



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH AT PUNE MAHARASHTRA**

ORIGINAL APPLICATION NO.66/2014(WZ)

COLVA CIVIC AND CONSUMER  
FORUM

... APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AND OTHERS

... RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO 3&4**

I, Mr Aleixo Antonio De Piedade Sequeira, son of Eusebio A.R.S.S.F.X.D.P Sequeira, aged 64 years, resident of H. No 248/E/2, Flat No G-2 Kurtarkar County, Manora, Raia, Salcete Goa 403720, the Respondent No. 4 in the above Original Application and the authorised representative of Respondent No. 3, do hereby solemnly affirm and state as under.

1. The Original Applicant has filed the captioned application alleging the structures belonging to the Respondent Nos. 3 and 4 (the "Answering Respondents" herein) in the property bearing survey no. 23/13 and 23/17 of Colva village were not authorised; and has sought for the quashing of construction license dated 16.01.2014 and the occupancy certificate dt 13.02.2014 granted under the GOA PANCHAYAT RAJ ACT, 1994, as also for a direction for the removal of the alleged offending structures.
2. The Answering Respondent has filed its reply on 19.01.2024, and the averment made therein may be considered a part of this reply, and the same are not being repeated for the sake of brevity and to avoid prolixity.
3. Tersely stated, it is the Answering Respondent case that the structures in issue are pre-existing authorised structures which have been in existence prior to 1991, and have subsequently been repaired/renovated after obtaining requisite permission from the GCZMA.
4. Furthermore, the factum of the existence of the said structures stands confirmed by the Report dated 19.10.2015 prepared by the Inquiry Committee constituted

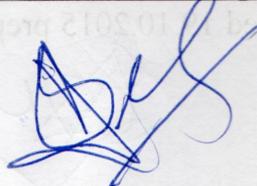
by the GCZMA under the orders of this Hon'ble Tribunal (*see pg. 281 of the reply filed by the Answering Respondents*). This report has been examined and accepted by the GCZMA at its 181<sup>st</sup> meeting held on 14.08.2018 (*see pg. 338 of the reply filed by the Answering Respondents*).

5. Significantly, the said inquiry was carried out by the GCZMA in view of the directions issued by the Hon'ble High Court based on an application, being MCA No. 635/2012 filed by the Applicant (*see pg. 272 at 276 of the reply filed by the Answering Respondents*); and the Applicant was present and was heard both by the Inquiry Committee as well as the GCZMA (*see pg. 281 and 341 of the reply filed by the Answering Respondents*).

6. Thus, there can be no doubt with respect to the existence and the nature of the construction. However, the Answering Respondents to further buttress their case are placing on record additional facts and documents which demonstrate that the structures in issue, apart from being in existence prior to 1991, had requisite authorisation from the Eco Coastal Committee, Goa ("ECC") and the Ecological Development Council ("EDC") i.e., the predecessor of the Goa Coastal Zone Management Authority:

- a. In 1984-85, the Answering Respondents' predecessor in title, Progressive Developers, submitted a proposal to the Eco Coastal Committee, Goa ("ECC") (which was the predecessor of the Goa Coastal Zone Management Authority) for the purpose of construction of a hotel project upon the suit property. The said proposal came to be considered by the ECC in its 12<sup>th</sup> meeting held on 12.03.1985, wherein the Committee after examining the proposed project found that it fulfilled the guidelines and norms specified by the Ecological Development Council ("EDC"), and consequently, decided to recommend the project to the EDC for its final decision, subject to certain conditions.

A copy of the Minutes of the ECC Meeting dated 12.03.1985 is hereto annexed and marked as **ANNEXURE R-33 at pg. 429**



b. Thereafter, on 04.04.1985, the Office of the Chief Town Planner, addressed a letter bearing Ref. No. 27/12/85-TCP/1722, to the Member Secretary EDC, so as to convey the decision of the ECC, dated 12.03.1985, with respect to the project proposed by Progressive Developer, along with supporting documents, including construction plans to be placed before the EDC for its consideration.

A copy of the letter dated 04.04.1985 from the Office of the Chief Town Planner, addressed a letter, bearing Ref. No. 27/12/85-TCP/1722, to the Member Secretary, EDC is hereto annexed and marked as **ANNEXURE R-34 at pg.432**

c. On 30.09.1985, the EDC, after considering the proposal of Progressive Developers in its 7<sup>th</sup> Meeting, approved the said project for construction of a beach resort at Colva, which included *"14 cottages with 2 floors each and the height of the building not exceeding 9 mts."* The Chief Town Planner's ~~ac~~ a cordingl directed to take necessary action.

A copy of the minutes of the 7<sup>th</sup> Meeting of the Economic Development Council dated 30.09.1985 is annexed hereto and marked as **ANNEXURE R-35 at pg.434**

d. On 24.02.1986, the office of the Chief Town Planner addressed a letter bearing Ref. No. DJ/3782/828/86 to the Village Panchayat, Colva stating therein that Progressive Developers had submitted the revised plans in compliance with the instructions given by the EDC, and consequently, it conveyed that it had no objection to the construction of a hotel project in the suit property.

