**BEFORE THE NATIONAL GREEN TRIBUNAL**
**WESTERN ZONE BENCH, PUNE**
I.A. No. 809 of 2025 (WZ)
IN
APPEAL No. 437 of 2025(WZ)

**IN THE MATTER OF:**

COLVA CIVIC & CONSUMER FORUM & ORS. …APPELLANTS
VERSUS
GOA COASTAL ZONE MANAGEMENT AUTHORTY & ORS.
…RESPONDENTS

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Next Date of hearing: 27.10.2025


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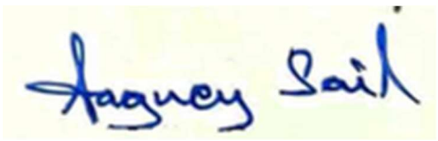
APPELLANTS

THROUGH



AAGNEY SAIL
**ADVOCATE FOR THE APPELLANTS,**
A-36, Rama Life City, Uslapur,
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Ph. +91.9810076618,
Email: aagneysail@gmail.com

Filed on: 25.10.2025
Place: Goa

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…RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF APPELLANTS**

1. That the Appellant have preferred the application for interim stay and injunction i.e. I.A. No. 809/2025(WZ) in the above-mentioned Appeal and the present additional affidavit is being preferred by the Appellants. The contents of the said Appeal and the IA No. 809/2025(WZ) are not being reproduced herein for brevity and may kindly be referred at the time of hearing of the Appeal and IAs.

2. That the Appellants wish to bring on record the recent development in the present case which is the Stop Work Notice dated 16.10.2025 issued by the Department of Tourism, Government of Goa to the Respondent No. 4 directing them stop construction work of alleged retaining wall at Bambolim beach immediately. A true and correct copy of the said stop work notice dated 16.10.2025 received by the Appellant No. 1 society along with covering letter dated 23.10.2025 is hereto marked and annexed as **ANNEXURE – F(colly)**.

3. That the Appellants also wish to bring on record the fact that the minutes of the 258th to 272nd GCZMA meetings to emphasize the fact that right from the alleged date of the application i.e. 31.05.2021 made by the Respondent No. 4 with GCZMA to the date of alleged grant of NOC by GCZMA i.e. 23.09.2021 (Pg. 121-122 of Appeal), there were in all fifteen (15) GCZMA meetings

conducted and the minutes of these meetings that have been downloaded by the Appellants from the official GCZMA website do not reflect deliberation or consideration of the alleged application dated 31.05.2021 of the Respondent No. 4. True and correct copies of the minutes of the 258th to 272nd GCZMA meetings are hereto marked and annexed as **ANNEXURE – G(colly)**.

4. That it is pertinent to mention that this issue of the minutes of the 271st GCZMA meeting not reflecting any deliberations / grant of NOC to the Respondent No. 4's application dated 31.05.2021 was raised not only by the Appellant No. 1 (orally) during the GCZMA proceedings but also by other complainants orally (which is recorded in the impugned order), and especially by Goa Green Brigade in writing in the form of written submissions which were emailed to GCZMA on 10.06.2025. True and correct copies of the written submissions of Goa Green Brigade submitted vide email dated 10.06.2025 to GCZMA are hereto marked and annexed as **ANNEXURE – H(colly)**. Unfortunately, no decision or even discussion is taken by GCZMA on this ground (Refer Para 27.B.(ii) of the Appeal at Pg. 25-26).

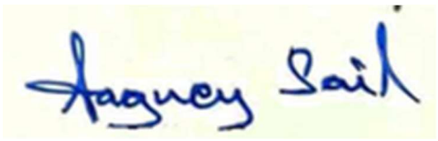
5. That the Bhunaksha of the said Survey Nos. 12/1 and 99/2 of Bambolim Village on which the alleged GCZMA NOC was granted (Pg. 121-122 of the Appeal) also discloses that these two survey nos. are not abutting the bank of river Zuari but there are three separate Survey Nos. 12/8, 12/9 and 99/1 of Village Bambolim between the river Zuari and the property of the Respondent No. 4. True and correct copies of the Bhunakshas and the record of rights i.e. 'Form I & XIV' of Survey Nos. 12/8, 12/9 and 99/1 along with superimposed images of the Bhunakshas on the Google Earth Image of the concerned area and also the superimposed images of the Bhunaksha on the relevant extract of the draft CZMP Map Sheet No. 123 (1:4000 scale) highlighting the CRZ importance of the concerned area are hereto marked and annexed as **ANNEXURE –**

**I(colly)**. That the superimposing of images has been done on instructions of the Appellant for illustration purposes which should have been done by the Respondent No. 4 as per requirement of CRZ Notification, 2011 at para 4.2(i)(e).

6. That the Appellants submit that the above-mentioned facts and documents are relevant for fair and just adjudication of the present Appeal and the IA. That the present additional affidavit is bonafide and made in the interests of justice.

APPELLANTS

THROUGH



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VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORTY & ORS. ...RESPONDENTS

**AFFIDAVIT**

I, Ms. Judith Almeida, President of Colva Civic & Consumer Forum, having its registered office at H. No. 257/1, Ward 3, Bagdem, Colva. Salcetce, Goa - 403708, do hereby solemnly state and affirm that:

1. That I am the authorized representative of the Appellant No. 1 in the above mentioned Appeal and I am aware of the facts of the present case and am competent to swear this additional affidavit on my behalf and on behalf of the Appellant No. 2 & 3.
2. That I have read and understood the contents of the accompanying additional affidavit to I.A. No. 809/2025 (WZ) which has been drafted on my instructions and the contents of which are true to the best of my personal knowledge and belief which have been read over and explained to me.
3. That the Annexures F to I are true and correct copies of their respective originals.

NOTARY ★ ADV. ABHIR ASHOK PRABHUDESSAI ★ Reg. No. 471 Exp. Dt.: 07/03/2029 ★ SALCETE TALUKA ★ GOVT. OF GOA (INDIA)

COLVA CIVIC & CONSUMER FORUM ★ Regd. No. 258/2009/GOA ★

**DEPONENT**

**VERIFICATION:**

Verified that the contents of paras 1 to 3 of my above affidavit are true to my knowledge and its content is read and explained to me, no part of it is false and nothing material has been concealed therefrom.

Verified on 25th day of October, 2025 at Panaji, Goa.

COLVA CIVIC & CONSUMER FORUM ★ Regd. No. 258/2009/GOA ★

**DEPONENT**

Electricity 10 Kw x 3 Phase

25 OCT 2025

Solemnly affirmed before me by
Mr/Mrs. JUDITH ALMEIDA KNX3050465
Who is identified before me by
Mr/Mrs.
/ Personally known to me
On this 25th day of Oct 2025

ADv ABHIR ASHOK PRABHUDESSAI
NOTARY
SALCETE TALUKA
State of Goa (India)
Reg. No: 1/2025
Date: 25/10/2025

विरेश बोरकर
VireshBorkar
MLA ST. ANDRE CONSTITUENCY,
GOA LEGISLATIVE ASSEMBLY
आमदार, सांत आंद्रे मतदारसंघ, गोंय विधानसभा

MEMBER OF
- Business Advisory Committee
- Public Accounts Committee
- Committee on Public Undertaking
- Budget Committee
- Committee on Government Assurance
- Rules Committee

ह्या समितींचो सदस्य
- उद्देग आनी वेवसाय सल्लागार समिती
- भौशिक खातीं समिती
- भौशिक उपक्रम समिती
- अद्यासपत्रक समिती
- सरकारी विमो समिती
- नेम समिती

**Ref. No: VIR/MLA/CF/2025/001** **Date: 23/10/2025**

**To,**

**The President,**

**Colva Civic Forum**

**Colva, Salcete-Goa.**

**Subject: Forwarding of Stop-Work Order Issued by the Department of Tourism**

Dear Members,

Since you are pursuing the matter before the Hon'ble National Green Tribunal (NGT), we are hereby forwarding the Stop-Work Order issued by the Department of Tourism for your kind information and necessary further action.

Please find enclosed a copy of the said order for your reference.

Thank you

VIRESH MUKESH BORKAR * M.L.A * St. Andre Constituency

**Viresh Mukesh Borkar**

**[MLA, St. Andre Constituency]**

Encl: Copy of Stop-Work Order issued by the Department of Tourism

Office Tel.: 87889 16186 / 0832 2914389 (M) 95458 34233 mla.standre.gvs@gov.in
Off. add.: H. No.: 764/2, Malwara, Agassaim, Tiswadi - Goa - INDIA 403 104
कार्यालय पत्तो: घर. क्र. ७६४/२, मालवाड़ा, अगससीम, तिसवाडी - गोंय - भारत ४०३ १०४
VIRESH BORKAR

Government of Goa
**Department of Tourism**
Paryatan Bhavan, Patto, Panaji-Goa
Tel.0832-2494200, 2494204 Fax: (0)832 – 2494227
Email: dir-tour.goa@nic.in Web: www.goatourism.gov.in

No. 7/5(01)/Grand Hyatt Bambolim/2025/DT/3871 October 16, 2025

## STOP WORK NOTICE

**WHEREAS,** this Authority has issued a Show Cause Notice bearing reference No. 7/5(01)/Grand Hyatt Bambolim/2025/DT/433 dated 17/04/2025 to M/s Goan Hotels & Realty Pvt. Ltd, M/s. Riverside Resort & Holiday Home Pvt. Ltd., Aldeia De Goa. P.O. Goa University, Bambolim – Goa, and hearing in this case is in process.

**AND WHEREAS,** as directed by this Authority, officials attached to this Department carried out survey of the site where alleged construction of illegal retaining wall and beach area viz a viz abutting areas.

**AND WHEREAS,** the said Officials conducted survey work on 30/09/2025 at 3:30 p.m and submitted their finding report on 07/10/2025 wherein it is reported that Gabian stone wall is being constructed by M/s Goan Hotels & Realty Pvt. Ltd on Government beach arena and thus an encroachment in beach arena. A copy of the report is enclosed for convenience of reference .

**AND WHEREAS,** as per the media report which is going viral on various social media platform, it has been highlighted that the work of alleged construction of retaining wall was being carried out by M/s Goan Hotels & Realty Pvt. Ltd during late hours and during night time.

**AND WHEREAS,** taking cognizance of the said media report, this Authority directed officials attached to this Department to carry out a fresh site inspection of the alleged site to ascertain the veracity of the video being circulated.

**AND WHEREAS,** the said Officials carried out inspection on 16/10/2025 at 11:00 a.m. of the alleged site in the presence of M/s Goan Hotels & Realty Pvt. Ltd and submitted its report wherein it is reported that the work of construction of

retaining wall was being undertaken by M/s Goan Hotels & Realty Pvt. Ltd. (Photographs attached).

**NOW THEREFORE,** considering the inspection reports submitted by the officials attached to this Department mentioned above, M/s Goan Hotels & Realty Pvt. Ltd are hereby directed to **Stop the Work of Construction of alleged retaining wall at Bambolim beach immediately** and maintain Status Que until further direction from this Authority. M/s Goan Hotels & Realty Pvt. Ltd is further directed to Show Cause as to why action shall not be initiated against them for constructing the alleged retaining wall in the beach arena and termed it as Nuisance under provisions as contained in **The Goa Tourists Places Protection and Maintenance Act, 2001.**

It is further informed that the next date of hearing in the case of the Show Cause Notice under reference is scheduled before this Authority on **24/10/2025 at 11:00 a.m.** at the address mentioned hereinabove. M/s Goan Hotels & Realty Pvt. Ltd are therefore directed to appear before this authority in person or through authorized representative with the reply to this notice so as to defend its interest in the matter, if any.

For strict compliance.

Kedar A. Naik, GCS
Director of Tourism &
Competent Authority

To,
Shri Deepak Somor,
C/o. M/s Goan Hotels & Realty Pvt. Ltd, Ltd.,
Aldeia De Goa, Near ETDC Department,
P.O Goa University, Nauxim,
Bambolim, Tiswadi – Goa.

## SITE PLAN

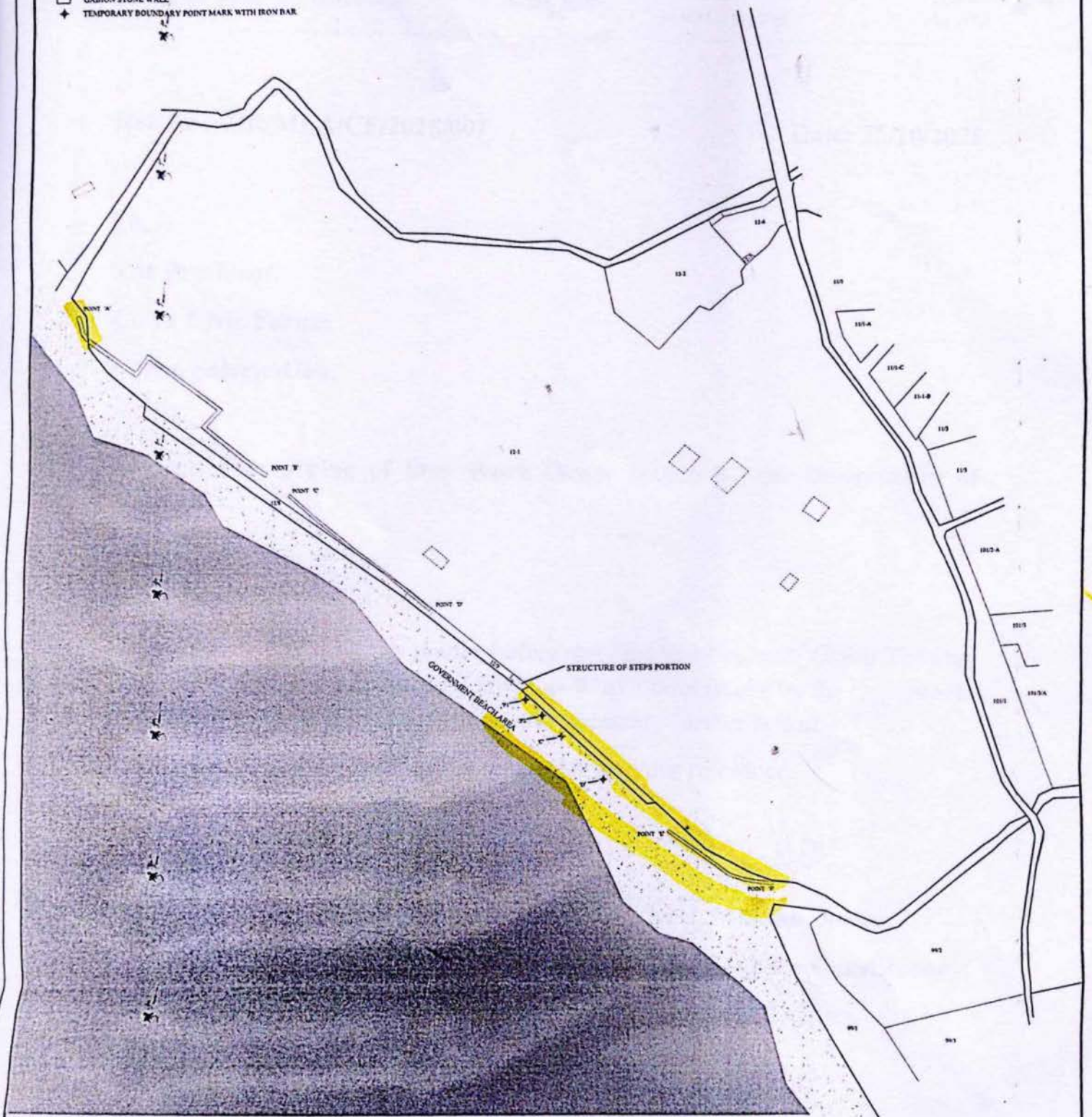
SHOWING LOCATION OF EXISTING GABION STONE WALL , CONCRETE RETAINING WALL , STRUCTURE OF STEPS PORTION ALONG THE GOVERNMENT BEACH STRETCH AND PRIVATE PROPERTY BOUNDARY ABUTTING TO SURVEY NO 12/1 & 99/2 OF BAMBOLIM VILLAGE OF TISWADI TALUKA GOA

N

SCALE 1: 2000

LEGEND

- CONCRETE RETAINING WALL
- STRUCTURE OF STEPS PORTION
- GABION STONE WALL
- TEMPORARY BOUNDARY POINT MARK WITH IRON BAR




Note

This Site Inspection was carried out on 30/09/25 at 11 00 A.M & on 01/10/25 at 3.30 P.M by Shri Anush Chodankar, Field Surveyor, Shri Chandu Dantye, Information Assistant as instructed issued by Higher Authorites on Order No.1/513(order)/2025-26/DT/3289 dated 18-09-25. A site inspection was conducted to ascertain alleged illegal construction and dumping of excavation debris at bambolim beach by M/s Goan Hotels & Realty Pvt.Ltd. on 29/09/2025 at 10.00 A.M.

