

IN THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE, BENCH, PUNE

Appeal No. 33/2023

MR. JOHN JUDE ADOLFO CRECENCIO LOBO APPELLANT

v.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

& ORS.

.... RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

I, Shri JOHN JUDE ADOLFO CRECENCIO LOBO, son of Joao Martires Da Rosa Maria Alvares Lobo, major in age, Resident of House No. 5/155A, Umta vaddo, Calangute, Bardez, Goa, the Appellant hereinabove do hereby on solemn affirmation state and submit as under:

1. I say that the captioned matter came up for hearing before this Hon'ble Tribunal on 08.12.2023, wherein this Hon'ble Tribunal was pleased to grant two weeks' time to the Appellant to identify the structures indicated under letter "I", "J", "K", "M", "N", "O", "P" & "Q" in the Impugned demolition Order dated 13.11.2023 on the plan(along with the permission) dated 27.05.1994

approved by the Goa State Committee for Coastal Environment (“GSCCE”).

The copy of the Order dated 08.12.2023 is marked as Annexure A -1.



2. In compliance with the aforesaid, for the purpose of superimposing the structures shown in the inspection report plan of the GCZMA on the plan approved by GSCCE dated 27.05.1994, the Appellant herein engaged services of registered surveyor namely Mr. Milind Dhulapkar and requested for the superimposition of the aforesaid structures shown in the plan attached to the Inspection report dated 16.09.2023 on the plan approved by the Goa State Committee for Coastal Environment dated 27.05.1994. The surveyor has accordingly superimposed the structures from the inspection report on the approved plan dated 27.05.1994 and has furnished the plan along with his report dated 22.12.2023.

The copy of the Surveyors report/certificate along with the superimposed plan are annexed hereto and marked as Annexure A-2 colly.

3. At this juncture, it is pertinent to note that though the inspection team of the GCZMA has bifurcated the structures of the Appellant by demarcating the same under various alphabets from "I" to "Q", when in reality the said structure is a composite structure having House No. 5/155A situated in property bearing survey no. 176/17 of Calangute, Bardez, Goa. It is also significant to note that the structures of the Appellant has been in existence prior to the year 1991 and the same was reconstructed after having duly obtained permissions from the GSCCE in the year 1994 for the purpose of reconstruction.

4. The Appellant herein have tabulated a structures wise response of the Appellant for easy reference, which is as follows:-

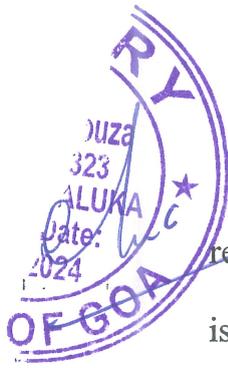
SR. No.	STRUCTURES	PARTICULARS/RESPONSE OF THE APPELLANT
1.	"L"	This is the main part of the restaurant of the Appellant, in respect of which the GCZMA has discharged the Show Cause notice on the premise that it is in terms of the approval dated 27.05.1994 granted by the GSCCE on 27.05.1994.



		<i>SCN discharged qua this structure.</i>
2.	“M”	As per GCZMA the same is on the approved plan, however the same has been directed to be demolished since the same is alleged to be G+2. The structure in question as acknowledged by the GCZMA is in the approved plan and is within the permissible height of 9 mts.
3.	“N”	The said structure is in accordance with the approved plan as per the permission dated 27.05.1994 granted by the GSCCE.
4.	“o”	The said structure is in accordance with the approved plan as per the permission dated 27.05.1994 granted by the GSCCE.
5.	“P”	Is a temporary structure which is a shed for septic tank.
6.	“K”	The structure is duly shown on approved plan dated 27.05.1994 granted by the GSCCE.
7.	“Q”	Not a structure as alleged but an area covered by tiles/pavers and cannot be construed as a structure.
8.	“T”	Structure as per the approved plan dated 27.05.1994 granted by the GSCCE.
9.	“J”	Is a structure as per the approved plan dated 27.05.1994 granted by the GSCCE.