A copy of the letter dated 24.02.1986 bearing Ref No. DJ/3782/828/86 issued by the office of the Chief Town Planner to the Village Panchayat, Colva is annexed hereto and marked as **ANNEXURE R-36 at pg.436**

e. On 28.04.1988, the ECC while stating that the submitted plans for recreational facilities including a swimming pool were as per norms and regulations of the Planning Development Authority at the time, recommended the same to the EDC in their 28th meeting.



A copy of the 28<sup>th</sup> Meeting of the Eco Control Committee held on 28.04.1988 is annexed hereto and marked as **ANNEXURE R-37 at pg. 439**

f. On 19.07.1988, the EDC in its 13<sup>th</sup> Meeting approved the project in principle, and which can be confirmed from a letter dated 30.09.1988 from the Town and Country Planning Department conveyed to Pent House Builders, who had acquired the project from Progressive Builders at that point in time.

A copy of the letter dated 30.09.1988 from the Town and Country Planning Department to Pent House Builders is annexed hereto and marked as **ANNEXURE R-38 at pg.441**

7. Significantly, the facts and documents at paragraphs (a) to (d) above pertain to Phase I of the construction i.e., the 6 structures marked as 'B' by the GCZMA, and those at paragraphs (e) and (f) relate to Phase II of the construction i.e., of 2 structures marked as 'A' and 'C' by the GCZMA.

8. The Answering Respondent is also placing on record the minutes of the 25<sup>th</sup> meeting of the GCZMA (held on 20.04.2006) and 38<sup>th</sup> meeting of the GCZMA (held on 12.12.2007), whereby the GCZMA resolved to grant the Answering Respondents the approvals dated 18.05.2006 and 30.01.2008 respectively to repair/renovate the pre-existing resort:

A copy of the minutes the 25<sup>th</sup> meeting of the GCZMA held on 20.04.2006 is annexed hereto and marked as **ANNEXURE R-39 at pg. 443**

A copy of the minutes 38<sup>th</sup> meeting of the GCZMA held on 12.12.2007 is annexed hereto and marked as **ANNEXURE R-40 at pg. 445**

9. The Answering Respondents have referred to all the said permission in their reply filed on 19.01.2024, and the same were also a part of the record before the Hon'ble High Court in WP No. 751/2008 to which was also tagged WP No 469/2014 in which the Applicant was a party respondent, as well as before the



Hon'ble Supreme Court in SLP (C) No. 27545/2019, though the same could not filed along with the said reply inadvertently.

Solemnly Affirmed at Margao, Goa

On this 10<sup>th</sup> Day of April 2024

*[Handwritten Signature]*  
DEPONENT

Solemnly affirmed before me by  
the deponent /s/ Who is/are  
identified to me by... *Karson*

Who I personally know on  
this... *10*... day of... *4*... 2024

Reg. No. *3360/2024*

NOEL FARRAS D'CRUZ  
NOTARY

Salcete Taluka (Reg. No. 361)  
STATE OF GOA (INDIA)  
Mob: 9326863757/9422696557



MINUTES OF THE 12TH MEETING OF THE ECO-CONTROL COMMITTEE HELD ON 12.3.1985 AT 11.00 A.M. IN THE CHAMBER OF CHIEF SECRETARY, SECRETARIAT, PANJI - GOA.

The following were present:-

- 1) Shri K.K. Mathur, Chief Secretary & Chairman.
- 2) Shri V.V. Bhatt, Revenue Secretary.
- 3) Shri J.P. Singh, Collector of Goa.
- 4) Shri Sarto Almeida, Architect.
- 5) Shri K.D. Sadhale, Architect.
- 6) Shri J.A. D'Souza, Chief Town Planner & Member Secretary.
- 7) Shri Sanganal, Associate Town Planner.
- 8) Shri P.R. Joshi, Under Secretary (S.T.E.)

The minutes of the 11th meeting of E.C.C. held on 11.1.85 were confirmed.

(1) Proposed Hotel Project at Colva by M/s. Progressive Estate Developers:

The Project fulfills the guidelines and norms specified by the E.D.C. The committee decided to recommend the project to the E.D.C. for final decision on the conditions that (i) the access to the plot is completed by the Tourism Department and (ii) provision for motorable road within the premises upto the parking lots is made by the applicant.

(2) Construction of first floor for the Hotel Cavala belonging to Mr. & Mrs. Lino Monteiro at Sawantwado Calangute:

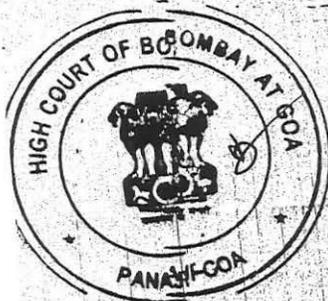
The project satisfies all norms and conditions laid down by the E.D.C. The Committee recommended this case for final decision of E.D.C. on the condition that further the coverage should not be more than 25% of the plot area (including the property of the applicant on both sides of the road but after deducting the right of way of the road passing through the plot) and the area of the property in the South kept open.