Due to urgent office survey work it was delay and was conducted in presence of two representative member on behalf of M/s Goan Hotels & Realty Pvt Ltd on 30/09/25 at 11.00 A.M The Survey work was conducted with reference to bhunaksha survey plan, the survey work was carried out with surveying Instrument by me and it is ascertain that,

1) Gabian stone wall which is marked above on survey plan as point A to point B . Where the Part portion approx. 10% of it is seen encroach on Government beach area and 90% of the Gabian stone wall is in the private land portion.

2) Ongoing work of concrete retaining wall is observed for a length of 98 00 metres which is partly constructed till date at point C to point D and the same is marked above on Survey plan . The constructed retaining wall does not encroach on government beach.

3)It is observed that the Gabian stone wall is totally destroyed by the river views and it does not exist at site at point D to point E and the same is marked above on survey plan . A structure exist of laterite stone steps portion used for access to beach area was observed and the photos of the same is enclosed to the site plan.

4)The entire Beach stretch the survey boundary stones does not exist. The portion of stretch from point D to point E. It is observed that temporary point marked with iron rod on beach area as layout out points for concrete retaining wall, and if it is constructed over this point, it will be encroached on government beach land which needs to be stopped immediately.

5) Gabian stone wall is seen encroached or constructed on government beach area at point E to point F and the same is marked above on survey plan.

In this above connection it is suggested that, since no boundary, stones exist on boundary of M/s Goan hotel and Realty Pvt Ltd. They Should apply demarcation process for laying out of boundary point from the office of Inspector and Survey land records Tiswadi. After demarcation process the construction of retaining wall should take place.

PLAN PERPARED BY

03/10/25

( ANUSH P CHODANKAR )

Field surveyor

REVENUE SECTION

FILE NO : 7/3(01) (Grand Hyatt Bambolim) 2025/DT

**MINUTES OF THE 258th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 03/06/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VC.**

The 258th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 03/06/2021 at 3.30 p.m.in the conference hall, fourth floor, Patto-Panaji – Goa.

**The following members were present for the meeting on 03/06/2020 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
- Representative on behalf of Principal Chief Engineer, (PWD), Panaji.
- Shri.Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Shrirang Jambhale, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and

deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa".* Interms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020 Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 the Adv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

**Proceeding:** Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent through Video conference. Advocate for respondent filed additional reply on clarification of land and payment of rent. Advocate for respondent requested for site inspection report along with DSLR plan dated 04/02/2021 and file reply.

**Decision: The Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.**

**Case No.1.2**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated

20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.
The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been

erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

**Proceeding:** Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent M/s Reis Euopa Developers through Video conference. Tahir Isani did not appear for the said hearing.

**Decision: The Authority decided to issue fresh notice to Tahir Isani and further matter posted on 10/06/2021 at 3.30 pm through VC only.**

**Case No. 1.3**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka.**

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The

parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

**Proceeding: Complaint remained absent. Advocate Shivan Dessai appeared for respondent and submitted that part of the massage room and reception is partly**

**demolished which was the addition which is also confirmed by the Expert Member of the GCZMA. As regards to swimming pool the same is shallow area and same can be considered as place of water harvesting.**

**Decision: The Authority asked the respondent to submit plan showing the place as water harvesting and file comprehensive reply about the demolition carried out in the property as per survey plan. The matter is posted on 17/06/2021 at 3.30 pm.**

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm. The Authority decided to issue fresh hearing notices.

**Proceeding: Complaint remained absent. Advocate Shivan Dessai appeared for respondent and informed that there are two structures on site one is shown in survey plan and second one is constructed in the year 1984 with all the approvals required under the law.**

**Decision: The Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.**

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm. The Authority decided to issue fresh hearing notices.

**Decision:** Posted the matter on 17/06/2021 at 3.30 pm through VC.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties. The Authority decided to issue fresh hearing notices.

**Decision:** Posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. The Authority decided to issue fresh hearing notices.

**Decision:** Posted the matter on 17/06/2021 at 3.30 pm through VC.

**Case No. 1.4**

**To decide on illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.**

**Background:** in exercise of the power conferred upon the Goa Coastal Zone Management Authority, the GCZMA has issued various directions to the Deputy Collectors to take immediate action in cases of illegal construction in CRZ areas in violation of the above Notification 1991.

the office of GCZMA has received a monthly report dated 02/12/2015 from the office of the Deputy Collector & Sub Division Officer, Bardez, Goa. enclosing the report of the Mamlatdar of Bardez pertaining to illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.

The GCZMA issued a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/15-16/136/2129 dated 14/12/2015; the Respondent did file their reply to the Show Cause Notice on 28/12/2015.

The mater was placed before 238th GCZMA meting wherein Ld. Adv Hanumant Naik for complainant and Ld. Adv for Respondent present. Heard the arguments of both sides and perused the documents on record. The Authority decided to conduct site inspection and decided to call the parties for hearing on 07/01/2021. The matter was

taken up in its 242nd GCZMA meeting held on 07/01/2021; wherein the Authority decided to conduct site inspection of the said property through Expert Members. The matter is kept for receipt of Expert Members report on 25/02/2021 at 3.30pm". This office is in receipt of DSLR report dated 19/04/2021.

**Proceeding:** Ld. Adv Hanumant Naik for complainant and Ld. Adv Pankaj Vernekar appeared for Respondent on VC. Advocate for respondent requested for DSLR report.

**Decision: The Authority after hearing the parties directed respondent o collect the copy of DSLR plan from the office of GCZMA and further posted the matter on 17/06/2021 at 3.30 pm through VC.**

**Item No.2**

**To decide on applications for erection of temporary structures (shacks/tents/cottages and huts) in private beach property (Details as enclosed as Annexure 1)**

*Meeting ended with thanks to the Chair.*

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

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Village: Calangute (Sea)

Taluka: Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 30/12/2020 | Celsa Egipsy and Fatima Egipsy | 247 | 10 | 5300.00 | 1749.00 | 11 Cottages, Comprising 21 units | 1 | 836.24 | Recommended The proposal is beyond 200 mts from HTL. The proposal does not come under Beach Carrying Capacity Report | Approved |

Village:Morjim (Sea)

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 05/08/2020 | Shri Sanjay C. Korgaonkar (Proposal within 200m from HTL) | 185 | 21-A | 640.00 | 211.20 (33%) | 5 | 1 | 183.34 | Recommended Subject to Beach Carrying Capacity Report | Approved |
| | | | 185 | 19 | 512.00 | 168.96 (33%) | 8 | - | 160.00 | | |

Village:Mandrem (Sea)

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 6 | 10/03/2021 | Antonio Francisco Fernandes (Proposal beyond 200m from HTL) | 272 | 7 | 3037.00 | 1002.21 | 15 huts | 1 Shack | 440.00 | Recommended Beach carrying Capacity Report does not applicable. | Approved |

**MINUTES OF THE 259th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 07/06/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VIDEO CONFERENCING (VC).**

The 259th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 07/06/2021 at 3.30 p.m.in the conference hall, fourth floor, Patto-Panaji – Goa.

**The following members were present for the meeting on 07/06/2020:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji, Goa.
- Representative on behalf of Principal Chief Engineer, (PWD), Panaji.
- Shri.Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Shrirang Jambhale, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No.1.1**

**To finalise the public hearing Notification for conducting CZMP public hearing :**

**Background:** Pursuant to the order passed by the Hon'ble Principal Bench of the National Green Tribunal, New Delhi in OA No. 118/2021 (I.A. No.115/2021), the Goa Foundation & Anr V/s. Goa Coastal Zone Management Authority on 31st May 2021 and as per the annexure I, Para IV (a) of CRZ Notification, 2011, Goa Coastal Zone Management Authority(GCZMA) hereby notifies public hearing for finalization of the draft Coastal Zone Management Plan(CZMP) for State of Goa in terms of CRZ Notification, 2011 with the following schedule-,

| District | Venue | Date and Time |
|---|---|---|
| North Goa | Parade Ground, Opposite Campal Clinic at Campal, Panaji Goa | 08/07/2021 from 10.00 am onwards till the completion of hearing. |
| South Goa | SGPDA Ground, Opp. District & Sessions Court, Margao, Goa. | 08/07/2021 from 10.00 am onwards till the completion of hearing. |

**Decision**: The Authority received emails from Expert Members (GCZMA) Savio Correia, Sujeet kumar Dongre and Flaviano Miranda with suggestions on conduct of the public

hearing. The matter was discussed at length and thereafter decided to issue public hearing Notification for conducting public hearing for draft CZMP for the State of Goa under the CRZ Notification 2011 on 8th July 2021 on North and South Goa districts respectively. The notice to be published on 08/06/2021 in daily news papers edition.

**Case No.1.2**

**To discuss and deliberate on complaint letter dated 19/04/2021 from Bhanu Shirdokar resident of Nagali Taleigao; and Vainguinim Valley Residents Association dated 20/04/2021 with regards to alleged illegal construction & development within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort.**

**Background:** The Office of the GCZMA had received a complaint letter dated 19/04/2021 and inwarded in the office of the GCZMA on the 19/04/2021; from Bhanu Shirdokar resident of Nagali Taleigao; and the office has also received a Complaint from Vainguinim Valley Residents Association dated 20/04/2021 and inwarded in the office of the GCZMA on 20/04/2021; with regards to alleged illegal construction & development being carried out within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort at the Vainguinim Beach, Dona Paula; without obtaining any proper permission from the Competent Authorities.

Upon receipt of the Complaint the GCZMA carried out a site Inspection, and a report of the Site Inspection is enclosed herewith

in the said Site Inspection dated 20/04/2021; of the Expert Member; it is stated that the representative of Fomento Resorts and Hotels submitted a copy of CRZ approval granted for repairs & that the work is carried out in phases as per the design prepared in consultation with WRD and the work is carried out as per the approval granted.

The complainants alleged that the site inspection carried out on 20/04/2021 was in their absence & hence they pleaded for a fresh site inspection which was carried out on 23/04/2021. It was noted that M/s. Fomento Hotels has violated the conditions imposed by the Authority. Cement concrete has been used as against eco-friendly material.
Moreover, cement concrete structures are prohibited on the beach, that too within the intertidal zone 9CRZ 1B), that is a highly ecologically fragile area.
The ongoing linear wall construction is a new work, and not "repairs" as permitted under the NOC.
And accordingly Show Cause Notice was issued to **Fomento Resorts** on 28/04/2021& directed to appear for personal hearing before the Authority on 06/05/2021 at 3.30 pm. The respondent filed reply to the show cause Notice on 03/05/2021. However the meeting was postponed to 20/05/2021 and later on 27/05/2021at 3.30 pm.

During 257th GCZMA meeting held on 27/05/2021 Learned advocate Parag Rao for the respondent M/s Fomento Resorts attended the hearing through VC. Ld Advocate

Clinton Fonseca appeared for complainant Vaiguinim Association. Learned advocate Pundalik Raikar appeared for Bhanu Shirodkar attended the hearing.

Learned advocate Parag Rao submitted that he is objecting the SCN issued by GCZMA which is in violation of merit. He submitted that the party did not attend the site inspection dated 23/04/2021 as they did not receive any notice. The learned advocate prayed for fresh site inspection to the authority.

Learned advocate Clinton submitted that they didn't received the notice of inspection dated 20/04/2021 hence they requested for 2nd inspection by Authority which was carried out on 23/04/2021. Learned advocate Raikar submitted that the matter is before district court. Further submitted that the respondent has taken NOC in 2017 for repair of linear wall. further the respondent had completed the work as stop work order was not issued. Learned Advocate for complainant prayed for fresh site inspection to verify whether 25 mt gap is maintained or not.

The Authority heard Ld Adv Shri Clayton Fonseca and Ld Adv Shri Pundalik Raikar on behalf of the complainants and Ld Adv Shri. Parag Rao representing respondent M/s Fomento Hotels on VC.

Permission was granted to Fomento Hotels & Resorts Ltd on 25.07.2017 to carry out repairs to a gadga/retaining wall and a linear wall in its property surveyed under no. 246/1 of Taleigao village. The primary allegation in the complaints is regarding alleged construction of a concrete linear wall on Vainguinim beach. On the other hand, the respondent contends that the construction/repairs are within their private property. After lengthy deliberations, it was decided that the Expert Members (GCZMA) would visit GCZMA office to peruse the documents and replies filed by the parties. Accordingly decision on the matter was deferred.

The matter once again discussed in today's meeting and the Authority decided to have a joint inspection of the site under chairmanship of Additional Collector-I, with members comprising Mamlatdar, representative of Water Resources Department and DSLR representative, field surveyor of GCZMA with records.

1. To plot the location of linear wall and gadaga/retaining wall constructed by the respondent on plan with reference to survey no. 246/1 of village Taleigao.
2. To plot HTL line on the plan. Reference may be made to HTL marked by NCSCM on draft CZMP 2011 and
3. To record the dimensions of the linear wall.
4. To plot the linear wallexisting as per old record.
5. To assess the construction of linear wall in reference to permission issued on 25/07/2017.

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

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**MINUTES OF THE 260th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 10/06/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VC.**

The 260th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 10/06/2021 at 3.30 p.m.in the conference hall, fourth floor, Patto-Panaji – Goa.

**The following members were present for the meeting on 10/06/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
- Representative on behalf of Chief Engineer, (WRD), Alto-Porvorim.
- Representative on behalf of Principal Chief Engineer, (PWD), Panaji.
- Shri.Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To discuss and deliberate upon issue pertaining to Terminal building of Captain of Port, Panaji-Goa and compliance of order dated 26/02/2020 passed by Hon'ble High Court of Bombay at Goa in PIL WP no.55/2019.**

**Background:** The present Petitioners had earlier filed the above petition being aggrieved by the construction of a Terminal Building for the Captain of Ports Department at Panaji. The Petitioners prayed for an Order directing the GCZMA to forthwith revoke the permission dated 20.7.2015 issued to the Captain of ports for the said building.

The matter was heard by Hon'ble High Court of Bombay at Goa on 26/02/2020 wherein it has directed as follows : "*11. Accordingly, we direct the GCZMA to hear the Project. Proponent, the Executing Agency and the petitioners on all the issues raised by the petitioners in the present petition and thereafter take a suitable decision in the matter. The GCZMA to also address the issue of the necessity or the otherwise of Rapid Environmental Impact Assessment Studies, now that it is suggested that the construction is coming up in the river or in the riverine area and not on the land. In arriving at its decision, the GCZMA, should not be influenced in any manner by the Affidavit of the Member Secretary in this matter. The GCZMA to decide all issues on their own merits and in accordance with law after affording an opportunity of hearing to all parties as aforesaid.*

*12. The GCZMA to communicate its decision to all parties, including in particular the petitioners herein, within a period of seven days from the date on which such decision is*

*arrived at. If any parties wish to challenge such decision, they are at liberty to do so in accordance with law.*

*13. Mr. Nigel Da Costa Frias, submits that pending the decision of the GCZMA, the construction of the terminal undertaken by the Captain of Ports through GSIDC, may be halted/ stayed.*

*14. Mr. Nigel Da Costa Frias, has himself submitted that for the last three months there is no construction in progress at the site. The construction, even otherwise is commissioned by the Captain of Ports, which is a Government Department and the same is executed by GSIDC, which is a Government Company. This is a public project. At this stage, we do feel that it would be appropriate to pass any orders on stay. Besides, we have directed the GCZMA to consider all the issues within a period of four weeks from today taking into consideration the urgency expressed by the petitioners. The construction, is presently not going on at the site. If the construction begins, it is always open for the petitioner for the petitioners to approach the GCZMA for appropriate orders in relation to the construction terminal building. At this stage, we can only say that the construction, if undertaken shall be subject to any orders which the GCZMA will make in the matter.*

*15. We make it clear that we have not examined the merits and demerits of the rival contentions and it is for the GCZMA to examine and to decide upon such contentions in accordance with law and on their own merits within the period indicated."*

The said matter was placed for personal hearing to both the parties during its 256th GCZMA meeting held on 22/04/2021 wherein The Officials from the Department of Captain of Ports and GSIDC were remained present. Complainant Joe Dsouza along with Ld Advocate remained present for the hearing.

The complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. The EIA report prepared by the captain of Ports was for a jetty and not a terminal building. He stated in the garb of port activities a Terminal building is constructed only to facilitate the casinos which are anchored in river Mandovi. He further stated that said construction is being done on conservation /heritage zone by flouting all the laws of the land. He hence prayed that necessary directions be issued to stop the work and also to issue directions to demolish the pilefoundation which is part of the terminal building.

Mr. Braganza official from Captain of Ports Department also partly argued the matter by stating that when the jetty was constructed the complainant had not raised any issue but only because a terminal building is constructed that the complainant is upset because the view of river Mandovi would be blocked from his house . He further stated that the terminal building has to be necessarily inside the water body which will house the administrative office, Customs and Central Excise office etc. He went on to state that with the increase in flow of water traffic with large draft of vessels so too is the need to augment the facilities of the captain of ports and hence this terminal building is the need of the hour

The Authority after partly hearing both the parties directed both the parties to submit written arguments and the matter is posted on 27/04/2021 at 3.30 pm. However the meeting was cancelled and the fresh notices were issued to parties and directed both to remain present on 13/05/2021 at 3.30 pm. Mean while both the parties have filed written documents.

The matter is fixed for hearing on 27/05/2021 at 3.30 pm onwards.

on 27/05/2021 the Officials from the Department of Captain of Ports and GSIDC attended the hearing through VC. Complainant Joe Dsouza along with Ld Advocate Laxmi attended the hearing.

The learned advocate for complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. Marine biodiversity is been adversely affected by the said construction. Further submitted that the construction is not in public interest and is in complete violation of CRZ norms. There is no permission from Ministry of Environment & Forest (MoEF & CC). Further advocate of complainant prayed to the Authority for the site inspection.

The officials of the Captain of Ports submitted that the construction is as per the plan submitted to CRZ. It is permissible activity. There is no heavy machinery involved n construction. EIA report has been prepared by NIO, Goa for jetty which is part of the terminal building.

The authority during 257th GCZMA meeting held on 27/05/2021 after hearing both the parties and after detailed discussion decided to conduct site inspection of the said property by the Expert Members (GCZMA) on 31st May 2021 at 11.00 am. Notices were waived by both the parties. After receipt of the inspection report from Expert Members, the personal hearing notices will be issued on both the parties.

Accordingly the site inspection was carried out by the Expert Members on 31st May 2021 and submitted the report.

**Proceedings:**

**As per the directions of Hon'ble High Court of Bombay at Goa vide order dated 07/06/2021 in Contempt Petition No 1229/2021 in Misc Civil Application No.1176/2021 with WP No 1097 /2021, the written submission dated27/04/2021 filed by Dr Joe D'souza was discussed at length in the today's meeting whether to restrain the COP from carrying out with ongoing construction of Terminal Building.**

**Ld. Adv. for complainant submitted that the ongoing construction of Terminal Building is located in riverine land for which the study in the nature of EIA was of utmost importance and need of the hour because the construction would result in damage being caused to Eco sensitive areas and also would disturb habitat of the various organisms which live in the area. She submitted that piling work would disturb the underground strata resulting in damage which will be irreversible in nature. Apart from that she further stated the permission obtained by COP/ Respondent was based on EIA report prepared in year 2008 for the purpose of construction of Jetty which in no way can be used for construction of all together different project which is styled as Terminal Building. She further pointed out that so called Terminal Building is not an offshore facility but basically aimed to provide entertainment facilities containing cafeterias, mini shopping complex etc. Considering the gravity of the damage that would cause to coastal ecosystem the complainant pray for stoppage of ongoing work until the matter is decided by this Authority on merits.**

**The Respondent on other hand submitted that there are no merits in the complaint as there was already an existing jetty constructed way back in 2015 and all what is being done as on date is construction of a building to accommodate the terminals, control room and other related requirements of the COP. He stated that over the period of time the volume of water traffic had**

increased many fold whereby surveillance and monitoring of the same plays a pivotal role. Unless proper infrastructure is put in place, the possibilities of water accidents as well as dangers from any enemy attacks cannot be ruled out. He further stated that the complaint has been filed belatedly out of malice because the complainant will not get an unobstructed view of river Mandovi. Had he been aggrieved with the activities of Respondent then he would have raised alarm bell when the jetty was constructed for first time which stood to get completed in 2015. All along the pilling work was done for construction of jetty no damage has been caused to the coastal Ecosystem and hence the construction of Terminal Building which is again on pile foundation would not any way cause any damage as propounded by complainant .The Respondent hence proposed that no stay be granted to the ongoing works of their which are of significant importance both to state as whereas to nation from maritime security point of view and is a permitted activity as per CRZ Notifications.

Decision

The Authority, after hearing the arguments and also after perusing the various records placed before it including the plan which have been prepared by officials of DSLR, is of the opinion that for the purpose of granting any equitable relief, the cardinal principle of having prima facie case, show balance of convenience and prove irreparable loss and damage has to be fulfilled, in addition to the seeker coming with clean hands. In so far as prima facie case is concerned, the complainant himself had admitted about the existence of jetty which was subsequently demolished and expanded. This expanded Jetty was completed way back in 2015, which was constructed by means of pile foundation. Upon completion of this jetty in year 2015 there has been no evidence placed by the complainant stating that the same has resulted in any destruction or disturbance to the eco system of any marine life, nor any evidence has been placed in respect to show that the renovated jetty on piles has resulted in any divergence of flow of river water or damage is being caused towards landwards side.

Apparently, the complainant has failed to establish prima facie case and he has also failed to point out as to why he had delayed himself in filing any complaint when the said jetty was first constructed and completed in year 2015. Furthermore, as per the plan prepared by DSLR on 09/06/2021 the Terminal Building is constructed in a riverine land on pile foundation itself and the same is not beyond the jetty towards riverside but on landwards side. Since, the Terminal Building would be on elevated platform, the possibility of obstruction to the flow water currents is ruled out.

In so far as balance of convenience is concerned, the same tilts in favour of the respondent because the construction activity would in no way hamper the existing flow of water in the river Mandovi. Apart from that, the pile foundation seems to have been done within the area occupied by the jetty which stood completed in the year 2015.Hence on this count too the complainant has failed to show the balance of convenience tilting in his favour.

As regards to irreparable loss and damage, the complainant has only harped upon the facts that there would be geo-morphological changes in river belt if this Terminal Building takes shape. The CRZ notification speaks about EIA studies to be done with built up area of any structure beyond 20,000 Sq mts. In this case, the so-called Terminal Building is having lesser area.

**It is also seen that the said Terminal Building would act in the nature of foreshore facilities which are permissible activities as per CRZ notification 2011, the area being a notified port. Having not constructed such a foreshore facility may on the contrary result in irreparable loss and damage to the national maritime security as well as in discharge of other regulatory functions by the Respondent on various activities undertaken in the water channel of River Mandovi.**

**The Authority does deemed it fit that at this stage that the need to stop the ongoing construction is untenable and hence the prayer of the Complainant to grant stay on the construction activities of Respondent is not allowed.**

**Further the matter is fixed for final arguments on 17/06/2021.**

**Case No.1.2**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought

copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice

for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said hearing.

Authority decided to issue fresh notice to the parties.

**Proceeding: Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Europa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik was present on behalf of Complainant. Adv Godhino stated that he had filed an application to re inspect the site in question for which respondent had filed reply and prayed for time to file rejoinder in reply.**

**Decision: Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.**

**Case No.1.3**

**To decide on complaint from Mr. Prashant Pilankar, resident of House No. 106, Fonsabhat Merces Waddy, Tiswadi Goa, with respect to Illegal construction of structure bearing House No 664/1 in the property bearing Survey No. 126/4 of Village Anjuna Bardez Goa;**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated26/02/2021from Mr. Prashant Pilankar, resident of House No. 106, Fonsabhat Merces Waddy, Tiswadi Goa, with respect to Illegal construction of structure bearing House No 664/1 in the property bearing Survey No. 126/4 of Village Anjuna Bardez Goa; within 200 mts from HTL carried out by Mrs.Ambica Pillay. This office has issued SCN to the violator .

**Proceeding: Mr. Eldrin Afonso appeared on behalf of complainant. None appeared for respondent as the notice issued to respondent returned back with a postal remark "party is not known".**

**Decision: The authority after hearing the complainant directed the complainant to furnish the proper address of the respondent so that the notice can be served effectively on the respondent.**

**Case No1.4**

**NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.**

**Background:** The Office of the GCZMA is in receipt of an application dated 23/02/2021 from B.K. Satish, Goan Hotels and Realty Private Limited, Regd Office: DB

House, Gen.A.K. Vaidya Marg, Goregaon (East), Mumbai 400063 regarding NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.

Observations:

1. Mr. B.K. Satish had applied for permission for relocation of open space in the non-Development Zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.
2. The site has is already developed as per the plan approved by Town and Country Department(copy of the plan attached)
3. The project had received CRZ clearance vide letter number ---dated ----. This CRZ approval was based on 50 meter NDZ line. The plan with existing structures and NDZ line is attached. However while inspecting these structures with reference to the approved CRZ Plan are not verified.
4. Total plot open space indicated in the earlier approved plan (marked in blue color) in attached plan is 12280 sq. meter. This area is utilized as gardening and water body.
5. Proposed area for relocation is utilized as garden and landscaping is within 50 meters of NDZ line is 12280 sq. meters. This area is marked in green color in attached plan.
6. CRZ notification permits the garden, park, rain water harvesting structure etc, within NDZ of CRZ. Therefore shifting of open space from the existing location to the proposed location will not have any adverse impact on overall Environment Management of the site.
7. This proposal should be treated as standalone for shifting the open space and not new GCZMA approved for the entire project.

   Authority may deliberate & decide.

The Authority during 257th GCZMA meeting held on 27/05/2021 after detailed discussion decided to call the parties for personal hearing before the Authority prior to take any decision in the matter.

**Proceeding: Adv. Jitendra Superkar appeared for applicant along with Mr. B.K. Satish. Adv stated that the application is only for relocation of open space beyond NDZ area. The said activity is permissible under CRZ norms and requested to grant the permission for said activity. The applicant had approached this Authority based on directions of the TCP to seek the permission. He further stated that area is falling under CRZ-III and same is permissible activity.**

**Decision: The Authority heard the matter and kept it for decision.**

**Case No1.5**

**To decide on a complaint from Mr. Prashant Pilankar with respect to Illegal construction of structure in the property bearing survey no 248/2 of village Calangute Bardez Goa within 200 mts from HTL carried out by Mrs.Laura Doris D'Souza.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated26/02/2021from Mr. Prashant Pilankar, resident of House No. 106, Fonsabhat Merces Waddy, Tiswadi Goa, with respect to Illegal construction of structure in the property bearing survey no 248/2 of village Calangute Bardez Goa within 200 mts from HTL carried out by Mrs.Laura Doris D'Souza. This office has issued SCN to the violator.

**Proceeding: Mr. Eldrin Afonso appeared on behalf of complainant. None appeared for respondent as the notice issued to respondent returned back with a postal remark "party is not known".**

**Decision: The authority after hearing the complainant directed the complainant to furnish the proper address of the respondent so that the notice can be served effectively on the respondent.**

**Case No1.6**

**To decide on a complaint letter from Savio Britto pertaining to destruction of mangroves and filling of mud by M/s Noor Constructions having office at House No. 1301/2(6) Arjun Dropadi Complex, Auchit Wado, Tivim, Bardez-Goa; in the Village of Pilerne, Reis Magos.**

**Background:** A complaint letter dated 21/01/2021 and 29/01/2021 from Savio Britto and was inwarded in the Office of the GCZMA on 21/01/2021 and 02/02/2021 respectively; pertaining to destruction of mangroves and filling of mud by M/s Noor Constructions having office at House No. 1301/2(6) Arjun Dropadi Complex, Auchit Wado, Tivim, Bardez-Goa; in the Village of Pilerne, Reis Magos. This office has issued SCN to the violator.

**Proceeding: None appeared for respondent. Complainant appeared physically.**

**Decision: The Authority decided to direct the Member Secretary to hear the complainant first, as the complainant informed Member Secretary that the matter is already heard by Authority and then put up the matter before Authority with concerned file.**

**Case No1.7**

**To decide on a Complaint from Karishma Krishna Ingle wherein Mr. Krishna Virnodkar, has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a Complaint from Karishma Krishna Ingle, dated 19/03/2021; wherein Krishna Virnodkar, has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.

the Office of the Mamlatdar and Executive Magistrate of Pernem Taluka Pernem vide no MAM/PER/CI-I./III-CONV/152/2018/1380 dated 22/06/2018 has carried out a report along with Panchanama and Plan of the newly constructed structure, etc; in Sy. No. 65/10 at Arambol Village, Pernem, Goa. This office has issued SCN to the violator .

**Proceeding: Adv. Amey Phadte appeared for complainant. Adv. Prasad Shahapurkar appeared for respondent. Complainant submitted that the there is illegal construction of residential structure going on in CRZ area. There is Deputy Collector report which states that there construction is illegal and requested to take action.**

**Adv for respondent stated that they have filed a reply to the Show cause notice and copy is already served to the complainant.**

**Decision: The Authority heard both the parties. Matter is posted for arguments on 22/07/2021 at 3.30 pm.**

**Case No1.8**

**To decide on complaint from Green Space pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village.**

**Background:** A complaint letter dated 15/04/2021 from Green Space was inwarded in the Office of the GCZMA on 19/04/2021; pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village. This office has issued SCN to the violator .

**Proceeding: A person named Wilbert appeared for complainant. None remained present for Respondent.**

**Decision: The Authority directed to issue fresh hearing notice on the respondent for appearances. Matter is posted to 24/06/2021 at 3.30 pm.**

**Case No1.9**

**To decide on a complaint from the Villagers of Vaddy, Candolim, Bardez Goa second complaint letter dated 18/03/2021 from the Residents of Candolim, through Mr. Monico Fernandes, with respect to Illegal construction of structures; illegal construction of Swimming pool with Deck, balance tank for swimming pool, sitting area partly G+1) Restaurant, steps infront of the Restaurant stage, washrooms with wash basin and laterite flooring in front, illegal construction is by using laterite stones by destroying the beach, sand dunes and beach vegetation in Sy No 124, situated at Vaddy Candolim; the Manager, Barrel Yan Tree Beach Club.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint from the Villagers of Vaddy, Candolim, Bardez Goa dated 03/03/2021 and inwarded in the office of the GCZMA on 02/03/021; and second complaint letter dated 18/03/2021 from the Residents of Candolim, through Mr. Monico Fernandes, r/o House no 849/6, Camotim Bardez Goa; with respect to Illegal construction of structures; illegal construction of Swimming pool with Deck, balance tank for swimming pool, sitting area partly G+1) Restaurant, steps infront of the Restaurant stage, washrooms with wash basin and laterite flooring in front, illegal construction is by using laterite stones by destroying the beach, sand dunes and beach vegetation in Sy No 124, situated at Vaddy Candolim; carried out by the Manager, Barrel Yan Tree Beach Club, Survey No 124, Vaddy Candolim Bardez Goa. This office has issued SCN to the violator.

