /FLM No	Complainant name	Complaint concern	Discussion	Proposed Action Plan	Responsibility	Target Date to be placed for meeting	Present Status
26		Shri. Gabriel Fernandes	Application No.130/2015 (WZ) (Gabriel Fernandes V/s. GSPCB and Ors) before the NGT.	The Advocate representing M/s. Jolly Metals requested time to argue the matter and if necessary file additional reply. Advocate Jitendra Supekar representing the complainant Shri. Gabriel Fernandes recorded that copy of any reply filed be furnished to him in advance. Accordingly the hearing is adjourned to 14/10/2016	Personal hearing conducted on 7/10/2016 however unit representative requested for adjournment Personal hearing conducted on 14/10/2016.	-----	Personal hearing was conducted on 14/10/2016	Letter issued for personal hearing on 7/10/2016. The matter is adjourned on 14/10/2016 Personal hearing conducted on 14/10/2016. Minutes are enclosed. <b>Further date and time of hearing will be intimated to the parties.</b>

Sr No	Comp.No. /FLM No	Complainant name	Complaint concern	Discussion	Proposed Action Plan	Responsibility	Target Date to be placed for meeting	Present Status
27	2016/GSPCB/ Letter/6247 & GSPCB/Leg Section/1.GL/ 2016/330012	Shri. Nandakumar Kundaikar, Sao Matias Ambol, Divar, Tiswadi - Goa	Revocation of Consent to Operate granted to M/s. Dattaraya Fabrication Workshop operated by Mr. Utam S. Parsekar in house no. 207 located in the residential area/zone.	Personal hearing was conducted on 07/10/16, and the complainant requested time for further submission to the Board. Personal hearing conducted was on 14/10/2016		--	Personal hearing was conducted on 14/10/2016	Minutes of the hearing enclosed. The representative of the owner has to file reply by 23/09/2016 and matter adjourned to 30/09/2016. The complainant Advocate requested that time be granted for filing reply. The Advocate representing the unit objected on the ground that presently the unit has been directed to stop and it is the only means of livelihood. <b>Minutes attached</b> The matter is adjourned on 14/10/2016 Personal hearing was conducted on

Sr No	Comp.No. /FLM No	Complainant name	Complaint concern	Discussion	Proposed Action Plan	Responsibility	Target Date to be placed for meeting	Present Status
								07/10/16. Copy of the minutes attached. Decision to be taken Personal hearing was conducted on 14/10/16, Copy of the minutes attached.

**NOTE:-**

There are numerous complaints pertaining to operation of fabrication, cement godowns, workshops, service centres etc. which are in residential areas. The building by-laws prescribed that the following activities are not permitted in Zone S1, S2, S3 and S4, wholesale trade, warehousing, all kind of industries, gas works, fabrication and assembly workshops, scarp yards, transport agencies, godowns, automobile workshops.

The issues can broadly be classified in two categories.

- The unit in question has commenced operation prior to the construction of residential units/ Flats/ houses in the area.
- The unit in question is operating in shops below residential areas/ existing area/ house.

As a policy, the Board decided to grant consent for one year to such units with a condition to shift in the 112<sup>th</sup> Board meeting, however in the 119<sup>th</sup> Board meeting that since GIDC is yet to allocate separate areas for such units, the Board would issue consent with certain conditions and guidelines as recommended by TAC.

The Board has received replies/ representations intimating that these units are not in financially position to purchase plots in industrial areas.

Since this issue would require a policy decision with inputs from various stake holders departments it is proposed to call for a specific meeting of the officials of TCP Department, the Department of Industries, Trade and Commerce, Health Department, DOP, DMA, GIDC, GSIA, GCCI with the TAC of the Board to discuss and finalise the further course of action in respect of the units operating in residential area. The meeting is to be scheduled on 25/10/2016 at 3.30 p.m.

In the meanwhile the Board should consider grant of consent based on the guidelines recommended by the TAC and approved by the Board in the 119<sup>th</sup> Board meeting.