(3) Other items:

3.1 The matter regarding cutting of trees at the time of construction of hotels, etc. came up for discussion. The Chairman advised Chief Town Planner that whenever permissions are given for projects, the guidelines of the Tree Authority should be followed by the applicant/party concerned for cutting the trees before starting the project.

3.2 The case of construction of 5 cottages by Shri Henrique Rebello on survey No. 55/3 at Colva could not be discussed as the applicant had not furnished the information regarding the Environmental Impact Assessment Report called by the Chief Town Planner.

The meeting ended with thanks to the Chair.



Certified copy of the document  
available in office records

*[Signature]*  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
Sallgao - Goa

True Copy

**TYPED COPY OF ANNEXURE R-33****MINUTES OF THE 12<sup>TH</sup> MEETING OF THE ECO-CONTROL COMMITTEE HELD ON 12.03.1985 AT 11.00 A.M. IN THE CHAMBER OF CHIEF SECRETARY, SECRETARIAT, PANAJI GOA.**

The following were present:

1. Shri K.K. Mathur, Chief Secretary & Chairman
2. Shri V.V. Bhatt, Revenue Secretary
3. Shri J.P. Singh, Collector of Goa
4. Shri Sarto Almeida, Architect
5. Shri K.D. Sadhale, Architect
6. Shri J.A. D'souza, Chief Town Planner & Member Secretary
7. Shri Sanganal, Associate Town Planner
8. Shri P.R. Joshi, Under Secretary (S.T.E.)

The minutes of the 11<sup>th</sup> meeting of E.C.C. held on 11.01.1985 were confirmed.

(1) **Proposed Hotel Project at Colva by M/s Progressive Estate Developer**

The Project fulfills the guidelines and norms specified by the E.D.C.

The Committees decided to recommend the project to the E.D.C. for final decision on the condition that:

- i) The access to the plot is completed by the Tourism Department;  
and
- ii) Provision for motorable road within the premises upto the parking lots is made by the Applicant

(2) **Construction of First floor for the Hotel Cavala belonging to Mr. & Mrs. Line Monteird at Sawantwado Calangute**

The project satisfies all norms and conditions laid down by the EDC. The Committee recommend this case for final decision of the EDC on the condition that further the coverage should not be more than 25% of the plot area (including the property of the applicant on both sides of the road but after deducting the right of way of the road passing through the plot) and the area of the property in the South kept open.

(3) **Other Items**

- 3.1 The matter regarding cutting of trees at the time of construction of hotels, etc. came up for discussion. The Chairman advised Chief Town Planner that whenever permissions are given for projects, the guidelines of the Trees Authority should be followed by the Applicant/party concerned for cutting the trees before starting the project.
- 3.2 The case of construction of 5 Cottages by Shri Henrioue Rebello on Survey No. 55/3 at Colva could not be discussed as the applicant has not furnished the information regarding the Environmental Impact Assessment Report called by the Chief Town Planner.

The meeting ended with thanks to the Chair.

Certified copy of the Document available  
in office records

sd/-  
Member Secretary  
Goa Coastal Zone Management Authority  
Saligao, Goa

//True Copy//

27/12/85 = 700/1725

4/4/85 - 21192

To:  
The Member Secretary,  
Eco. Development Council,  
Secretary to IG  
Cabo Raj Niwas,  
Dona Paula.

Sub: Material for the Sixth E.D.C. meeting  
to be held on 17.4.85.

Sir,

Please refer to your office letter no. LGS/EDC/VII, 85/1079 dated 18.3.85 on the aforesaid subject. The following case is to be put up for consideration of E.D.C. as the same was recommended by E.C.C. during its Twelfth meeting held on 12.3.85 in the chamber of the Chief Secretary. The relevant minutes is as follows:

"Proposed Hotel Project at Colva by  
M/s Progressive Estate Developers:"

The project fulfills the guidelines on norms specified by the EDC. The committee decided to recommend the project to the EDC for final decision on the condition that (i) the access to the plot is completed by the Tourism Department (ii) provision for motorable road within the premises upto the parking lots is made by the applicant."

The file containing construction plans, etc. is enclosed herewith.

Yours faithfully,

J.A.D. Souza 4/4  
Chief Town Planner

Encl: ~~One~~ files.