**Decision: As none present. The authority decided to issue fresh hearing notices on both parties to remain present before Authority on 24/06/2021 at 3.30 pm.**

**Case No1.10**

**To decide on a complaint from Mr.Jack Fernades,with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated12/04/2021from Mr.Jack Fernades,and was inwarded in the office of on the 12/04/2021, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia, resident of House no 7/59, Saunat vaddo. Calangute Bardez Goa. This office has issued SCN to the violator

**Proceeding; Complainant Jack Fernandes appeared Through VC. Advocate Pankaj Vernekar appeared for respondent. Complainant submitted that the construction is completed within 200 mt HTL the said construction is carried out without obtaining CRZ permission. The said land is orchard property. He further**

**stated that the photographs of said construction are submitted to the Authority. Advocate for respondent sought time to file reply on ground informing the authority that the respondent is out of station.**

**Decision: The Authority after hearing both the parties decided to grant additional time of two weeks to file reply and matter is posted on 24/06/2021 at 3.30 pm.**

**Case No1.11**

**To decide on complaint Anna D'Souza, Anjuna Bardez Goa pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora.**

**Background:** this office is in receipt of a complaint letter dated 13/02/2021 from Anna D'Souza, Secretary St. Anthony's Church Vagator P.O. Anjuna Bardez Goa and was inwarded in the Office of the GCZMA on 15/02/2021; pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora resident of House No 56, Sohna Road, Malibu Town, Gurgaon, Haryana 122 001 within 200 – 500 mts from HTL. This office has issued SCN to the violator .

**Decision: None appeared the Authority decided to issue fresh hearing notice to the party.**

**Case No. 1.12**

**To decide on email Complaint from Colva Civic & Consumer Forum and Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.**

**Background:** The Office of the GCZMA is in receipt of email complaint letter dated11/01/2021 from Colva civic & consumer Forum and a letter from Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that respondent has violated the approvals granted by this authority.

The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244$^{th}$ GCZMA meeting held on 25/01/2021. The complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The

Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021Complainant Judith Almeida appeared in person. Ld advocate appeared for respondent and filed the reply copy of the same is given to the complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm.However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021The Complainant remained present and filed the written statement and also objection to the inspection report dated 02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The authority decided to issue fresh hearing notices.

**Proceeding: Adv. Shivan Dessai appeared for respondent. Complainant did not appear. However complainant sent email stating her unavailability to appear for the matter due to short notice.**

**Decision: The authority after taking note of the email from the complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.**

**Case No. 1.13**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.

After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.
The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent Uday Vaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242nd meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021. Ld Adv for the Complainant and Ld Adv for the Respondent present. Ld Adv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021.Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

**Proceeding**: **Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.**

**Decision: The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.**

**Case no. 1.14**

**To decide on complaint dated09/11/2020from Mr. Mabaleshwar Simepurushkar,with respect to Illegal construction of First floor in the property bearing survey no 209/5 of Calangute Village Bardez Goa carried out by Mr Vijay @Nilesh Govekar, resident of Khobra Vaddo, Calangute, Bardez Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated09/11/2020from Mr.Mableshwar Simepurushkar,and was inwarded in the office of on the 09/11/2020, with respect to Illegal construction of First floor in the property bearing survey no 209/5

of Calangute Village Bardez Goa carried out by Mr Vijay @Nilesh Govekar, resident of Khobra Vaddo, Calangute, Bardez Goa.

During 238th GCZMA meetingThe Complainant and the Respondent present and prayed for time. The Authority decided to grant the time and the matter stands adjourned on 17/12/2020 at 3.30pm.

The Complainant remained present and filed the reply. Ld Adv for the Respondent present and filed the reply and sought time to file additional reply along with documents as the offending structure falls beyond 500mts of HTL. He further said the Respondent had filed the complaint against the illegal structure carried by him and the action be taken on the said application.

The Authority after detailed discussion decided to post the matter on 28/01/2021 at 3.30pm for personal hearing. The Complaint by Mr. Vijay Govekar (Respondent) shall also be inquired into.

The Ld Adv for the Respondent present and prayed for time to file reply. The complainant present in person.

The Authority considered the request of the Ld Adv for the Respondent and adjourned the matter to 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021.Due to paucity of time the matter is posted 18/03/2021 at 3.30 pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

**Proceeding: Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.**

**Decision: The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.**

**Case No. 1.15**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

**Background:**

the Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, Uttara Vaigankar, however, one of the Respondent filed his reply to the notice.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. Ld Adv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

**Proceeding:** Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

**Decision: The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.**

**Case No. 1.16**

**To decide on application received from office of Deputy Conservative forests wildlife & Eco tourism (North) dated 07/06/2021 regarding installing of turtle art sculpture.**

**Background:** This office is receipt of an application received from office of Deputy Conservative forests wildlife & Eco Tourism (North) dated 07/06/2021 regarding installing of turtle art sculpture. Mr. James Savio intends to erect 15 to 20 feet tall art sculpture of turtle for interpretation and to highlight nesting site in survey no. 117/1A (1) of Morjim village which is under possession of Forest Department.

**Specification:** 15-20'x10-12", material used galvanised iron tubes in Berger paint. Area is 10x10 sq mts.

**Decision: The Authority decided to grant the permission to Deputy Conservative forests wildlife & Eco tourism (North) for installing of turtle art sculpture.**

**Case No. 1.17**

**To decide on report received from Forest Department regarding construction of wall at Morjim beach.**

**Background:** This office is in receipt of report from Range Forest Officer , Department of Forest dated 03/06/2021regarding construction of wall at Morjim Beach. It states that the retaining wall is constructed 5 mts from HTL, having approximately distance of 30mts long and 1.5mts height. Approximately 1 km from turtle nesting site.(GPS: N15°37'48.76E73°43'23.74". further it is a violation of CRZ norms.

**Decision: The authority decided to ask the Expert Member (GCZMA) to inspect the site and submit the report.**

**Item No.2**

**Case No.2.1**

**"Construction of flood protection wall from Vimal Khorjuvekar house to ferry point along the bank of the river Chapora at Poreachowado in V.P. Camurlim in Tivim Constituency".**

**Background:**

The Office of the GCZMA is in receipt of an application dated 23/04/2021 from Executive Engineer-I, Office of The Executive Engineer, Works Division I, Water Resource Department, Porvorim Goa regarding issue of NOC for the following "Construction of flood protection wall from Vimal Khorjuvekar house to ferry point along the bank of the river Chapora at Poreachowado in V.P. Camurlim in Tivim Constituency".

**Site inspection report:** The site was inspected by Shri. Mahesh Patil Expert Members (GCZMA).

**Decision: The Authority after detailed discussion decided to approve the Construction of flood protection wall from Vimal Khorjuvekar house to ferry point along the bank of the river Chapora at Poreachowado in V.P. Camurlim.**

**Case No.2.2**

**"Improvement of flood protection wall along the bank of the river Chapora at Darbar Vaddo in V.P. Camurlim in Tivim Constituency".**

The Office of the GCZMA is in receipt of an application dated 23/04/2021 from Executive Engineer-I, Office of The Executive Engineer, Works Division I, Water Resource Department, Porvorim Goa regarding issue of NOC for the following "Improvement of flood protection wall along the bank of the river Chapora at Darbar Vaddo in V.P. Camurlim in Tivim Constituency".

**Site inspection report:** The site was inspected by Shri. Mahesh Patil Expert Members (GCZMA).

**Decision: The Authority after detailed discussion decided to approve the improvement of flood protection wall along the bank of the river Chapora at Darbar Vaddo in V.P. Camurlim.**

**Case No.2.3**

**NOC for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency".**

**Background:**

The Office of the GCZMA is in receipt of an application dated 23/10/2020 from Assistant Engineer, Office of the Assistant Engineer, Sub Division I, Work Division-II, Minor Irrigation Complex, Water Resource Department, Aquem-Baixo, Rawanfond, Salcete-Goa with regard to NOC for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency".

**Site Inspection Report:**

The site was inspected by Flaviano Miranda, Expert Member (GCZMA), Ashank M. N. Gaunkar Junior Engineer (WRD), Elvino Furtado(WRD) & Devendra Gaonkar, Field Surveyor (GCZMA).

The site was inspected in the presence of above officials & villagers for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency". It involves diversion of Nala water to the Arabian Sea. Detail drawing of the concrete protection wall are not found enclosed submitted for obtaining NOC by WRD. It is learnt that the proposal of diverting water in the sea through the alignment between two separate sand dune.

The applicant decided to submit the detail drawing & relevant documents of the proposal.

**The said matter was discussed and deliberated in 257th GCZMA Meeting held on 27/05/2021 where the Project proponent was asked to submit the detailed drawings & relevant documents.**

**Now the project proponent has submitted the revised plan/drawings dated 09/06/2021.**

**Decision: The Authority after detailed discussion decided to defer the matter for next meeting on 17/06/2012 at 3.30 pm.**

**Case No.2.4**

**NOC for the following "Improvement to Kodo Katar bund along the bank of Chapora river at Camurlim in Tivim Constituency".**

**Background:**

The Office of the GCZMA is in receipt of an application dated 23/04/2021 from Executive Engineer-I, Office of The Executive Engineer, Works Division I, Water Resource Department, Porvorim Goa regarding issue of NOC for the following "Improvement to Kodo Katar bund along the bank of Chapora river at Camurlim in Tivim Constituency".

**Site inspection report:** The site was inspected by Shri. Mahesh Patil Expert Members (GCZMA).

**Decision: The Authority after detailed discussion decided to approve the improvement of Kodo Katar bund along the bank of Chapora river at Camurlim.**

**Item No.3**

**Case No. 3.1**

**Proposed chain link fencing with protection wall/retaining wall dry rubble masonry & mud mortar, repairing & strengthening of sluice gate & levelling of settled area of bund surface in Sy.No.335/1 of Velim Village, Salcete Taluka**

I- INTRODUCTION

As requested by Member Secretary, GCZMA vide notice of site inspection dated 03/03/2021, the property bearing Survey No 335/1 owned by. Rosarinho M. Fernandes and Fatima Fernandes was inspected by us, Shri Flaviano Jose Miranda, Expert member and shri Devendra Gaonkar,Field Surveyor of GCZMA

along with the representative ,shri Dhuri who accompanied us around the property during site inspection on 22/04/2022.The inspection commenced at around 11-30 a.m. and concluded at about 12-00 P M.

II-BRIEF COMMENTS PRIOR TO THE COMMENCEMENT OF INSPECTION

The property is located at Betul within the jurisdiction of Velim Village and admeasures an area of 24900.00 Sqm wherein a sluice of gate in earthen bund proposed for repair and strengthening including a protection/retaining wall and levelling of settled surface area of Bund.

III-OBSERVATIONS AND RECOMMENDATIONS

1) Towards western boundary of the property, there is a earthern bund with sluice gate . This bund is separating Betul River from the remaining part of the property which is a water body. It is accessible by un metalled road and lying entirely within NDZ of 200 metres

2) The existing sluice gate constructed with RCC slab and resting on laterite masonry wall is damaged due to scouring effect at the bottom caused on account of water percolation and seepage through sides and underneath of sluice gate. The sluice gate measuring 2.60 m X 8.00 m in size needs urgent repairs and strengthening to prevent further damage.

3)On entire 316.73 m length of eastern boundary of the property, construction of chain link mesh fencing with 1.50 m height G.I. pipe is proposed to be erected on dry rubble masonry in mud mortar for protection and safeguarding the land.

4) The existing earthen bund within the NDZ area weakened and settled at three locations has to be reinforced before it turns out to be severe.

5) The proposal of casting new 30 cm thick RCC slab over the existing 25 cm slab by extending 0.80 m on either sides for the purpose of strengthening the existing sluice gate has to be carried out with minimum damage to the ecology.

6) Before issue of N.O.C. the proposals such as (1) protection of boundary on eastern side with chain link mesh wire fencing, (2) repairs and strengthening of sluice gate and (3) levelling of settled area of Bund surface at three locations to be taken up for discussion and deliberations in the authority meeting.

**Decision: The Authority after detailed discussion decided to approve proposed chain link fencing with protection wall/retaining wall dry rubble masonry & mud mortar, repairing & strengthening of sluice gate & levelling of settled area of bund surface in Sy.No.335/1 of Velim Village, Salcete Taluka.**

**Case No.3. 2**

**Repair and renovation of existing house in Sy.No.332/14 of Benaulim Village, Salcete-Goa.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 24/03/2021 from Francisco Fernandes, Vassvaddo, Benaulim-Goa regarding repair and renovation of existing house in Sy.No.332/14 of Benaulim Village, Salcete-Goa.

**Site Inspection Report:** The site was inspected by Shri. Mahesh Patil, Expert Member(GCZMA).

1. Mr. Francisco Fernandes has existing house in the Sy.No.332/14.
2. He belongs to fisherman community and engaged in traditional fishing business.
3. Existing house has developed cracks and need repair as per the attached plan.

**Decision: The authority after detailed discussion decided to approveRepair and renovation of existing house in Sy.No.332/14 of Benaulim Village, Salcete-Goa.**

**Case No.3.4**

**NOC for the Proposed Revised Re-Construction of the Existing Residential House in Sy. No. 96/15-A of Reis- Magos, Bardez, Goa.**

**Background**

Mr. Francisco Fernandes from Verem, Goa submitted an application to GCZMA on 11/04/2018 requesting for a NOC/Permission for the revised re-construction of his existing house in Sy. No. 96/15-A of Reismagos, Bardez Taluka. So, a site inspection was fixed to see the site, verify the CRZ zoning and the documents.

**Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Member Dr, Prabhaker Shirodkar along with Mr. Santosh Volvoikar of GCZMA on 17/04/2018. At site, the applicant Mr. Francisco Fernandes was present who showed the site and explained about the proposed re-construction. The details are as follows;

1. The site is along the northern bank of Mandovi River at Reis Magos and is falling within 100m from the HTL of the river, so it is falling in NDZ area.
2. At site, there exists an old house across the Verem – Reismagos main tar road, whereby the house is facing the main road.
3. The existing old house is a ground floor structure in its frontage except for a small portion of it at the backside is a G+1 structure.
4. The said house of the applicant is lying in between two houses of his brothers, whereby the applicant's house is directly touching the walls of both the houses with no space in between.

5. Form I & XIV submitted indicates the name of the applicant Mr. Francisco Fernandes suggesting his ownership of the plot.
6. The Sy. Map submitted indicates the presence of the said house along with side houses of his brothers in Sy. No. 96/15-A.
7. Earlier the GCZMA has granted NOC dated 01/03/2016 for the proposed reconstruction of the said house.
8. However, due to objection from TCP demanding a setback between the two houses of his brothers, the applicant had to put up the file once again to GCMA requesting for a NOC for the revised re-construction.
9. The applicant has also put up the revised plan indicating a set back as per TCP rules.

**Conclusion and Recommendation**

10. The applicant has proposed a reconstruction of the house, which is a ground floor structure with a sloppy roof and Mangalore tiles in its front and G+1 structure at its back, also with a sloppy roof and Mangalore tiles on top.
11. The house is an old house, existing prior to 1991. Also, the house is falling within NDZ area of Mandovi River.
12. The reconstruction plan put up by the applicant is for a revised reconstruction of the house within the existing plinth.
13. As per the CRZ Regulation, within NDZ, the reconstruction of the old house is permissible only on the plinth of the existing old house without increasing the area.
14. The revised plan submitted by the applicant shows a setback on both the sides of the house in its frontage as required by TCP, and there is no excess coverage in its backside.
15. So, the proposed reconstruction is falling within the existing plinth area.
16. Even earlier, the GCZMA has granted the permission for reconstruction of the said house on 01/03/2016.
17. So, the proposed revised reconstruction of the house can be permitted as per CRZ Regulation.

**Decision: The Authority after long discussion decided to defer the matter till the finalization of CZMP for the State of Goa.**

**Item No.3. 5**

**To decide on implementing scrutiny /processing fees for the applications submitted to GCZMA in following applications .**

**Background: It is proposed to implement the processing fees for application in following manner.**

1. **For construction of new floating jetty –Rs.1,00,000/-**

2. For construction of concrete jetty/permanent jetty- Rs.2,00,000/-
3. For New Bund Wall/retaining wall- Rs.25,000/-

Decision: The authority after detailed discussion decided to approve the fees to be charged for processing the applications from the present proponent .