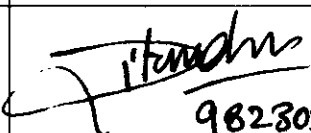






ATTENDANCE SHEET

Sub: Personal hearing with regard to complaint against  
Date: 14<sup>th</sup> October, 2016 at 3.00 p.m

Ms. Jolly Metals.

Sr. No.	Name of the official / designation	Signature
1	Adv. Jitendra P. Supekar for Mr. Gabriel Fernandes (Complainant)	 9828052306
2	Mr. Gabriel Fernandes (Complainant)	
3	Kaif Noorani, Advocate for Jolly Metals	 8975810919
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**Minutes of the meeting held on 14/10/2016 at 3.00 p.m. in the Conference Hall of Goa State Pollution Control Board regarding Complaints against M/s. Jolly Metals**

The following officials were present for the meeting:

1	Shri. Gabriel Fernandes	Complainant
2	Advocate Jitendra Supekar	Representing the complainant
3	Advocate Kaif Noorani	Representing M/s. Jolly Metals

**Advocate Jitendra Supekar representing the complainant Shri. Gabriel Fernandes submitted as follows;**

1. The complaint is before NGT.
2. SCN has been issued for compliance to provide garland drain --- refer SCN notice.
3. 1 and 3 of the SCN are partly complied.
4. 4 and 6 of the SCN are not complied.
5. 2 and 4 of the SCN are not complied.
6. The GSPCB has been issues SCN for installation of sprinklers to this unit since 2008 (29/7/2008)
7. Previous SCN was issued on 3/11/2015. Sprinklers and wind breaking walls have not been installed since 2008.
8. Third SCN was issued for the same for the non-compliances as observed by the Board and hence the Board should withdraw the Consent granted to the unit.
9. Refer point 2 of the SCN dated 18/8/2016.
10. Consent dated 19/11/2015 refer no.4 (iii) conditions required to be applied under the Air Act
11. Para 2 of the reply of 26/8/2016.
12. Para 3 of the reply of 26/8/2016---- partly complied.
13. Consent dated 19/11/2015 refer no. 4 ( xiii) of the consent condition. The unit is required to submit report irrespective of monsoon or non operation.
14. Report from the month of October 2015 and April 2016 are submitted. Other reports are not submitted.
15. Refer no.5 of the scn.

16. Consent to Establish was issued on 13/10/2006.
17. Condition no.3 of the CTE- valid for 3 years whichever is earlier.
18. Inspection report dated 29/7/2008 indicates that the unit has not complied.
19. The advocate representing the complainant expressed that he is not aware of the which documents the Board relied on while issuing SCN with regard to operation/ non operation of the unit from 2006 to 2015 and hence documents or records if any will have to be provided to the Respondents as well as the complainant.

**Advocate representing M/s. Jolly Metals submitted as follows;**

1. Filed legal objections dated 14/10/2016 to the powers of the Complaint Committee to hear and decide the present SCN.
2. He also submitted that he may be permitted to file additional reply once the Boards intimates as to which documents the Board is relying on with regard to operation/ non operation of the unit from 2006 to 2015.

Further date and time of hearing will be intimated to the parties.

*Joshi*  
Adv. J. P. Joshi

*Rubric Fernandez*  
*[Signature]*

*[Signature]*

**MINUTES OF THE HEARING HELD ON 14/10/2016 BEFORE**

**THE COMPLAINT COMMITTEE OF GSPCB**

Show cause notice dated 18/08/2016 was issued under the signature of the Member Secretary Goa State Pollution Control Board Vide to the crusher unit namely M/s Jolly Metals to which the unit replied on 26/08/2016 wherein it was also requested that personal hearing be given to him to place their views.

Member Secretary decided that Senior Law Officer (SLO) to hear the parties and put up accordingly. SLO to issue notice for hearing.

Accordingly vide letter dated 29/09/2016 the parties i.e Mr. Gabriel Fernandes and M/s Jolly Metals were directed to remain present before the complaint committee on 07/10/2016 so as to enable the Board to take appropriate decision in the matter.