5. I say that what is stated by me in paragraphs 1, 2, 3 & 4(part) are true to my own knowledge and/or as per the



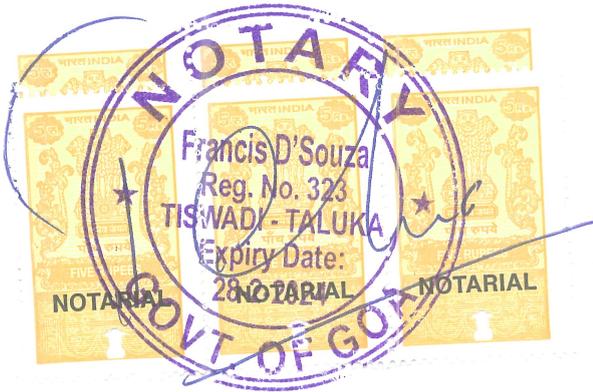


records available and what is stated in paragraph 4(part)
is based on the documents available, which I believe to
be true.

Solemnly affirmed at Panaji, Goa on this
23rd Day of the December, 2023

[Handwritten Signature]
Deponent

Identified by me
S. Shankar



BEFORE ME
[Handwritten Signature]
SHRI FRANCIS D'SOUZA
NOTARY FOR TISWADI TALUKA
STATE OF GOA (INDIA)

ADV. FRANCIS D'SOUZA
NOTARY
KAMAKSHI PRASAD BLDG
THIRD FLOOR, FLAT NO. 304
PATTO, PANAJI
TISWADI GOA - 403 001

.....hereby attest the above signature of
of Shri/Smt./Miss. *John Inel*
Adolfo Creencas
Loko The
deponent
.....
Who has been identified before me
by *A.C. No 2752 0841 7891*
.....who is personally known to me
registered under No. *1865/2023*
Dtd 23/12-2023

[Handwritten Signature]

Item No.3

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Appeal No.33/2023(WZ)
With
Caveat Application No.15/2023**

Mr. John Jude Adolfo Crecencio

.....Appellant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 08.12.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Subodh Kantak, Senior Advocate along-with
Mr. Abhijit Gosavi, Mr. Shivshankar Swaminathan,
and Mr. Guruprasad Naik, Advocates

Respondent : Mr. Dhruv Tank, Advocate for R-1/GCZMA
Mr. Saurabh Kulkarni, Advocate for R-3/Caveator

ORDER

1. The learned Senior Counsel Mr. Subodh Kantak representing appellant submits that the structures, which have been ordered to be demolished by the impugned order of GCZMA dated 13.11.2023, which is annexed at page nos.26-39 of the paper book, on the ground that no permission was obtained for construction of the same, is erroneous because the permission had been obtained by them on 27.05.1994, which is annexed at page no.54 of the paper book along-with an approved plan. The original approved plan on A0 size paper has been filed today. But when we enquired from the learned Senior Counsel for appellant as to where are those structures, which are ordered to be demolished i.e. "I", "J", "K", "M", "N", "O", "P" & "Q" existing in the said map, he failed to

disclose the same and submits that some time may be allowed to locate the same and inform the same to this Tribunal. We allow two weeks' time for the same.

2. From the side of respondent No.3/Caveator, learned counsel Mr. Saurabh Kulkarni has appeared, who wants to file objection at this stage of admission itself. We allow two weeks' time for the same with a direction that a copy of the same shall be served upon the appellant in advance.

Put up this matter for admission on 05.01.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 08, 2023
Appeal No.33/2023(WZ) With
Caveat Application No.15/2023
P.Kr

MILIND DHULAPKAR
CIVIL ENGINEER(Dip)

Annexure - A2 colly

H.No. 367/1, Dhulapi, Corlim, Tiswadi- Goa
Mobile No. 9764238622
Email:- Milind.dulapkar@gmail.com

Date: 22.12.2023

SURVEYORS REPORT/ CERTIFICATE

SUB:- Superimposition of plan of inspection report of Goa Coastal Zone Management authority dated 16.09.2023 on the plan approved by Goa State Committee for Coastal Environment dated 27.05.1994, in respect of property bearing Survey No. 176/17 of Calangute, Mapusa, Goa.