Item No.3. 6

To decide on applications for erection of temporary structures shacks/tents/cottages and huts) in private beach property Details as enclosed as (Annexure 1)

*Meeting ended with thanks to the chair.*

Member Secretary
(GCZMA)

Chairman
(GCZMA)

**********

**Village : Mandrem** **Taluka :Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 4 | 05/02/2021 | Mr. Parag Sanghavi (M/s. Por De Sol) (Proposal within 200m from HTL) | 215 | 4 | 6074.61 | 2004.61 (33%) | 28 | 1 | 1997.73 | The permission earlier granted by the GCZMA vide letter no. GCZMA/N/Shack-Hut-Cctt-Tent/19-20/32/2388 dated 6/02/2020 to Mr. Parag Sanghavi. The applicant has now submitted revised plan having a built up area 1997.73. | Approved |

**Village : Morjim** **Taluka :Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | shack | Area | | |
| 1. | 25/06/2020 | Antonio R Lobo | 124 | 6 | 1660.00 | 547.80 (33%) | 5 huts consisting 10 rooms | 1 | 260.00 | The proposal falls beyond 200 mtrs from HTL. | Approved |

Village : Anjuna

Taluka :Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Decision |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 15/04/2021 | Mr. Tarun Jain (Proposal beyond 200 m from HTL) | 209 | 2 | 1550.00 | 511.5 | 16 Cottages, 1 Reception | - | 468.00 | Recommended The proposal beyond 200mts from HTL The proposal does not come under Beach Carrying Capacity Report. The applicant also sought permission for repair of existing house having an area 135.00 Sq.mt. | Approved |

**MINUTES OF THE 261st MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 17/06/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 261st Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 17/06/2021 at 3.30 p.m.in the conference hall, fourth floor, Patto-Panaji – Goa.

**The following members were present for the meeting on 17/06/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Department of Tourism, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
- Representative on behalf of Chief Engineer, (WRD), Alto-Porvorim.
- Representative on behalf of Principal Chief Engineer, (PWD), Panaji.
- Shri.Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.** ***(High Court Matter)***

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa"*. Interms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 theAdv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021.

During 257th Meeting the Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.

**Proceedings:** Adv. H D Naik appeared for Complainant. Adv Shivan Dessai appeared on behalf of Respondent through VC. Adv for Respondent argued on survey plan prepared by DSLR and filed detailed written submission before the authority.

Complainant sought 2 weeks time to go through written submissions filed by Respondent.

**Decision:** The Authority after hearing both the parties decided to post the matter on 22/07/2021 at 3.30 pm.

**Case No. 1.2**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar. Mr AdvinoFernandes. Mr Sachin Satardekar. Mr MahabaleshwarMayekar. dated 20/08/2019: regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez. at Mapusa: directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village. Bardez. Taluka.

The Authority was also in receipt of a legal notice from Adv H.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar. Mr AdvinoFernandes. Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020: inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers. stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A.B.C.D.E.F.G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of

the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants. Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

**Proceedings:** Adv. Shivan Dessai appeared on behalf of Respondent for M/s Reis Europa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik was present on behalf of Complainant. Adv. J. Godinho informed that he had moved an application for Joint Site Inspection along with DSLR the same needs to be disposed and DSLR needs to ask to demarcate fresh HTL

**Decision:** The Authority after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm.

**Case No.1.3**

**To discuss and deliberate upon issue pertaining to Terminal building of Captain of Port, Panaji-Goa and compliance of order dated 26/02/2020 passed by Hon'ble High Court of Bombay at Goa in PIL WP no.55/2019.** ***(High Court Matter)***

**Background:** The present Petitioners had earlier filed the above petition being aggrieved by the construction of a Terminal Building for the Captain of Ports Department at Panaji. The Petitioners prayed for an Order directing the GCZMA to forthwith revoke the permission dated 20.7.2015 issued to the Captain of ports for the said building.

The matter was heard by Hon'ble High Court of Bombay at Goa on 26/02/2020 wherein it has directed as follows : "*11. Accordingly, we direct the GCZMA to hear the Project. Proponent, the Executing Agency and the petitioners on all the issues raised by the petitioners in the present petition and thereafter take a suitable decision in the matter. The GCZMA to also address the issue of the necessity or the otherwise of Rapid Environmental Impact Assessment Studies, now that it is suggested that the construction is coming up in the river or in the riverine area and not on the land. In arriving at its decision, the GCZMA, should not be influenced in any manner by the Affidavit of the Member Secretary in this matter. The GCZMA to decide all issues on their own merits and in accordance with law after affording an opportunity of hearing to all parties as aforesaid.*

*12. The GCZMA to communicate its decision to all parties, including in particular the petitioners herein, within a period of seven days from the date on which such decision is arrived at. If any parties wish to challenge such decision, they are at liberty to do so in accordance with law.*

*13. Mr. Nigel Da Costa Frias, submits that pending the decision of the GCZMA, the construction of the terminal undertaken by the Captain of Ports through GSIDC, may be halted/ stayed.*

*14. Mr. Nigel Da Costa Frias, has himself submitted that for the last three months there is no construction in progress at the site. The construction, even otherwise is commissioned by the Captain of Ports, which is a Government Department and the same*

*is executed by GSIDC, which is a Government Company. This is a public project. At this stage, we do feel that it would be appropriate to pass any orders on stay. Besides, we have directed the GCZMA to consider all the issues within a period of four weeks from today taking into consideration the urgency expressed by the petitioners. The construction, is presently not going on at the site. If the construction begins, it is always open for the petitioner for the petitioners to approach the GCZMA for appropriate orders in relation to the construction terminal building. At this stage, we can only say that the construction, if undertaken shall be subject to any orders which the GCZMA will make in the matter.*

*15. We make it clear that we have not examined the merits and demerits of the rival contentions and it is for the GCZMA to examine and to decide upon such contentions in accordance with law and on their own merits within the period indicated."*

The said matter was placed for personal hearing to both the parties during its 256th GCZMA meeting held on 22/04/2021 wherein The Officials from the Department of Captain of Ports and GSIDC were remained present. Complainant Joe Dsouza along with Ld Advocate remained present for the hearing.

The complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. The EIA report prepared by the captain of Ports was for a jetty and not a terminal building. He stated in the garb of port activities a Terminal building is constructed only to facilitate the casinos which are anchored in river Mandovi. He further stated that said construction is being done on conservation /heritage zone by flouting all the laws of the land. He hence prayed that necessary directions be issued to stop the work and also to issue directions to demolish the pilefoundation which is part of the terminal building.

Mr. Braganza official from Captain of Ports Department also partly argued the matter by stating that when the jetty was constructed the complainant had not raised any issue but only because a terminal building is constructed that the complainant is upset because the view of river Mandovi would be blocked from his house . He further stated that the terminal building has to be necessarily inside the water body which will house the administrative office, Customs and Central Excise office etc. He went on to state that with the increase in flow of water traffic with large draft of vessels so too is the need to augment the facilities of the captain of ports and hence this terminal building is the need of the hour

The Authority after partly hearing both the parties directed both the parties to submit written arguments and the matter is posted on 27/04/2021 at 3.30 pm. However the meeting was cancelled and the fresh notices were issued to parties and directed both to remain present on 13/05/2021 at 3.30 pm. Mean while both the parties have filed written documents.

The matter is fixed for hearing on 27/05/2021 at 3.30 pm onwards.

on 27/05/2021 the Officials from the Department of Captain of Ports and GSIDC attended the hearing through VC. Complainant Joe Dsouza along with Ld Advocate Laxmi attended the hearing.

The learned advocate for complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. Marine biodiversity is been adversely affected by the said construction. Further submitted that the construction is not in public interest and is in complete violation of CRZ norms. There is

no permission from Ministry of Environment & Forest (MoEF & CC). Further advocate of complainant prayed to the Authority for the site inspection.

The officials of the Captain of Ports submitted that the construction is as per the plan submitted to CRZ. It is permissible activity. There is no heavy machinery involved n construction. EIA report has been prepared by NIO, Goa for jetty which is part of the terminal building.

The authority during 257th GCZMA meeting held on 27/05/2021 after hearing both the parties and after detailed discussion decided to conduct site inspection of the said property by the Expert Members (GCZMA) on 31st May 2021 at 11.00 am. Notices were waived by both the parties. After receipt of the inspection report from Expert Members, the personal hearing notices will be issued on both the parties.

Accordingly the site inspection was carried out by the Expert Members on 31st May 2021 and submitted the report.

Proceedings as per 260th GCZMA meeting

As per the directions of Hon'ble High Court of Bombay at Goa vide order dated 07/06/2021 in Contempt Petition No 1229/2021 in Misc Civil Application No.1176/2021 with WP No 1097 /2021, the written submission dated27/04/2021filed by Dr Joe D'souza was discussed at length in the today's meeting whether to restrain the COP from carrying out with ongoing construction of Terminal Building.

Ld. Adv. for complainant submitted that the ongoing construction of Terminal Building is located in riverine land for which the study in the nature of EIA was of utmost importance and need of the hour because the construction would result in damage being caused to Eco sensitive areas and also would disturb habitat of the various organisms which live in the area. She submitted that piling work would disturb the underground strata resulting in damage which will be reversible in nature. Apart from that she further stated the permission obtained by COP/ Respondent was based on EIA report prepared in year 2008 for the purpose of construction of Jetty which in no way can be used for construction of all together different project which is styled as Terminal Building. She further pointed out that so called Terminal Building is not an offshore facility but basically aimed to provide entertainment facilities containing cafeterias, mini shopping complex etc. Considering the gravity of the damage that would cause to coastal ecosystem the complainant pray for stoppage of ongoing work until the matter is decided by this Authority on merits.

The Respondent on other hand submitted that there are no merits in the complaint as there was already an existing jetty constructed way back in 2015 and all what is being done as on date is construction of a building to accommodate the terminals, control room and other related requirements of the COP. He stated that over the period of time the volume of water traffic had increased many fold whereby surveillance and monitoring of the same plays a pivotal role. Unless proper infrastructure is put in place, the possibilities of water accidents as well as dangers from any enemy attacks cannot be ruled out. He further stated that the complaint has been filed belatedly out of malice because the complainant will not get an unobstructed view of river Mandovi. Had he been aggrieved with the activities of Respondent then he would have raised alarm bell when the jetty was constructed for first time which stood to get completed in 2015. All along the pilling work was done for construction of jetty no damage has been caused to the coastal Ecosystem and hence the construction of Terminal Building which is again on pile

foundation would not any way cause any damage as propounded by complainant .The Respondent hence proposed that no stay be granted to the ongoing works of their which are of significant importance both to state as whereas to nation from maritime security point of view and is a permitted activity as per CRZ Notifications.

Decision as per 260th GCZMA meeting

The Authority, after hearing the arguments and also after perusing the various records placed before it including the plan which have been prepared by officials of DSLR, is of the opinion that for the purpose of granting any equitable relief, the cardinal principle of having prima facie case, show balance of convenience and prove irreparable loss and damage has to be fulfilled, in addition to the seeker coming with clean hands. In so far as prima facie case is concerned the complainant himself had admitted about the existence of jetty which was subsequently demolished and expanded. This expanded Jetty was completed way back in 2015, which was constructed by means of pile foundation. Upon completion of this jetty in year 2015 there has been no evidence placed by the complainant stating that the same has resulted in any destruction or disturbance to the eco system of any marine life, nor any evidence has been placed in respect to show that the renovated jetty on piles has resulted in any divergence of flow of river water or damage is being caused towards landwards side.

Apparently, the complainant has failed to establish prima facie case and he has also failed to point out as to why he had delayed himself in filing any complaint when the said jetty was first constructed and completed in year 2015. Furthermore, as per the plan prepared by DSLR on 09/06/2021 the Terminal Building is constructed in a riverine land on pile foundation itself and the same is not beyond the jetty towards riverside but on landwards side. Since, the Terminal Building would be on elevated platform, the possibility of obstruction to the flow water currents is ruled out.

In so far as balance of convenience is concern the same tilts in favour of the respondent because the construction activity would in no way hamper the existing flow of water in the river Mandovi. Apart from that, the pile foundation seems to have been done within the area occupied by the jetty which stood completed in the year 2015.Hence on this count too the complainant has failed to show the balance of convenience tilting in his favour.

As regards to irreparable loss and damage, the complainant has only harped upon the facts that there would be geo-morphological changes in river belt if this Terminal Building takes shape. The CRZ notification speaks about EIA studies to be done with built up area of any structure beyond 20,000 Sq mts. In this case, the so-called Terminal Building is having lesser area.

It is also seen that the said Terminal Building would act in the nature of foreshore facilities which are permissible activities as per CRZ notification 2011, the area being a notified port. Having not constructed such a foreshore facility may on the contrary result in irreparable loss and damage to the national maritime security as well as in discharge of other regulatory functions by the Respondent on various activities undertaken in the water channel of River Mandovi.

The Authority does deemed it fit that at this stage that the need to stop the ongoing construction is untenable and hence the prayer of the Complainant to grant stay on the construction activities of Respondent is not allowed.

Further the matter is fixed for final arguments on 17/06/2021.

**Proceedings:** Adv Laxmi Dessai appeared for Complainant. Official from Department of Captain of Ports was present for hearing. The advocate for complainant submitted that the Terminal building is being built in reverie land. Further submitted that the earlier jetty was proposed to be reconstructed. In the year 2015 the NOC/Permission was granted by GCZMA. The said NOC/Permission was granted by GCZMA subject to conditions therein. The advocate for Complainant submitted that conditions laid in the said NOC/Permission have been violated by the Captain of Ports. It is the contention of the Complainant that no further permissions have been obtained from local bodies ie. Town and Country Planning Department, Goa State Bio Diversity board and other statutory bodies ie. Goa State Pollution Control Board and North Goa Planning and Development Authority. Further submitted that the Marine Diversity will be affected by the construction of the said Terminal Building. The NOC/permission granted by GCZMA has to be revoked as conditions contained therein have been violated by the Captain of Ports. The Complainant relied upon recommendations recorded in the report of Expert members of GCZMA. Further submitted that Provision 4.2 of CRZ Notification 2011 have not been complied. Further contended that a specific EIA report has not been obtained by the Project Proponent. Considering the area under question is CRZ III area, the construction is being carried out in No Development Zone (NDZ) area, the same is not permissible.

The representative on behalf of Captain of Ports submitted that GCZMA has duly considered the project under question as per law. The said activity is covered under permissible activities under CRZ Notification 2011. Furthermore certain activities require facilities for foreshore activities. The required EIA report has been already prepared and submitted before the Authority for the said project. The area under question is CRZ II being in Panaji City. The CRZ Notification has relaxed provisions with regard to permissible activities which are part of the project undertaken.

**Decision:** The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties kept the matter for orders.

**Case No1.4**

**To decide on email Complaint from Colva Civic & Consumer Forum and Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.**

**Background:** The Office of the GCZMA is in receipt of email complaint letter dated11/01/2021 from Colva civic & consumer Forum and a letter from Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that respondent has violated the approvals granted by this authority.

The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244th GCZMA meeting held on 25/01/2021. The complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021Complainant Judith Almeida appeared in person. Ld advocate appeared for respondent and filed the reply copy of the same is given to the complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm.However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021The Complainant remained present and filed the written statement and also objection to the inspection report dated 02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The authority decided to issue fresh hearing notices.

Proceeding at the 260th Meeting: Adv. Shivan Dessai appeared for respondent. Complainant did not appear. However complainant sent email stating her unavailability to appear for the matter due to short notice.

Decision at the 260th Meeting: The authority after taking note of the email from the complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.

**Proceedings:** Advocate S. Dessai present on behalf of Respondent. Mrs.Judith Almeida present on behalf of Complainant.