Copy to DJ/3782

ads/3.4.85

Certified copy of the document  
available in office records

*J.A.D. Souza*  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
Sillgao - Goa

True Copy

**TYPED COPY OF ANNEXURE R-34**

Ref. NO. 27/12/85-TCP/1722  
Town and Country Planning Department  
Government of Goa, Daman Diu  
Panaji Goa

Date: 04.04.1985

To  
The Member Secretary  
ECO Development Council  
Secretary to LG,  
Cabo Raj Niwas  
Done Paula

Subj: Material for the Sixth EDC meeting to be held on 17.04.1985

Sir,

Please refer to your office Letter No. LGS/EDC/VII/85/1079 dated 18.03.1985 on the aforesaid subject. The following case is to be put up for consideration of EDC as the same was recommended by ECC during the Twelfth meeting held on 12.03.1985 in the Chamber of the Chief Secretary. The Relevant minutes is as follows:

“Proposed Hotel Project at Colva by M/s Progressive Estate Developers:  
The project fulfills the guidelines on norms specified by the EDC. The Committee decided to recommend the project to the EDC for final decision on the condition that (i) the access to the plot is completed by the Tourism Department; (ii) provision for motorable road within the premises upto the parking lots is made by the applicant.”

The file containing construction plans, etc. is enclosed herewith.

Yours faithfully

Sd/-  
(J.A. D'souza)  
Chief Town Planner

Copy to:  
DJ/3782/Ads/03.04.1985

Certified copy of the Document available  
in office records  
sd/-  
Member Secretary  
Goa Coastal Zone Management Authority  
Saligao, Goa

//True Copy//

ANNEXURE R-35

MINUTES OF THE SEVENTH ECOLOGICAL DEVELOPMENT COUNCIL MEETING HELD UNDER THE CHAIRSHIP OF HIS EXCELLENCY THE LIEUTENANT GOVERNOR AT CABO RAJ NIWAS, ON MONDAY 30TH OF SEPTEMBER, 1985.

\*\*\*\*\*

2. TOURIST BEACH RESORT AT COLVA BY M/S PROGRESSIVE ESTATE DEVELOPERS.

The Project has been cleared subject to the following conditions:-

1. An area of 3500 Sq. Mts. of land adjacent to the existing land for Recreation Ground shall be surrendered to the Government for establishing a Recreation Ground. The plot shall be divided NORTH SOUTH INSTEAD OF EAST WEST as in the proposed plan. The Northern portion is to be surrendered to the Government and the Southern portion may be kept by the applicant. The party may get access from the open space in North.
2. The buildings shall be constructed towards the southern side of the site.
3. The total number of cottages shall be restricted to 14 only with 2 floors each and the height of the building shall not exceed 9 mts.
4. There shall be sufficient space in between the cottages.

The Chief Town Planner shall obtain the final plan and lay out of the buildings from the party concerned based on the above decision of the Council and approval obtained from the Member Secretary before granting permission for construction. The decision may be communicated to the Director of Tourism.

(ACTION BY THE CHIEF TOWN PLANNER & MEMBER SECRETARY)

True Copy

*Staff*  
28.11.86  
Associate Town Planner,  
TOWN AND COUNTRY PLANNING DEPT.  
PANAJI

**TYPED COPY OF ANNEXURE R-35**

MINUTES OF THE SEVENTH ECOLOGICAL DEVELOPMENT COUNCIL  
MEETING HELD UNDER THE CHARISHIP OF HIS EXCELLENCY THE  
LIEUTINENT GOVERNOR AT CABO RAJ NIWAS, ON MONDAY 30<sup>TH</sup>  
SEPTEMBER, 1985

\*\*\*\*\*

1.2.8 TOURIST BEACH RESORT AT COLVA BY M/S PROGRESSIVE  
ESTATE DEVELOPERS

The project has been cleared subject to the following conditions:

1. An area of 3500 sq. mts of Land adjacent to the existing land for recreation ground shall be surrendered to the Government for establishing Recreation Ground. The plot shall be divided NORTH SOUTH INSTEAD OF EAST WEST as in the proposed plan. The Northern portion is to be surrendered to the Government and to Southern portion may be kept by the applicant. The party may get access from the open space in North.
2. The buildings shall be constructed towards the Southern side of the site.
3. The total number of cottages shall be restricted to 14 only with 2 floors each and the height of the building shall not exceed 9 mts.
4. There shall be sufficient space in between the cottages.

The Chief Town Planner shall obtain the final plan and lay out of the buildings from the party concerned based on the above decision of the Council and approval of its land from the Member Secretary before granting permission for construction. The decision may be communicated to the Director of Tourism.

ACTION BY THE CHIEF TOWN PLANNER & MEMBER SECRETARY

SD/-  
26.11.1986  
Associate Town Planner  
Town and Country Planning Cell  
Panaji

//True Copy//

ANNEXURE R-36

**M/S. PROGRESSIVE**  
**The Brynanch,**  
**V.P. Colva,**  
**Salsetta, Goa.**

*DJ/3782/528/86*  
 Town and Country Planning Department  
 Government of Goa, Daman and Diu,  
 Panaji, Goa.  
 Dated: *24/8/86*

**Subj: Construction of a hotel on S.No. 27/13 & 17 at Colva by  
 M/s. Progressive Estate Developers.**

**Refs:** 1) Minutes of VIIIth MDC Meeting held on 30.9.85.  
 2) Letter no. 105/MDC/86/750 dated 18.1.86 from the  
 Secretary to L.C.