The parties were present on 07/10/2016 however time was <sup>savh</sup> sort by the Advocate representing M/s Jolly metal and according the matter was adjourned to 14/10/2016 upon no objection from the complainant.

During the personal hearing conducted on 14/10/2016 Advocate Kaif Noorani representing the unit M/s Jolly Metals filed Legal objections to the proceedings before the complaint committee. He submitted as follows:

- 1) that the Show cause notice dated 18/08/2016 has been issued by the GSPCB and not by the Complaint Committee, therefore the Complaint Committee cannot hear the matter and decide the same.
- 2) That the decision vis-a-vis the show cause notice issued to the unit has to be taken by the Board itself after hearing the parties in accordance with law.
- 3) The present procedure is therefore is in clear violations of the principle of Audi Alteram Partem, Natural Justice and

Fair Play which are imbibed in Article 14 of the Constitution.

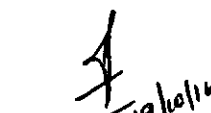
- 4) That the constitution of the Complaint Committee and its procedure has not been ratified by any Statutory backing nor prescribed in terms of section 9 and section 11 of the Water Act and the Air Act.
- 5) That there is no delegation of powers of the Board to the complaint committee to hear the parties and therefore the present proceedings are illegal and de hors any authority of law.

The complaint Committee has perused the legal objections filed by the Advocate Kaif Noorani representing the unit M/s Jolly Metals and also the Order dated 19/08/2016 appointing the complaint Committee and has agreed that there is no delegation of powers of the Board to the complaint committee to hear the parties as the Show cause notice dated 18/08/2016 has been issued by the GSPCB and not by the Complaint Committee/SLO, therefore the Complaint Committee cannot hear the matter and decide the same.

Hence the file/issue is reverted back so as to take appropriate decision in the matter, Which will be accordingly communicated to the parties.

  
SLO

  
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Scientist C

  
IT

(Natalia Dias) (Sanjeev Joglekar) (Connie Fernandes) (Pratik Chari)

**Without Prejudice**

To,  
The Complaint Committee  
of the Goa State Pollution Control Board  
Patto Complex Panaji Goa

**Date : 14/10/2016**

**REF: Show Cause Notice dated 18/08/2016**  
**Notice of Personal Hearing dated 29/09/2016**

**Case of Gabriel Fernandes Vs. M/s.Jolly Metals**

**Subject : Legal Objections**

The Respondent above named respectfully submits as under:

1. The Respondent has already filed its Reply to the aforesaid Show Cause Notice and pursuant thereof is in receipt of the Notice of Personal Hearing dated 29/09/2016.
2. The Respondent is filing the present Legal Objections to the present proceedings without prejudice to the rights and contentions in law. *and without prejudice to each other. 2*
3. The participation of the Respondent in the proceedings before the Complaint Committee shall in no way be deemed as a waiver of its rights in law or as acquiesce on the part of the Respondent to the jurisdiction of the Complaint Committee.
4. It is respectfully submitted that the Complaint Committee of the GSPCB has been purportedly constituted vide Office Order dated 19/08/2016. The said Committee has no statutory backing or jurisdiction conferred on it by any Statute.
5. At the outset, it is respectfully submitted that the Show Cause Notice dated 18/08/2016 has been issued to the Respondent by the GSPCB and not by the Complaint Committee, therefore, the Complaint Committee on the said Show Cause Notice cannot hear the matter and decide the same.
6. The decision vis-à-vis the Show Cause Notice issued to the Respondent has to be taken by the Board itself after the Board hears the parties in accordance with law. It is unheard of in law that a Committee would hear the matter and then a decision would be taken by the Board without hearing the parties. The said procedure therefore is in clear violation

of the principles of Audi Alteram Partem, Natural Justice and Fair Play, which are imbibed in Article 14 of the Constitution of India.