The Complainant submitted that in the present case a show cause notice has not be issued. It is contented that only a notice of personal hearing has been issued. The Complainant submitted that issuance of show cause notice is legal requirement and forms basis of inquiry and in absence of SCN she is unable to file reply. A specific ground has also been raised by her in her written submissions.

The advocate for Respondent submitted that the said argument for issuance of show cause notice doesn't hold good and clock need not be set behind. The Respondent stated that they have received a notice of personal hearing and hence before the authority. The Respondent submitted that they are not shying away from the authority and have carried out certain compliances to the recommendations of the authority. The Respondent stated that they have filed a compliance report on their behalf and intend to modify positioning of temporary structures.

The Complainant rejoined stating the compliances needs to be verified/checked.It was informed that new plan of temporary structures have been verified and found to be in order.

**Decision:** The Authority after hearing the parties decided to post the matter for final hearing on 24/06/2021 at 3.30pm.

**Case No1.5**

**To decide on illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.**

**Background:** in exercise of the power conferred upon the Goa Coastal Zone Management Authority, the GCZMA has issued various directions to the Deputy Collectors to take immediate action in cases of illegal construction in CRZ areas in violation of the above Notification 1991.

the office of GCZMA has received a monthly report dated 02/12/2015 from the office of the Deputy Collector & Sub Division Officer, Bardez, Goa. enclosing the report of the Mamlatdar of Bardez pertaining to illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.

The GCZMA issued a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/15-16/136/2129 dated 14/12/2015; the Respondent did file their reply to the Show Cause Notice on 28/12/2015.

The mater was placed before 238th GCZMA meting whereinLd. Adv Hanumant Naik for complainant and Ld. Adv for Respondent present. Heard the arguments of both sides and perused the documents on record. The Authority decided to conduct site inspection and decided to call the parties for hearing on 07/01/2021. The matter was taken up in its242nd GCZMA meeting held on07/01/2021;wherein the Authority decided to conduct site inspection of the said property through Expert Members. The matter is kept for receipt of Expert Members report on 25/02/2021 at 3.30pm". This office is in receipt of DSLR report dated 19/04/2021.

During the 258th GCZMA Meeting the Authority after hearing the parties directed respondent o collect the copy of DSLR plan from the office of GCZMA and further posted the matter on 17/06/2021 at 3.30 pm through VC.

**Proceedings:** Advocate H.D Naik present on behalf of Complainant. Advocate Pankaj Verenkar present on behalf of Respondent.

The Respondent submitted that a report/plan was ordered by the authority. The said report/plan tallies with permission granted to the respondent. Under 1991 Notification there is no validity period prescribed. The Respondent submitted that structures under question are not new structures but old structures which are being reconstructed. The Respondent submitted that there is no change in law with regards to reconstruction of structures from 1991 CRZ notification to 2011 Notification.

The Advocate for Complainant submitted that Respondent should clarify that status of permission and validity in terms of extant law as the construction permission was issued on 15/12/1992 by GSCCE predecessor of GCZMA and construction only started in year 2015 by which time CRZ regulations 2011 were already in force.

**Decision:** The Authority after hearing the both the parties decided to direct the respondent to file brief written submission with regard to status of permission and validity in terms of law. The matter is posted for further hearing on 22/07/2021 at 3.30Pm.

**Case No1.6**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka.** ***(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**Proceedings for the hearing in its 261st Meeting :** Advocate S.Dessai present on behalf respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The complainant relied upon written arguments filed by him. The complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The complainant submitted that the respondent has not produced Permission/NOC from any authority to utilize the said structures for commercial use. The complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the respondent relied upon minutes of authority dated 26/10/2019 on this point. The respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the respondent to submit plan showing the place as water harvesting and file comprehensive reply about the demolition carried out in the property as per survey plan.

**Proceeding Casa Britona:** The advocate for Respondent submitted that they have carried out certain compliances and removed certain structures.

**Decision:** The Authority decided to direct the respondent to file compliance report.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**Proceeding Casa Colvale**: The advocate for Respondent requested for time in the matter.

**Decision:**The Authority decided to direct the respondent to file compliance report.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**Proceeding Casa Vagator**: The Advocate for Respondent relied upon para 12of judgement and order passed by District Court in Revision application. The said Judgement order remanded the case to concerned Panchayat for fresh inquiry. The Respondent submitted that in view of the said Judgement/order in revision the present case may be kept in abeyance till the same is decided by the concerned Panchayat.

The Complainant objected to matter be kept under abeyance being direction matter of Hon'ble NGT. The Complainant submitted that present proceedings are underway under CRZ notification 2011 and need not be kept under abeyance.

**Decision:** The Authority after hearing the matter decided to keep the matter for orders.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**Proceeding Casa Anjuna**: The advocate for Respondent submitted that as per Annexure III of the CRZ notification 2011 construction of beach hotels is permissible activity. The structures are located in the 200 to 500 mts . The construction of such structures are permissible under the Notification. Further pointed out that there is benefit of new Office memorandum issued by MOEF & CC for regularization of structure construction without any permission in CRZ area.

The Complainant submitted that said new Office memorandum dated 19/02/2021 issued by MOEF & CC for regularization of structure has been stayed by Hon'ble high Court of Bombay at Goa. The Application for regularisation is pending before the Authority.

**Decision:**The Authority after hearing the matter decided to keep the matter for orders.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**Proceeding CasaBaga:** The Advocate for Respondent submitted that there are certain structures which were existing prior however additional structures will be removed/demolished.

**Decision:** The Authority directed the respondent to file necessary compliance report.

**Case No1.7**

**To decide on complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.**

**Background:** The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.

A Show Cause Notice was issued to the President, M/s Pandurang Community Hall, resident of Betim Bardez Goa and the Village Panchayat of Reis Magos, resident of P.O Reis Magos, Bardez Goa, dated 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1045.

The Complaint was forwarded to the Chairman, District Level Committee, Office of the Collector (North), Collectorate Building, Panaji Goa on 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1042 for conducting an inquiry and submitting a report.

The President, M/s Pandurang Community Hall, filed his reply to the Show Cause Notice on the 25/07/2019 and the Village Panchayat of Reis Magosalsofiled their reply to the Show Cause Notice on the 25/07/2019.

During 238th GCZMA meeting The complainant present in person and prayed for time as her adv is unable to attend the hearing. The Ld. Adv for Respondents present. The Authority decided to grant the time to the Complainant. The matter stands adjourned for final arguments on 17/12/2020 3.30pm.

During 240th GCMZA meeting held on 17/12/2020 Adv. R Noronha appeared for complainant and Adv. C Angle appeared on behalf of respondent. Complainant filed reply which was taken on record.

The Authority decided to post the matter for further proceedings on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021the advocate on behalf of respondent filed reply before authority. Complainant sought time to peruse the reply filed by respondent. Authority after taking on records the documents filed by the respondent and request made by complainant. The matter is posted on 28/01/2021 for arguments.

Ld adv for both the parties present. The Ld Adv for the Complainant partly argued the matter.

The Authority adjourned the matter on 25/02/2021 at 3.30pm due to shortage of time. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate Noronha appeared for complainant. Ld advocate N. Chopdekar and Adv Bhobe Remained present for respondent. The Ld Adv for the Complainant argued the matter at length. The Authority adjourned the matter for the arguments of the Respondent on 11/03/2021 at 3.30pm for want of time. During 11/03/2021 the meeting got postponed to 25/03/2021. Now the authority has decided to fresh hearing notices.

**Proceedings:** Adv Noronha present on behalf of the Complainant. Adv Bhobe Remained present for Respondent. Adv Pranay absent. the Representative of the Village Panchayat of Reis Magos Mr Kedar Naik Sarpanch present and sought for time on the ground that their Lawyer Mr Pranay Kamat was unable to remain present for the Hearing today.

**Decision:** The Authority considered the request of the Sarpanch Village Panchayat of Reis Magos. Time granted. Matter fixed on 22nd July 2021 at 3.30 p.m. Personal Hearing Notices stand waived.

**Case No1.8**

**To decide on complaint letter dated 20/04/2016 from Lavu Toraskar, regarding illegal construction of a structure and errection of poles at Vaddy Candolim in the property bearing survey No. 125/1 at Vaddy, Candolim, Bardez, Goa against Mr Gurudas Soiru Toraskar.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 20/04/2016 from Lavu Toraskar, regarding illegal construction of a structure and errection of poles at Vaddy Candolim in the property bearing survey No. 125/1 at Vaddy, Candolim, Bardez, Goa against Mr Gurudas Soiru Toraskar.

the site under reference was inspected by the Expert Member of the GCZMA on 28th September 2016and accordingly submitted report.

A show cause notice dated 28/02/2019 bearing no. GCZMA/N/ILLE-Compl/16-17/16/172 dated 25/04/2016:was issued to Mr Gurudas Soiru Toraskar.

The Respondent has filed his reply to the Show Cause Notice issued on 25/04/2016.
the Site inspection was carried out by the members along with the DSLR on the 08/04/2019.

During 238th GCZMA meeting held on 26/11/2020 The Complainant and the Respondent present in person. There is complaint and counter complaint by both Respondent and the Complainant. The Complainant and Respondent to collect the copies of complaint and counter complaint and inspection report of the expert member from the file and file their reply.

The Authority had decided to adjourned the matter for filing reply and counter reply if any 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 The matted is posted on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave..

The Ld Adv for the Complainant present and informed that the Directorate of Settlement and Land Records had carried the inspection on 02/12/2020 and the Copy of the inspection report is not furnished to him and as such he is not in position to file the reply and prayed for the time. The Ld Adv for the Respondent present and filed the reply.

The Authority after considering the request from the complainant decided to post the matter on 25/02/2021 at 3.30pm. . Due to paucity of time the matter is adjourned on 02/03/2021.

During the 252nd Meeting the authority adjourned the matter on 25/03/2021 at 3.30pm. Now the authority has decided to fresh hearing notices.

**Proceedings:** Adv For Complainant was present. Adv for Respondent present. Adv Noronha stated that in the 3rd para of the Personal hearing Notice dated 18/11/2020 it is stated that the Show Cause notice dated 28/02/2019 and 25/04/2016 was issued to Mr Gurudas Soiru Toraskar. He states that he has only received the SCN dated 25/04/2016 and to which he has already filed his written arguments. Adv Noronha further states that upon furnishing the Copy of the SCN dated 28/02/2019 he wishes to file his reply.

**Decision:**The Authority heard the parties and directed Adv Noronha to inspect the office file and obtain the required document from the concerned file. The Authority further clarifies that the date 28/02/2019 on the Personal Hearing Notice is erroneously figuring

and states that only one SCN was issued dated 25/04/2016. The matter is now posted on 22/07/2021 at 3.30 p.m. for any further clarification.

**Case No 1.9**

**To decide on complaint letter dated 27/03/2019 from Shanil Toraskar and Mr. Vishant Toraskar and a Complaint letter dated 04/05/2016 from Mr Gurudas Toraskar, regarding illegal construction of a restaurant (Ground Floor) and apartment (First and Second Floor) in Sy. No. 127/3 at Vaddy, Candolim, Bardez, Goa carried out by Mr Lavu Toraskar.**

**Background:** the Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 27/03/2019 from Shanil Toraskar and Mr. Vishant Toraskar and a Complaint letter dated 04/05/2016 from Mr Gurudas Toraskar, regarding illegal construction of a restaurant (Ground Floor) and apartment (First and Second Floor) in Sy. No. 127/3 at Vaddy, Candolim, Bardez, Goa carried out by Mr Lavu Toraskar.

The site under reference was inspected by the Expert Member of the GCZMA on 28th September 2016and accordingly submitted report.

A show cause notice dated 28/02/2019 bearing no. GCZMA/N/ILLE-Compl/16-17/21/460 dated 17/05/2016 was issued to Mr. Lavu Toraskar.

The Respondent has not filed any reply to the Show Cause Notice issued on 17/05/2016.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present in person. There is complaint and counter complaint by both Respondent and the Complainant. The Complainant and Respondent to collect the copies of complaint and counter complaint and inspection report of the expert member from the file and file their reply.

The Authority had decided to adjourned the matter for filing reply and counter reply if any 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave..

The Ld Adv for the Respondent present and informed that the Directorate of Settlement and Land Records had carried the inspection on 02/12/2020 and the Copy of the inspection report is not furnished to him and as such he is not in position to file the reply and prayed for the time. The Ld Adv for the Complainant present.

The Authority after considering the request from the complainant decided to post the matter on 25/02/2021 at 3.30pm. . Due to paucity of time the matter is adjourned on 02/03/2021.

During the 252nd Meeting the Authority adjourned the matter on 25/03/2021 at 3.30pm. Now the authority has decided to fresh hearing notices.

**Proceedings:**Adv For Complainant was present. Adv for Respondent present. Adv for the Complainant present and filed his Additional Written Synopsis along with documents.

**Decision:**The Authority has taken on record the Additional Written Synopsis of the Complainant. The matter stands posted to 22/07/2021 at 3.30 p.m.

**Case No1.10**

**To decide on complaint from Nilkanth R Halarnkar, MLA Tivim Constituency and to a complaint letter from the members of Village Panchayat of Tivim pertaining to huge illegal construction**

**Background:** the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a note dated 10/03/2021 and inwarded in the office of the GCZMA on the 10/03/2021; from Nilkanth R Halarnkar, MLA Tivim Constituency bearing ref No TH/ML/39/2021 dated 10/03/2021 with regards to a complaint letter from the members of Village Panchayat of Tivim stating that Mr Michael Fernandes (Panch Member of Ward No. 2 in V.P.Tivim) has carried out huge illegal construction at Paina Vaddo, in Tivim in Sy No. 560/3 which has resulted in mass violation of Communudade Land and further blocked the path of farmers preventing their entry to the appx 10,000 sq mts of agricultural field; he has also illegally encroached the public road near MOORAR bridge by constructing a laterite stone boundary adjacent to rivulet and damaging paddy fields.

**Proceedings:**Adv Nihal Vernekar appeared for the Complainant. Adv Sanesh Parab appeared for the Respondent and filed his reply to the Show Cause Notice. Adv for Complainant stated that the area in dispute falls in CRZ III area. He states that the Respondent has destroyed the mangrove. He further states that the Respondent has not taken any permission from any concerned Authority. The Adv for the Complainant requested for a Site Inspection to be carried out so as to verify the illegalities on site. The Respondent denied the contentions of the Complainant. The Respondent stated that he has not carried out any new construction, and that the area does not fall in CRZ area

**Decision:**The Authority decided to carry out a Site Inspection by Expert Members along with the DSLR representative. The Authority also directed the Respondent to provide a soft copy of the reply via email to the complainant. Fresh Notices to be issued to parties once report is received.

Case No1.11

**NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.**

**Background:** The Office of the GCZMA is in receipt of an application dated 23/02/2021 from B.K. Satish, Goan Hotels and Realty Private Limited, Regd Office: DB House, Gen.A.K. Vaidya Marg, Goregaon (East), Mumbai 400063 regarding NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.

Observations:

1. Mr. B.K. Satish had applied for permission for relocation of open space in the non-Development Zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.
2. The site has is already developed as per the plan approved by Town and Country Department(copy of the plan attached)
3. The project had received CRZ clearance vide letter number ---dated ----. This CRZ approval was based on 50 meter NDZ line. The plan with existing structures and NDZ line is attached. However while inspecting these structures with reference to the approved CRZ Plan are not verified.
4. Total plot open space indicated in the earlier approved plan (marked in blue color) in attached plan is 12280 sq. meter. This area is utilized as gardening and water body.
5. Proposed area for relocation is utilized as garden and landscaping is within 50 meters of NDZ line is 12280 sq. meters. This area is marked in green color in attached plan.
6. CRZ notification permits the garden, park, rain water harvesting structure etc. within NDZ of CRZ. Therefore shifting of open space from the existing location to the proposed location will not have any adverse impact on overall Environment Management of the site.
7. This proposal should be treated as standalone for shifting the open space and not new GCZMA approved for the entire project.

   Authority may deliberate & decide.

The Authority during 257th GCZMA meeting held on 27/05/2021 after detailed discussion decided to call the parties for personal hearing before the Authority prior to take any decision in the matter.