**Sir,**

In response to this office letter no. 105/3782/4570/85 dated  
 30.10.85, the applicant has submitted the revised plans complying  
 with the instructions given by the L.D.C. during its meeting  
 held on 30.9.85. The same was forwarded to the Secretary to L.C.  
 for approval.

The Member Secretary to L.D.C. has conveyed his approval vide letter  
 no. 105/MDC/86/750 dated 10.1.86.

In light of the above, there is no objection from the planning point  
 of view to the construction of Hotel project in S.No. 27/13&17 at  
 Colva village subject to the following conditions:

1. The applicant should cede the land in the north with total area  
 of 3,500 sq.mts. to the Govt. for open space (3100 sq.mts ex-  
 cluding 6m wide road).
2. A 6 m. road passing in the east through the open space will  
 be regular access to the party which he should develop.
3. The party should obtain necessary permission for conversion from  
 the Collector of Goa & other concerned departments and also  
 obtain license from the local authority.
4. The lintel levels of doors and windows may be adjusted at one  
 level, if possible for better aesthetics.

Keeping a set of plans the rest are returned herewith.

Yours faithfully,

*M. S. D'Souza*  
 (M.S. D'Souza) *24/8*  
 Chief Town Planner

Encl: as above.

Copy to:-

- 1) The Member Secretary, L.D.C., Cabo Raj Nivas, Dona Paula.
- 2) The Director of Tourism, Panaji, Goa - His attention is invited  
 to the para at Sr.No. 1 & 2 regarding open space and access of  
 road. He may take immediate action in consultation with con-  
 cerned authorities (Enc - 1).
- 3) Collector of Goa, Panaji. — (Enc - 2)
- 4) Captain of Ports, Panaji.
- 5) Director, Land Survey Department, Panaji. (1)
- 6) M/s. Progressive Developers, Colva.

*24/8/86* M. S. D'Souza, M.D.VI/O.D.I/P.N.D., Fortaleza Margao, Goa. (En 2)



**TYPED COPY OF ANNEXURE R-36**

NO. DJ/3782/828/86  
Town and Country Planning Department  
Government of Goa, Daman Diu  
Panaji Goa

Date: 24.02.1986

Most Urgent

The Sarpanch  
V.P. Colva  
Salcete, Goa

Subj: Construction of a Hotel on S.No. 23/13 & 17 at Colva by M/s Progressive Estate Developers.

- Ref. 1. Minutes of VIIth EDC Meeting held on 30.09.1985  
2. Letter No. LGS/EDC/86/758 dated 18.02.1986 from the Secretary to L.G.

Sir,

In response to this office Letter Nol. DJ/3782//4696/85 dated 30.10.1985, the applicant has submitted the revised plan complying with the instructions given by the E.D.C. during its meeting held on 30.09.1985. The same was forwarded to the Secretary to L.G. for approval.

The Member Secretary to E.D.C. has conveyed his approval vide letter No. LGS/EDC/86/758 dated 10.02.1986.

In light of the above, there is no objection from the planning point of view to the construction of Hotel Project in S.No. 27/13 & 17 at Colva Village subject to the following conditions.

1. The applicant should codethe land in the north with total area of 3,500 sq. mts to the Government for open space (3100 sq. mts including wide road).
2. A 6 mts road passing the east through the open space will be regular access to the party which he should develop.
3. The party should obtain necessary permission for conversion from the Collector of Goa & other concerned departments and also obtain license from the local authority.
4. The lintel levels of doors and windows may be adjusted at one level, if possible for better aesthetics.

Keeping a set of plans the rest are returned herewith.

Yours faithfully

Sd/-  
(J.A. D'souza)  
Chief Town Planner

Encl: As above

Copy to:

1. The Member Secretary, EDC, Cabo Raj Nivas,
2. The Director of Tourism, Panaji, Goa-His attention is invited to the para at Sr. No. 1 & 2 regarding open space and access of road. We may take immediate action in consultation with concerned authorities. (Encl. 1)
3. Collector of Goa, Panaji
4. Captain of Ports, Panaji
5. Director, Land & Survey Department, Panaji
6. M/s Progressive Estate Developers, Colva

//True Copy//

MINUTES OF THE 28<sup>th</sup> ECC  
MEETING HELD ON 28.4.88.

C-4

11.14 PROPOSED CONST. OF RECREATION FACILITIES ON SY.No. 23/11 & 17  
AT COLVA BY PROGRESSIVE ESTATE DEVELOPER/SEMPHOUSE BUILDERS  
PVT. LTD. (GJ/3787)

The Committee observed that the site is falling under the  
Settlement zone as per Regional Plan which has statutory status.  
The request of the applicant is without prejudice to his writ  
petition No. 264/86 which is pending in the High Court. The  
general consensus was that the plans are also as per the norms  
of S.D.C. and P.D.A. regulations and it should be agreed to.  
The Chief Town Planner however pointed out that the Regional Plan  
is a broad based plan and the Zoning Plan has also to be consi-  
dered. Besides, the applicant being morally bound to grant the  
50% of the land to Government.