7. It is respectfully submitted that a bare perusal of the said Office Order dated 19/08/2016 clearly brings out that the Constitution of the Complaint Committee and its procedure has not been ratified by any Statutory Backing. Nor can the procedure stated therein to be followed by the Complaint Committee as to be the procedure that is 'prescribed' in terms of Section 9 and Section 11 of the Water Act and the Air Act, Respectively.
8. It is submitted that in terms of Section 54 of the Air Act and Section 64 of the Water Act, the State Government has the power to make rules and the said rules may provide the intervals and the time and place at which meetings of the State Board or the Committee thereof shall be held and the procedure to be followed at such meetings.
9. It is pertinent to point out that the procedure stated in the said Office Order dated 19/09/2016 is ultra vires the procedure prescribed by the Relevant Rules made under the parent Act.
10. It is respectfully submitted that there is no delegation of powers of the Board to the Complaint Committee to hear the parties and therefore the present proceedings are illegal and de hors any authority of law.
11. Such other and further submissions that would be made at the purported hearing before the Committee.
12. In view of the above, it is respectfully submitted that the present proceedings are illegal and de hors any authority of law.

  
**Advocate for the Respondent**

**Minutes of the meeting held on 14/10/2016 at 3.00 p.m. in the Conference Hall of Goa State Pollution Control Board regarding Complaints against M/s. Dattatraya Fabrication**

The following officials were present for the meeting:

1	Shri. Dheerj Kundaikar	Son of Complainant
2	Advocate Raikar	Representing the complainant

**Advocate Raikar representing the complainant submitted as follows;**

- 1) The unit for which CTO was granted initially in the year 2011 was stopped production at the facility was stopped and the Respondent choose to start his operations in a shed. The unit to which CTO was granted was located approx. 10 meters away from the complainant residence. The shed into which the unit was shifted was approx. 23 meters away from the residence of the complainant.
- 2) This was done by the Respondent in order to defeat the complaint which was primarily filed complaining the noise pollution emanating from the unit and also to hoodwink and to effect a fraud on the complainant and the Board.
- 3) The complainant voluntary choosing to shut down the unit in the place where he was granted CTO and having taken the benefit for showing that no noise pollution is been caused from a distance of 23 meters has given up his right to operate under the CTO granted on 11/5/2012.
- 4) On perusal of the terms and conditions imposed on the respondents unit condition no.4 (i)states as under;
  - a) The unit shall take adequate measures for control of noise levels from its own sources within the premises in respect of the noise. The limits are as follows
    - Industrial \*
    - Commercial \*
    - Residential -- day time 55 decibels and night time 45 decibels.
- 5) The Respondent has been successful in putting up a facade and showing that since the unit has been shifted 23 meters away from the complainants residence there is no noise pollution with respect to the residence of the complainant. However Rule 5 of Noise Pollution 2000 clearly states that the noise pollution is to be measured at the periphery of the unit generating or creating noise pollution.
- 6) At point no.6 of the Respondent submission the Respondent admits that the entrance of the shed the noise pollution exceeds the prescribed limits.



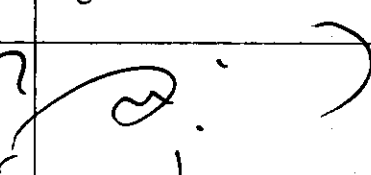

- 7) Resolution taken at the 112<sup>th</sup> meeting of the Board has the vires of law whereas resolution taken at 119<sup>th</sup> meeting of the Board is ultra vires statute of the law as applicable to the case.
- 8) This being the case, the legal aspects needs to be addressed as a preliminary issue before taking any decision in the instance case.
- 9) The complainant further states that all claims made by the respondent vis-a vis in respect to the shed and its closure/ removal are a part of conscious fraud played by the respondent on the Board and the complainant.
- 10) Without prejudice the complainant furthers states that consent to operate granted on 11/5/2012 is today existing only on paper and as such has to be revoked forthwith as there is fear that the respondent will use it against the complainant.
- 11) Without prejudice site inspection may be carried out as has been requested by the Respondent to verify his claims.

  
14/10/2016

ATTENDANCE SHEET

Sub: Personal hearing

Date: 14<sup>th</sup> October 2016 at 3.00 p.m

Sr. No.	Name of the official / designation	Signature
1	Ad: PUNDARICH N RAJESH Dhishaj N Kundalkar	
2	Dhishaj Kundalkar	
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