Proceeding at the 260th Meeting: Adv. Jitendra Superkar appeared for applicant along with Mr. B.K. Satish. Adv stated that the application is only for relocation of open space

beyond NDZ area. The said activity is permissible under CRZ norms and requested to grant the permission for said activity. The applicant had approached this Authority based on directions of the TCP to seek the permission. He further stated that area is falling under CRZ-III and same is permissible activity.

Decision at the 260th Meeting: The Authority heard the matter and directed the applicant to produce further documents like letter from the TCP, and any further supporting documents etc.

**Proceedings:** Adv. Jitendra Supekar appeared for applicant along with Mr. B.K. Satish. Advocate for the applicant submitted fresh documents such as Sanad, Letter from TCP, Form I & XIV.

**Decision:** The Authority heard the advocate on behalf of applicant and considered the documents on record. The authority noted that present case the Office of Town and Country Planning Department, Panaji-Goa had vide letter bearing no. DE/5453/Bam/TCP-2021/366 dated 24/02/2021 had interalia directed the applicant to obtain a N.O.C from this office from CRZ point of view.

The Authority looked into the matter and decided to seek additional information from the applicant:-

i. Copy of approved plan for the subject matter under application along with statement showing the ownership of the subject matter.
ii. A statement showing whether the subject matter under consideration has been affected by any order passed by any Competent Court/Tribunal.

**Case No1.12**

**To decide on complaint letter 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa. *(High Court Matter)***

Background :WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa. Subsequently, on 04/10/2018 the Complainant filed another application correcting the Survey No. from 136 to survey number 146.

The Authority issued an order of demolition bearing ref no. GCZMA/N/ILLE-COMPL/18-19/91/1901 dated 10/12/2019 was issued against the Respondent M/s SHREM RESORTS Pvt Ltd. by GCZMA.

A Petition was filed before Hon'ble High Court of Bombay at Goa by Roshan Mathias &anr. Wherein the Hon'ble High Court of Bombay at Goa passed an order dated 18/12/2019. stating as follows:-

*"…… Accordingly, liberty is granted to the Petitioners to make fresh complaints to the GCZMA and the GCZMA is directed to dispose of such complaints within three months from the date of receipt of such complaints. The GCZMA, no doubt, will afford an opportunity of hearing to both, the Petitioners, as well as Respondent No.7 and decide these complaints in accordance with law and on their own merits……".*

In this regard, the Complainants Mr Roshan Mathias and the Goa Foundation has filed their Complaint along with Annexures to the GCZMA on 27/01/2020.

**Proceedings:** The Complainant Mr Claude Alvares Present, the Complainant Mr Roshan Mathias present, Adv Shivan Dessai present for the Respondent. The complainant stated that the place in dispute is not sealed as on date. The Respondent is still operating the violated structure. Adv for Respondent prayed for time to file reply

**Decision:** The Authority considered the request of the Respondent and posted the matter on 24/06/2021at 3.30p.m.. The Authority directed the Respondent to furnish the copy of the reply to both the Complainants by email and hard copy.

**Case No. 1.13**

**To decide on illegal running of beach resort in Vagator beach renamed "Sunburn beach" by hotelier in syno.213/18 of Ozran, Vagator, Bardez-Goa.** ***(High Court Matter)***

**Background:** A news article appeared in "O Heraldo" dated 07/12/2020 interalia stating "Anjuna locals angry as Vagator beach renamed Suburn beach by hotelier in syno.213/18 of Ozran, Vagator, Bardez-Goa.

The site in question was inspected by Expert member GCZMA along with Field Surveyor of GCZMA. The said Expert Member of GCZMA and officials has submitted a report interalia stating the construction has been carried out in violation of CRZ Notification and without any permission from authority. The Expert Member of GCZMA in the said

report has recommended as follows: a). *Considering the extent of illegality committed without obtaining necessary permissions, the authority may with immediate effect issue a complete stop work order, levy fine under polluter pay principle and conduct further inquiry as per law. b) the structure is massive in nature. A detailed mapping by the office of DSLR should be carried in respect of Survey number 213//17 and 18 of Anjuna village of bardez Taluka. This should include, calculation of floor-wise area and its utility".*

GCZMA had issued show cause notice cum stop work order and order to seal the hotel premises.

The said matter was placed for personal hearing to the party in its 242nd meeting held on 07/01/2021 and it is decided that the premises be sealed once again by 08/01/2021 and the direction be issued to the Deputy Collector & SDO Mapusa. Further the authority directed the parties to stop all the commercial activities and decided to call the parties for hearing on 14/01/2021.During 243rd GCZMA meeting held on14/01/2021 Adv Shivan Dessai appeared on behalf of respondent. The Authority directed parties to file reply by 21/01/2020 and also directed to remain present for hearing on 21/01/2021. However the meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021 The Ld Adv for the Respondent present and prayed for four weeks time to submit the demolition plan to this authority, The Authority directed the Respondent to submit the action plan for demolition by 04/02/2021 at 3.30 pm. During 246th GCZMA meeting held on 04/02/2021 Ld Adv appeared for respondent and prayed for time on the ground that Adv Shivan Desai is unable to appear for the said hearing as he was suffering from COVID 19. The authority decided to grant opportunity to the respondent and posted matter on 11/02/2021 at 3.30 pm.

During 248th GCZMA meeting held on 11/02/2021Adv. Shivan Dessai appeared on behalf of respondent and sought additional time to file compliance report.

The Authority decided to grant last and final opportunity to the Respondent to file action plan to demolish the structures and directed Respondent to remain present for hearing on 25/02/2021 at 3.30 pm. . Due to paucity of time the matter is adjourned on 02/03/2021.

The Authority in its 252nd Meeting decided that the Authority after hearing the Respondent came to conclusion that the Respondent are not entitle for the benefits of the said Office Memorandum as the inspection already done in the present matter and the inspection report is already on record. As such Authority rejected the request of the Respondent as the directions issued by Ministry is much beyond the scope.

The Respondent Den Liquor LLP & Ors filed a **Writ Petition (filing No 1065/2021)** before the Hon'ble Single Bench of the Hon'ble High Court of Bombay at Goa. The Hon'ble High Court on 02nd June 2021 decided that, " **O R D E R** :

i) *The impugned order of the Goa Coastal Zone Management Authority dated 2/3/2021 passed in its 252nd Meeting is quashed and set aside. The petitioner's case for benefit under the Office Memorandum dated 19/2/2021, issued by the Government of India, Ministry of Environment, Forest and Climate Change, is remitted to the Goa Coastal Zone Management Authority for a fresh hearing and decision according to law;*

ii) *ii) The Goa Coastal Zone Management Authority shall hear the petitioner, allow production of documents and particulars as desired by the latter;*

iii) *iii) The Goa Coastal Zone Management Authority shall pass appropriate orders in the petitioner's case as expeditiously as possible and preferably within a period of three months from today; 3 WP 1065 2021*

iv) *iv)All rights and contentions of the parties on merits of the case, are kept open, to be decided by the Goa Coastal Zone Management Authority;*

v) *v) The Writ Petition is disposed of in the above terms; and*

vi) *vi) No order as to costs"*

Subsequently the same Office Memorandum dated 19/2/2021 issued by the Government of India, Ministry of Environment, Forest and Climate Change is also under challenge before the Hon'ble High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction in **Public Interest Litigation (L.) No. 8540 of 2021** wherein the Hon'ble High Court on 07th May 2021 has decided that, *"..... we restrain the Respondents from granting any permission/clearance on the basis of the Office Memorandum under Challange till 31st August 2021 or until further orders, whichever is earlier....."*

Matter is posted for filing reply and affidavit on the 21/06/2021 and rejoinder affidavit on 29/06/2021.The PIL Petition is listed for final hearing on the 30/06/2021

**Proceedings:** Adv Shivan appeared for the Respondent. The Respondent files an application for desealing the property in the presence of Expert Members to carry and inspect the property to verify the damage caused due to rain and cyclone and to take precautionary measures. The Property be allowed to open for 15 days. He further submitted that the application for regularization of the structure is to be kept on hold in view of the Order dated 07/05/2021 passed by the Double Bench of Bombay High Court at Mumbai.

**Decision:** During the course of finalisation of Meeting Minutes, it has come to the notice of the Authority that vide order dated 23rd June, 2021, Hon'ble High Court of Bombay at Goa in C.A. (Review) No 1313 of 2021 in W.P. 1065 of 2021 has reviewed and recalled the order dated 02/06/2021. Hence, the application under consideration is not accepted at this stage.

**Case 1.14**

**To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. (*High Court Matter)***

**Background:** That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

*"IV. FINDINGS AND RECOMMENDATIONS.*

*8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.*

*9. However, since respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry."*

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021observed as follows:-

*" 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.*

*6. Until such action is concluded the statement on behalf of respondent No.7 that no further construction will be undertaken will stand. In fact we direct the respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat."*

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

**Proceedings:** Complainant present in person. Respondent represented by Advocate Sapresh Devidas .The advocate for respondent sought time to filed reply to show cause notice issued by authority. The Complainant object to granting further time in the matter being a directional matter and report of Expert members of GCZMA clearly indicated that the structures in question are in violation of CRZ Notification.

**Decision:** The authority decided to grant to time to the respondent to file reply as last and final opportunity. The matter is posted for further hearing on 24/06/2021 at 3.30 p.m.

**Case 1.15**

**To decide the revision petition filed by Mr. Pratap P. Naik Goankar and others against order dated 11/03/2021 passed by GCZMA. *(High Court Matter)***

**Background:** Thatthe office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 11/03/2021 directing demolition of compound wall in Sy. No.103/10 village Nagorcem Palolem constructed by Mr.Pratap P. Naik Goankar and others in violation CRZ notification.

That the respondent violator has filed a revision petition against order dated 11/03/2021 passed by GCZMA.

**Proceedings:** The Applicant represented by Adv.S Pereira.The respondent is represented by Adv. Parag Rao.

The advocate for applicant submitted that she has filed the application seeking revision on various grounds set out in the application. The applicant placed reliance on two judgements Sayed Muzaffar Ali v/s Municipal Corporation of Delhi and Joao Pereira v/s M/s Devyani International Pvt Ltd in support of her case. The applicant submitted that there was violation of principles of Natural Justice.

The advocate for respondent submitted that such application is not maintainable an barred by law. There is no provision under law for revision of decision/order of GCZMA.

**Decision:** The authority perused the application and grounds sought therein. The authority also noted that prayers arrayed therein. The application is filed against order dated 11/03/2021 issued by authority. The authority noted that application filed by the respondent violator is styled seeking revision. Furthermore relief sought by the applicant (original violator) are in the nature of quashing the said order. The authority perused the judgements relied upon and noted that the same cannot be squarely applicable in the present case. The authority noted that there is no violation of principles of Natural Justice and no ground has been set out for review. The applicant was given sufficient opportunity and time to present his case. The authority in view of the above decided to dismiss the said application.

**Case No. 1.16**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

TheGCZMA is in receipt of report from the chairman DLC. South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meetingheld on18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted thatduring 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq. mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

The Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira,*

*since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing.

**Proceedings:** advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

**Decision:** The Authority decided to post the matter for further hearing on 24/06/2021.

**Item No.2**

**Case No.2.1**

**NOC for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency".**

**Background:**

The Office of the GCZMA is in receipt of an application dated 23/10/2020 from Assistant Engineer, Office of the Assistant Engineer, Sub Division I, Work Division-II, Minor Irrigation Complex, Water Resource Department, Aquem-Baixo, Rawanfond, Salcete-Goa with regard to NOC for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency".

**Site Inspection Report:**

The site was inspected by Flaviano Miranda, Expert Member (GCZMA), Ashank M. N. Gaunkar Junior Engineer (WRD), Elvino Furtado(WRD) & Devendra Gaonkar, Field Surveyor (GCZMA).

The site was inspected in the presence of above officials & villagers for carrying out the work of "Construction/Extension of protection wall in Pedda Dumottem at Varca Beach in Benaulim Constituency". It involves diversion of Nala water to the Arabian Sea. Detail drawing of the concrete protection wall are not found enclosed submitted for obtaining NOC by WRD. It is learnt that the proposal of diverting water in the sea through the alignment between two separate sand dune.

The applicant decided to submit the detail drawing & relevant documents of the proposal.

The said matter was discussed and deliberated in 257th GCZMA Meeting held on 27/05/2021 where the Project proponent was asked to submit the detailed drawings & relevant documents.

Now the project proponent has submitted the revised plan/drawings dated 09/06/2021.

Decision taken in the : The Authority after detailed discussion decided to defer the matter for next meeting on 17/06/2012 at 3.30 pm.

**Proceedings:** WRD representative present. Representative of the WRD stated that the existing nulla was constructed 15 years ago, during rains there is a huge flow of water and the collected water goes back into the sea. The proposal of the WRD is only to stream and enforce the natural flow. The WRD stated that there is no sand dunes in that area.

**Decision :** The Authority heard the parties the Expert Member states that there is a primary sand dune in that area. The Authority directed the WRD to verify if there is any sand dune mentioned on the NCSCM report. The Expert Members Mr Flaviano Miranda and Mr Sujeetkumar Dongre to inspect the Site once again before granting of any permission / NOC to WRD.

**Meeting ended with a thanks to the Chair**

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF THE 262nd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 24/06/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VC.**

The 262nd Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 24/06/2021 at 3.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 24/06/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Department of Tourism, Panaji, Goa (online).
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from Adv H.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr Advino Fernandes, Mr. Mahabaleshwar Mayekar alleging that there is illegal construction carried out in Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the Respondent stated that the Respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter

commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the Respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of Respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of Respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm.

**Proceeding:** Matter was called out through VC, Adv H.D. Naik present for the Complainant. Adv Godhino present for the Respondent. Advocate for the other Respondent submitted that Adv.Shivan Dessai is before the Hon'ble High Court and matter may be called out at the end of the board. Matter was called at the end of the board. Advocate for Complainant sought for time to argue the matter.

**Decision;** The Authority after hearing the parties and in the interest of principle of Natural Justice decided to grant time and posted the matter for arguments on 01/07/2021 at 3.30 p.m.

**Case No.1.2**

**To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. (*High Court Matter)***

**Background:** That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

***"IV. FINDINGS AND RECOMMENDATIONS.***

*8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.*

*9. However, since Respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry."*

The above findings and recommendations depict violation of CRZ norms and regulations.

**That** the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021observed as follows:-

*" 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The*

*authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.*

*6. Until such action is concluded the statement on behalf of Respondent No.7 that no further construction will be undertaken will stand. In fact we direct the Respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat."*

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to Respondent and posted the matter on 24/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

**Proceeding:** Matter was called out through VC, Complainant Mr. Ronald Pinto appeared in person, Adv Balkrishna Sardessai appeared on behalf of the Respondent. Advocate for the Respondent submitted that he wishes to bring the new facts on record regarding the structure is in existence prior to the 1991. The Respondent submitted that reply has been filed along with documents. Complainant Mr. Ronald Pinto objected stating that he has not been served the copy of the reply and the Respondent is trying to delay the matter. Further Mr Pinto objected for grant of time on the ground that matter has time bound directions issued Hon'ble High Court. The Complainant submitted that the structure is wholly new construction and illegal and violative of CRZ notification. Advocate for Respondent submitted that a copy of the reply couldn't be served on the Complainant. The Advocate for Respondent submitted that a copy of the reply will filed in the office of the GCZMA and the same could be collected by the Complainant. Complainant agreed to collect the same and requested for the early date in the matter.