Certified copy of the document  
available in office records

  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
Saligao - Goa



**TYPED COPY OF ANNEXURE R-37****MINUTES OF THE 28<sup>TH</sup> ECC MEETING HELD ON 28.04.1988****15.14 PROPOSED CONST OF RECREATION FACILITIES ON SY. NO. 23/13  
& 17 AT COLVA BY PROGRESSIVE ESTATE  
DEVELOPERS/PENHOUSE BUILDERS PVT. LTD (DJ/3782)**

The Committee observed that the site is falling under the settlement zone as per Regional Plan which has statutory status.

The Request of the applicant is without prejudice to his writ petition No. 264/86 which is pending in the High Court. The general consensus was that the plans are also as per the norms of the E.D.C. and P.D.A regulations and it should be agreed to.

The Chief Town Planner however pointed out that the Regional Plan is a broad plan and the Zoning Plan has also to be considered. Besides, the applicant being morally bound to grant the 50% of the land to the Government.

DJ/3782/10  
Town and Country Planning Dept.  
30/9/88

To  
Shri J. S. Souza,  
Rent House building Dept.  
GAC.

Sir,

With reference to your application dt. 19.4.88 along with plans submitted to the Hon. Minister for Tourism, this is to inform you that the A.C.C. in its 13th meeting held on 19.7.88 has approved your project in principle.

The detailed plans submitted by you will be returned to you after detailed scrutiny of the same.

Yours faithfully,



N. Pandalai  
Senior Town Planner  
For Chief Town Planner

copy to:

P.C. to the Hon. Minister for Town Planning.

copy to P.C. to the Tourism Minister.

L/30.9.88

True Copy

ATC

**TYPED COPY OF ANNEXURE R-38**

Ref. NO. DJ/3782/45/\_\_\_/88  
Town and Country Planning Department  
Government of Goa, Daman Diu  
Panaji Goa

Date: 30.09.1988

To

Shri J. D'souza  
Penthouse Builders Pvt. Ltd  
Margao

Sir,

With reference to your application dated 19.04.1988 along with plans submitted to the Hon'ble Minister for Tourism, this is to inform you that the E.D.C. in its 13<sup>th</sup> Meeting held on 19.07.1988 has approved your project in principle.

The detailed plan submitted by you will be returned to you after detailed scrutiny of the same.

Yours Faithfully

Sd/-  
**N. PENDALAL**  
Senior Town Planner  
For Chief Town Planner

Copy to

1. P.S. to the Hon'ble Minister for Town Planning
2. P.S. to Tourism Minister

//True Copy//

**ANNEXURE R-39**

Extract of the Minutes of the 25<sup>th</sup> GCZMA meeting held on 20<sup>th</sup> April 2006 at 4.00 p.m.

**CASE NO.: 3**

**PROJECT:** Proposed repairs and renovation of an existing Beach Resort in Survey No. 23/13 & 17 of Colva village, Salcete Taluka, by Ermelinda Resorts Pvt. Ltd. (GCZMA/S/311)

**DECISION:** The proposed repairs & renovation of the 1<sup>st</sup> phase of the existing resort, which is in a dilapidated condition was approved by examining the original approvals granted in the years 1981, 1986 and 1988, i.e. prior to the enforcement of the CRZ Notification of 1991. It was noted that the two existing structures which are part of the 2<sup>nd</sup> phase were submitted to the Ministry of Environment and Forests (MoEF), Government of India, by the erstwhile Goa State Committee on Coastal Environment (GSCCE) for their post-facto endorsement. With respect to these two structures, it was decided that a reference should be made to the MoEF(GoI) to expedite their response within a prescribed time limit.

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**TYPED COPY OF ANNEXURE R-39**

EXTRACT OF THE MINUTES OF THE 25<sup>TH</sup> GCZMA MEETING HELD ON  
20<sup>TH</sup> APRIL, 2006 AT 4.00 PM.

Case No. 3

Project: Proposed repairs and renovation of an existing Beach Resort in  
Survey No. 23/13 & 17 of Colva Village, Salcete Taluka, by Ermelida Resorts Pvt.  
Ltd. (GCZMA/S/311)

Decision: The proposed repairs and renovation of the 1<sup>st</sup> phase of the existing  
resort, which is in a dilapidated condition was approved by examining the original  
approvals granted in the year 1981, 1986 and 1988, i.e. prior to the enforcement of  
the CRZ Notification of 1991. It was noted that the two existing structures which  
are part of the 2<sup>nd</sup> phase were submitted to the Ministry of Environment and Forests  
(MoEF), Government of India, by the erstwhile Goa State Committee on Coastal  
Environment (GSCCE) for their post facto endorsement. With respect to these two  
structures, it was decided that a reference should be made to the MoEF(GoI) to  
expedite their response within a prescribed time limit.