1. The services of the undersigned were engaged by Mr. John Jude Adolfo Crecencio Lobo, resident of House No. 5/155A, Umta vaddo, Calangute, Bardez, Goa.
2. The services for engaged for the purpose of superimposing plan of inspection report of Goa Coastal Zone Management Authority dated 16.09.2023 on the plan approved by Goa State Committee for Coastal Environment dated 27.05.1994, in respect of property bearing Survey No. 176/17 of Calangute, Mapusa, Goa.
3. The undersigned was provided with the copies of
 - A) inspection report along with the plan of Goa Coastal Zone Management Authority and
 - B) approved plan approved by Goa State Committee for Coastal Environment dated 27.05.1994.
4. The undersigned has superimposed the plan of the inspection report prepared by the GCZMA dated 16.09.2023 on the approved plan of GSCCE dated 27.05.1994. The copy of the superimposed plan is attached.

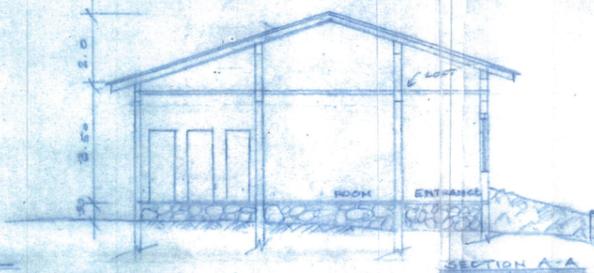
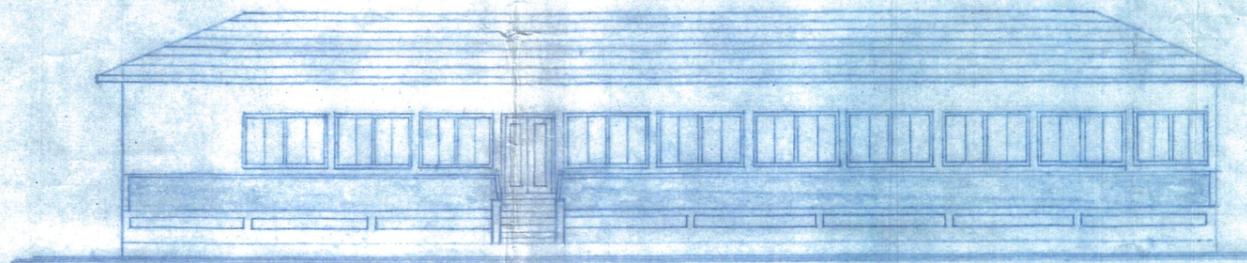
Yours truly,



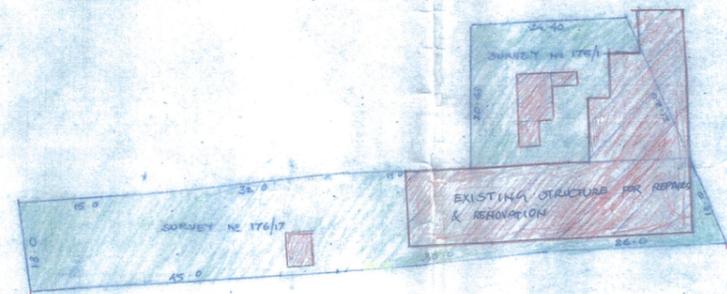
MILIND M. DHULAPKAR
CIVIL ENGINEER (DIP.)
Reg. No. TCP/SUP(CV)/0003/2022
Dhulapi, Corlim, Tiswadi - Goa