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**MINUTES OF THE 38<sup>th</sup> MEETING OF THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY HELD ON 12 / 12 / 2007.**

**38.1 Item No. 1**

*The minutes of the 37<sup>th</sup> GCZMA meeting held on 14 / 11 / 2007 which were circulated vide letter No. 7 / 13 / 90 / STE / DIR / 3302 dated 20 / 11 / 2007, was confirmed.*

**38.2 Item No. 2 (Repair & Renovation in CRZ-III Areas)**

**38.2.1 Case No. 1**

**Proposed repairs and renovation of existing structure in Sy. No. 106/1 of Canaguinim village, Quepem Taluka, by Smt. Carmelina Rodrigues (GCZMA/S/2/07/ 22).**

*Decision: Approved, subject to the condition that the plinth and the FAR remains the same.*

**38.2.2 Case No. 2**

**Proposed repairs and renovation of existing structure in Sy. No. 102/4 of Reis-Magos village, Bardez Taluka, by Mrs. Rosaline Mendis (GCZMA/N/1/07/67).**

*Decision: Approved, subject to the condition that the plinth and the FAR remains the same.*

**36.2.3 Case No. 3**

**Proposed repairs and renovation of existing house in Sy. No. 177/17of Calangute village, Bardez Taluka, by Mr. Francisco-de-Noronha (GCZMA/N/1/07/60).**

*Decision: Approved, subject to the condition that the plinth and the FAR remains the same.*

**38.2.4 Case No. 4**

**Proposed repairs and renovation of existing structure in Sy. No. 101/1, 2 of Cavelossim village, Salcete Taluka, by Alan Acacio Camara (GCZMA/S/2/07/ 12).**

*Decision: Approved, subject to the condition that the plinth and the FAR remains the same.*

**38.2.5 Case No. 5**

**Proposed barbed wire fencing in Sy. No. 208/1 of Calapor village, Tiswadi Taluka, by M/s Karle Properties (GCZMA/N/1/07/66).**

*Decision: Approved subject to the condition that access to the water front, if existing, shall be maintained. Further, the project proponent is required to obtain the permission of the Village Panchayat concerned before commencing the work.*

**38.2.6 Case No. 6**

**Proposal from Raj Bhavan to renovate the existing jetty and staircase leading to the jetty including installation of lights and benches**

**Decision:** *Approved*

**38.3 Item No. 3 ( Barge Repair)****38.3.1 Case No. 1**

**Proposed N.O.C. for Barge Repair Workshop in Sy. No. 209/1 of Sancoale village, Mormugao Taluka, by Jose Maria Alberto Vales (GCZMA/N/1/07/06).**

**Decision:** *It was decided that the project proponent shall make a detailed presentation on the proposed activities during the next GCZMA meeting, for the consideration of the Authority.*

**38.3.2 Case No. 2**

**Proposed N.O.C. for Barge Repair Workshop in Sy. No. 30/8 of Cortalim village, Mormugao Taluka, by M/s De Sa Engineering (GCZMA/S/349).**

**Decision:** *It was decided that the project proponent shall make a detailed presentation on the proposed activities during the next GCZMA meeting, for the consideration of the Authority.*

**38.3.3 Case No. 3**

**Proposed NOC for extending fueling facilities and repair of existing retaining wall at retail outlet to barges plying on Zuari River in Sy. No. 207/4 Borim-Shiroda village Ponda taluka by Bharat Petroleum Corporation Ltd. (BPCL) (GCZMA/N/1/07/59).**

**Decision:** *It was decided that the project proponent shall make a detailed presentation on the proposed activities during the next GCZMA meeting, for the consideration of the Authority.*

**38.3.4 CaseNo.4**

**Proposed NOC for construction of Shipyard in Survey No.153/1 of Village Chicalim, Mormugao Taluka by M/s Pinky Shipyard Ltd.**

**Decision:** *It was decided that the project proponent shall make a detailed presentation on the proposed activities during the next GCZMA meeting, for the consideration of the Authority.*

**38.4 Any other matters with the permission of the Chair.**

**38.4.1 Hon'ble Supreme Court's directions in the case of M/s Competent Automobiles v/s GCZMA**

Member Secretary (GCZMA) explained the details pertaining to the case of M/s Competent Automobiles and the orders passed by the Hon'ble Supreme Court on 19-11-2007, directing the GCZMA to make "*a report in respect of the plot owned by the petitioner and its proposal to construct a hotel and the environmental impact of the plot is used for such hotel*", "(shall be filed by the to GCZMA within a period of four weeks).

The site was inspected on 11 / 12 / 2007 by MS (GCZMA), Dr. Simon de Souza, Member GCZMA, Dy. Collector & SDM (Mormugao) and Shri Sanjeev Joglekar, Environmental Engineer, GCPCB. The site is situated at Arrosim Village, between 200 – 500 mtrs of the HTL. A Show Cause Notice (SCN) was earlier issued regarding the erection of a fence and illegal cutting of sand dunes. During the inspections, the project proponents were present. It was seen that as per the undertaking given by the project proponent, the fencing erected by them has been removed. Further, there is a fencing of the adjoining property in the 200 mtrs, of No Development Zone (NDZ) which apparently appears to be put up by the owner without approval. The site admeasures nearly 80000 sq. mtrs and is mainly a plain area (with some uneven areas) with coconut plantation and other vegetation. At one place it is seen that a sand dune with pioneer vegetation was cut. GCZMA members directed that the same should be restored.

Dr. A. G. Untawale, Member GCZMA explained that last year he has visited the site and it was seen that such plain sand dunes exists as far as 01 to 02 kms on landward side along the coastline and that the sand dunes existing in the NDZ areas should be maintained at any cost.

Further, the site adjacent to the properties in the NDZ is apparently having various unauthorized structures for which the Dy. Collector, Mormugao will initiate appropriate action at his end.

On perusal of the site inspection details, GCZMA members were of the view that prima-facie a hotel project can be set up at this site subject to the condition that the pioneer sand dunes are maintained intact. Further, the project proponent should be subject to revised rapid Environmental Impact Assessment Report in terms of the related issues. The project plans of the hotel and the EIA report should be examined in consultation with the officers from GSPCB and TCP alongwith CCF(Forest Department), Dr. Simon de Souza, Dr. A.G. Untawale, Dr. S.M. Borges, Members GCZMA and MS, GCZMA and the report be placed before the authority during its next meeting. Further, the project proponents are directed to obtain relevant approvals from the GSPCB and TCP as required. GCZMA members also felt that the project proponent while locating their plans should ensure protection of existing sand dunes and maintain them. This fact should be examined by the GCZMA team.

The aforesaid details should be communicated to the Hon'ble Supreme Court and some time sought for the examination of plans and Environmental Impact Assessment reports for the construction of the hotel project.

**38.4.2. Construction / development near the Rua-de-Ourem Creek at Patto, Panaji.**

Dr. A. G. Untawale, Member GCZMA brought to the notice that large scale developments are taking place near Rua-de-Ourem creek at Patto, Panaji apparently without the approval of the GCZMA. It was explained that probably the approvals from the CCP, Panaji may have been obtained and this being CRZ-II area, approvals may have been granted. Nevertheless, GCZMA decided to have a site inspection of the area with CCF, Dr. Untawale, Dr. Simon de Souza, , MS (GCZMA) and officials from the CCP.

**38.4.3. Matters regarding site inspections / attendance in GCZMA meetings.**

Dr. A.G. Untawale brought to the notice of the Authority that the Government Officers in the GCZMA are being exempted from carrying out site inspections and only non-officials expert members are conducting site inspections. Further it was brought to notice that Dr. A.G. Dessai, Member, GCZMA has not been attending the meeting for quite some time. Chief Secretary / Chairman (GCZMA) directed that alongwith the expert members at least one official member should also accompany during the site inspection. Further, he also directed that Dr. A.G. Dessai, be informed of the concern expressed by the members relating to his continued absence for GCZMA meetings and advise him to attend the meeting of the GCZMA in future.

**38.5 Additional items (Matters for Orders)****38.5.1 M/s Allan Faleiro, Rassaim / Loutulim**

Sr No	Name of the Occupier	Survey No. / Village	Type of construction	Distance from HTL
1.	M/s Faleiro Engineers	Rassaim Loutulim	Illegal construction / extension of barge repair workshop	Within NDZ

**Decision :** *During site inspection it is seen that there are no work is going on at the site neither there is any constructions at site. The complaint appears to be prima – facie devoid of substance and as such GCZMA decided to drop the Show Cause Notice. It was decided that the project proponent shall make a detailed presentation on the proposed activities during the next GCZMA meeting, for the consideration of the Authority.*

**38.5.2 M/s Saldhana Developers Pvt. Ltd., Velsao Village, Mormugao.**

**Decision:** *The matter was discussed and Dr. A.G. Untawale indicated and explained that a site inspection conducted by him and Dr. Varde and others sometimes in 2004 had indicated that the proposed construction is well outside 200 mtrs NDZ and as per the approved plan by the MoEF. This statement was taken on record. Further GCZMA decided that the earlier SCN dated 05 / 08 / 2004 to the Panchayat should be dropped and the MoEF be informed accordingly to enable them to further decide on the matter referred by the GCZMA .*

**38.5.3 Repair renovation of two existing building ( one with the basement) forming part of an existing hotel in S. No. 23/13 and 23/17 of Colva Village Salcete Taluka, approved and completed between 1986 and 1990 belonging to M/s. Ermelinda Resorts.**

**Decision:** *GCZMA took note that no response has been received from the MoEF regarding the two structures of the project proponents, for which a communication dated 26 / 06 / 2006 was addressed seeking information / endorsement if any available with the MoEF. GCZMA was of the view that these are old structures and the request to repair and renovate the structures should be granted. As such repair and renovation of the existing structure is permitted subject to the repair / renovation conforming to the existing plinth size.*

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