Mr. Milind M. Dhulapkar

SUPERIMPOSED PLAN

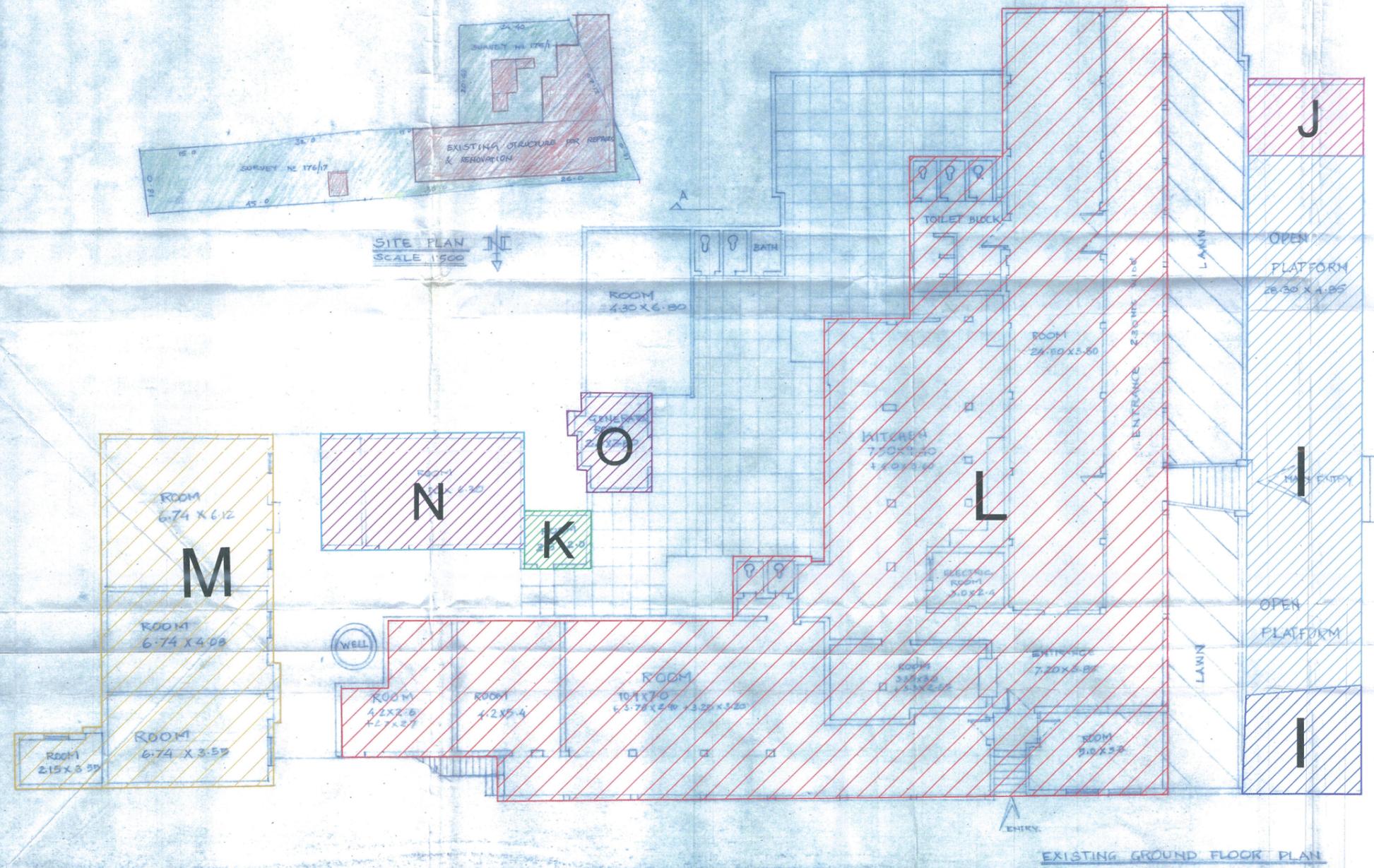


Please Check letter No. PB/BAED/TCP-94/1920
dated 27-8-94
regarding the plans.
Chit Town Planner
& Member Secretary G.S.C.P.
Urban and Country Planning Dept.
Govt. of Goa



SITE PLAN
SCALE 1/500

AREA STATEMENT	
PLOT AREA OF SURVEY NO 175/1(1)	260.0 M ²
PLOT AREA OF SURVEY NO 176/17	1350.0 M ²
TOTAL PLOT AREA	1910.0 M ²
AREA OF THE EXISTING STRUCTURE FOR REPAIR & RENOVATION	490 M ²



PROPOSED REPAIR &
RENOVATION OF THE
EXISTING STRUCTURE IN
IN SURVEY NO 175/1 (PART)
AND 176/17 AT CALANGUTE

JOAO BAPTISTA ALVARES
CIVIL ENGINEER (DIP.)
Registration No. F.V. Engr 200/82
NGP/ENR 8178

Milind

MILIND M. DHULAPKAR
CIVIL ENGINEER (DIP.)
Reg. No. TCP/SUP(CV)/0003/2022
Dhulapi, Corlim, Tiswadi - Goa