**Decision;** The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for arguments.

**Case No. 1.3**

**To discuss and decide on Illegal Construction, Renovation and Repair Undertaken by West Zone Hotel in Sy.No. 54/5 on Sand Dune between 200-500m of HTL in Colva, Salcete, Goa. (High Court matter)**

**Background**

The Colva Civic and Consumer Forum submitted a complaint letter dated 09/10/2018 to GCZMA alleging illegal re-construction, renovation and repair undertaken by West Zone Hotel in Sy. No. 54/5 on a sand dune. So, a site inspection was fixed to see the site, verify its CRZ zoning, the construction carried out by the alleged violator and the documents.

upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/18-19/58/1445 dated 07/11/2018 carried out a site Inspection on 23/11/2018.

in the said Site Inspection of the Expert Member dated 23/11/2018 the Expert Member stated that *"(i)... .....The Hotel West Zone constructed at site is having 05 units which are G+2 structures, with an elongated shade thereafter, followed by a raised platform with a swimming pool having another smaller shade at the northern edge of the swimming pool.(ii)The full plot area is covered with fencing and the construction of the first G+2 unit closer to the road lying towards south side of the plot is still in progress. (iii) The full plot is lying beyond 200m from the HTL of the Sea at Colva.(iv) the structures constructed at site are G+2 structures, which are not permissible within 200-500m of CRZ III area, and therefore it is a CRZ violation. Besides this, there are two other shades constructed with a large raised platform beyond to accommodate a swimming pool... ....."*

the said email/complaint letter dated 09/10/2018 from Colva Civic and Consumer Forum, Goa and report dated 23/11/2018 from the Member of the GCZMA, was placed for discussion and deliberation in the 195$^{th}$held on 20/03/2019. In the said meeting held on195$^{th}$ GCZMA meeting held on20/03/2019, it was decided as follows*"The Authority took note of the observations made in the report submitted by Expert Members of GCZMA and decided to issue show cause notice to West Zone Hotel in Sy. No. 54/5, Colva village".*

The GCZMA issued a Show Cause Notice bearing No.GCZMA/S/ILLE-COMPL/18-19/58/346 dated 07/05/2019; the Respondent did not file his reply to the Show Cause Notice dated 07/05/2019.

The matter placed for hearing during 233$^{rd}$ GCZMA meeting held on 29/10/2020. Counsel for the Respondent Adv Reshma Prabhu is present who states that the name of the Hotel is no longer West Zone but Salcete Beach Resort. She stated that the contents

of neither the complaints nor any documents were made available to her as regards to violations complained of by the Complainant. The Complainant is present today who stated that the Respondent has carried out illegal construction/renovation by restoring sand dunes and prayed for stringent action.

The Authority observed that the Respondent has not filed any reply despite of serving the SCN. However, in the interest of justice 2 weeks time is given to file reply failing which matter will be decided on merits as per facts on record. The Complaint filed by the MLA of Benaulim Consistency be also linked to the current proceedings. Posted on 19/11/2020 at 3.30p.m

Complainant Judith Almeida was present in person. Adv. Shivan Dessai appeared on behalf of respondent. Respondent filed written submissions and sought a copy of plan prepared pursuant to inspection and inspection report.

The Authority considered the request made by the Respondent and directed to collect the inspection report and other necessary documents from the office of GCZMA before next hearing and decided to call both the parties on 10/12/2020 @ 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting held on 10/12/2020 the Complainant present in person and filed reply, copy is given to Respondent. The Ld. Adv Shivan Desai for Respondent present and filed the reply and copy is given to Complainant.

The Authority directed the Complainant to collect the copy of inspection report from the file and file counter reply if any on the next date of hearing on 14/01/2021 at 3.30pm.

Complainant Judith Almeida present in person. Adv Shivan Dessai appeared on behalf of respondent.

After hearing both the parties, the Authority noted that the said property is also subject matter of complaint by Shri. Churchill Alemao Hon'ble MLA organised in File no. GCZMA/S/ILLE-Compl/19-20/42 wherein survey by DSLR has been conducted and report of Expert Member is awaited. The Authority accordingly adjourned the matter to 25/02/2021 at 3.30pm for further arguments.

During 251 meeting held on 25/02/2021 The complainant Mrs. Judith Almeida present in person and filed written arguments. Ld Adv Shivan Desai for the Respondent present and prayed for time to file written arguments. The Authority after hearing kept the matter on 11/03/2021 at 3.30pm for filing written arguments from the Respondent.

The Authority after hearing kept the matter on 11/03/2021 at 3.30pm for filing written arguments from the Respondent. The Authority posted the said matter to 25/03/2021. The

Authority during 255th meeting held on 25/03/2021 decided to adjourned the hearing. Now the Authority decided to issue fresh hearing notices to both the parties.

**Proceeding:** Matter was called out through VC, Complainant Judith Almeida appeared in person. Adv Shivan Dessai appeared on behalf of Respondent. Complainant submitted that the copy of the written submissions are filed in the office of GCZMA on 25/2/2021 and the same has been served on the Respondent.

Further, Advocate for the Respondent submitted that he has filed his reply on 10/12/2021 and relied upon the same. Advocate for the Respondent further highlighted relevant paragraphs of his reply. The Advocate for Respondent stated that the relevant documents have been produced before the authority along with the reply. The Advocate for respondent submitted that the structure in question are all G+1(ground plus one) and not G+2 (ground plus two) as canvassed by the Complainant. The Advocate for Respondent submitted that structure is covered with roofing only to prevent rain water sepage and harsh weather and stated that the distance between the floor and the sloping roof is at a height of 3 mts. He further stated that the covered area is not habitable and is open on all sides; hence not a violation. Further Advocate for the Respondent highlighted about the report dated 04/12/2020 prepared by one Engineer Mr Keni; and not a govt approved Engineer/DSLR.

Advocate for Respondent submitted that as far as the pavers, fountains, STP are concerned the same are permissible in No Development Zone interms of CRZ Notification 2011. He further stated that the shower room and Generator shed is only for utility and the same may be considered The Advocate for Respondent further submitted that landscaping is a permissible activity interms of CRZ Notification 2011. The Advocate for Respondent submitted that there are no documents on record to show that area is a sand dune.

The Complainant Mrs.Judith Almeida rebutted stating that Advocate for the Respondent is misleading this Authority on various counts by submitting incomplete facts. The Complainant submitted that structures were completely reconstructed without any permission. The Complainant stated that First floor is illegal. The Complainant submitted that initial plans were approved for ground floor and for 5 structures. The presence of sand dunes can be seen in GSCCE permission itself and project proponent was directed not to disturb the same. The Complainant also submitted that she has produced all the relevant documents along with her written arguments dated 25/2/2021. The Complainant submitted that complete reconstruction was done in the year 2018. The swimming pool is illegal structure. The Complainant pointed out to relevant provisions of CRZ Notification which prohibits dressing/altering hills and sand dunes is prohibited. The Complainant. pointed out that no plans has been produced by the Respondent as to show what

permissions has been sought and further submitted that the Respondent has done construction of beyond permissible height and there are more structures in the property bearing sy no 54/5 adjoining to the swimming pool. The Complainant stated that permission granted for only ground floor structure. In an application filed for setting up restaurant the approval the restaurant permission was cancelled.

The Advocate for Respondent submitted that sand dune has not been mapped and or recorded in any document. The occupancy is granted in the year 2000 and the same is final approval and same cannot be relooked / reconsidered.

The Complainant at this juncture submitted that coastal village Panchayats are the real culprits for granting licenses in CRZ area.

**Decision:** The Authority after hearing the parties at length, decided to keep the matter for orders.

**Case no. 1.4**

**To decide on complaint dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction of 2 new structures were coming up within 100 my of HTL, in Sy No. 370/1 and 371/1 of Benaulim Village carried out by M/s Pereira Holdings Pvt Ltd.. (High Court matter)**

**Background:** The Office of the GCZMA has received email /complaint letter dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction of 2 new structures were coming up within 100 my of HTL, in Sy No. 370/1 and 371/1 of Benaulim Village carried out by M/s Pereira Holdings Pvt Ltd., within 0-200 mts of HTL in BenaulimSalcete.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/18-19/60/1447 dated 07/11/2018 carried out a site Inspection on 23/11/2018.

In the said Site Inspection of the Expert Member dated 23/11/2018 the Expert Member stated that *"(i)... .....there are 04 nos of structures lying within 0-200m from the HTL of the sea, is an NDZ area of Benaulim village.(ii) Of the 04 structures, the central bigger structure-Villa is completely lying on a sand dune.So also, the Outhouse existing towards the seaward side is also lying on the sand dune.(iii)It is not known whether the structures are new ones or they are old ones under repair...(iv) the filling done in the drainage area (also an NDZ area), the constructions of concrete platforms done for installation of Transformer and two Compressors of ACs as well as the Septic Tank constructed without the permission from GCZMA becomes a violation of CRZ regulation..."*.

The matter was placed in the 190th GCZMA Meeting held on 18/12/2018, the Authority decided that "*The Authority perused the complaint and the site inspection report by the Expert member. Accordingly the Authority decided to issue a Show Cause Notice to the Respondent as no repair/renovation or construction of structures and the land filling is permissible within 200m (NDZ area) of CRZ III area without proper permission from GCZMA*".

The GCZMA issued a Show Cause Notice bearing No,GCZMA/S/ILLE-COMPL/18-19/60/4073 dated 05/03/2019; the Respondent collected the notice on the 23/11/2018; however the Respondent did file his reply to the Show Cause Notice dated 05/03/2019.

the Office of the GCZMA has received email /complaint letter dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction on the Sand Dunes, thereby causing destruction/flattened/sand dunes, extending the structures on the northern side on the same dune, in Survey No. 54/5, within 200-500 mts of HTL in Colva Salcete.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Complainant present in person. None present for the Respondent. The Authority decided to issue fresh notice to the Respondent by posting the matter on 19/11/2020 at 3.30p.m.

Complainant Judith Almeida was present in person. None appeared on behalf of the

The Authority decided to issue fresh hearing notice to both the parties and decided to keep the matter for personal hearing on 10/12/2020 @ 3.30 pm onwards.

on 10/12/2020 in 239th meeting the Complainant present in person and the Representative of the Respondent present and stated that they had filed the reply along with all the documents on 10/12/2020.

As reply copy is not available in the file the Representative of the Respondent has been asked to furnish additional copy of reply dated 10/10/2020 to the office before the next date of hearing. The matter is fixed on 28/01/2021 at 3.30pm.

The complainant present in person and informed that the Respondent had cut the sand dunes and had violated the CRZ norms. One Mr. Mandrekar remained present for the Respondent but did not produce any authority letter to represent. The Representative said he had already filed the reply.

The Authority directed the representative to produce the authority for his appearance and also directed him to furnish the copy of the reply to the complainant. The matter adjourned to 25/02/2021 at 3.30pm.

During 251st meeting held on 25/02/2021 The Complainant remained present. None appeared for the Respondent.

The Authority directed the Expert Members to carry out the site inspection of the offending structures and on receipt of the report from the Expert Members, issue fresh notices for hearing on both the parties for personal hearing.

The site inspection was conducted by Expert Members (GCZMA) Shri. Savio Correia and Flaviano Miranda and submitted the report.

**Proceeding:** The matter was called out through VC , Complainant appeared in person, none appeared for the Respondent. The Complainant submitted that notice dated 22/4/2021 directs the DSLR to super impose the structures but due to the pandemic DSLR has not inspected the site.

**Decision:** The Authority after hearing the matter decided to issue separate notice to the DSLR for superimposing and to submit the report. The matter is now posted on 22nd July 2021 at 3.30p.m.

**Case No1.5**

**To decide on email Complaint from Colva Civic & Consumer Forum and Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.**

**Background:** The Office of the GCZMA is in receipt of email complaint letter dated11/01/2021 from Colva civic & consumer Forum and a letter from Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that Respondent has violated the approvals granted by this authority.

The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244th GCZMA meeting held on 25/01/2021. The complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021Complainant Judith Almeida appeared in person. Ld advocate appeared for Respondent and filed the reply copy of the same is given to the complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm.However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021The Complainant remained present and filed the written statement and also objection to the inspection report dated 02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The authority decided to issue fresh hearing notices.

Proceeding at the 260th Meeting: Adv. Shivan Dessai appeared for respondent. Complainant did not appear. However complainant sent email stating her unavailability to appear for the matter due to short notice.

Decision at the 260th Meeting: The authority after taking note of the email from the complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

**Proceeding:** The matter was called out through VC, Complainant Judith Almeida appeared in person, Adv Shivan Dessai appeared on behalf of the Respondent. The Complainant submitted that on 17/6/2021 the Respondent had filed their compliance report. That during the pendency of the hearing of the complaint on the same subject matter the Respondent has filed for revision of plan and the same has been approved by the Authority. The Complainant further submitted that the Respondent has dug the bore well on the sand dunes in NDZ and water is being pumped out using a water pump. Further the Complainant submits that the Respondent has dumped fresh mud in the No

Development Zone (NDZ). The Advocate for the Respondent submitted that the mud has been brought for the plantation purpose in the property which is permissible activity interms of CRZ Notification 2011.

Further, Advocate for Respondent submits that the bore well was constructed with the permission from water Resources Department (WRD) in the 1999 and same falls beyond No Development Zone. Advocate for Respondent also submitted that he has filed a detailed compliance interms of report of the Expert Member of GCZMA and has removed the violations. With regards fencing it was submitted by the Respondent that it is not removed as a measure only facilitate to bio fencing and the same to be removed once the bio fencing is stable. The Advocate for the Respondent prayed that the Respondent be discharged from the proceedings.

The Complainant submitted that a fresh inspection has to be carried out to verify compliance. The Complainant submitted that a copy of the revised plan/permission must be provided to her. The Complainant reserved her right to file the reply once the fresh inspection is carried. The Borewell is illegal and will facilitate ingression of salt water and the water will be drawn using mechanical pump for commercial purposes which is prohibited.

**Decision:** The Authority after hearing both parties decided to carry out fresh inspection with respect to new plan submitted and compliance to the observations made by Expert Members in their report dated 02/02/2021; and matter will be heard after issuing fresh hearing notice upon receipt of report.

**Case No1.6**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka. *(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

Vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall

appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the Respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the Respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

**Proceeding:** The matters were called out through VC, the Complainant Shri. Kashinath Shetye remained absent. Adv Shivan Desai for the Respondent present. Advocate for the Respondent submitted that the copy of the compliance report was shared to the Complainant via email. Advocate for Respondent submitted that an attempt was made to serve physical copies twice one at 9.00am and other at 2.00pm on the Complainant but failed to serve the physical copy as the office of the Complainant was closed.

**Decision:** The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for final arguments.

**Case No1.7**

**To decide on complaint letter 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa.** ***(High Court Matter)***

**Background :** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa. Subsequently, on 04/10/2018 the Complainant filed another application correcting the Survey No. from 136 to survey number 146.

The Authority issued an order of demolition bearing ref no. GCZMA/N/ILLE-COMPL/18-19/91/1901 dated 10/12/2019 was issued against the Respondent M/s SHREM RESORTS Pvt Ltd, by GCZMA.

A Petition was filed before Hon'ble High Court of Bombay at Goa by Roshan Mathias &anr. Wherein the Hon'ble High Court of Bombay at Goa passed an order dated 18/12/2019, stating as follows:-

*"…… Accordingly, liberty is granted to the Petitioners to make fresh complaints to the GCZMA and the GCZMA is directed to dispose of such complaints within three months from the date of receipt of such complaints. The GCZMA, no doubt, will afford an opportunity of hearing to both, the Petitioners, as well as Respondent No.7 and decide these complaints in accordance with law and on their own merits…… ."*.

In this regard, the Complainants Mr Roshan Mathias and the Goa Foundation has filed their Complaint along with Annexures to the GCZMA on 27/01/2020.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

**Proceeding**: The matter was called out through VC, Complainant Dr Claude Alvares and Roshan Mathias appeared in person, Adv Shivan Dessai appeared for the Respondent.

Advocate for the Respondent submitted that the reply has been inwarded in the office on GCZMA on 24/6/202. Further, Complainant Dr. C Alvares submitted that the Respondent was directed to serve the copy of the reply upon them within 24 hrs but the Respondent has failed to do the same. The Advocate for Respondent submitted that his clients were in Bombay as a result of which it was not possible to obtain their signatures on time so as to serve the copy upon the Complainant in advance. The Complainants submitted that the premises is used for commercial purpose and the same should be sealed as directed earlier.

**Decision:** The Authority heard parties and directed the Respondent to serve the copy of the reply on the Complainant on 25/06/2021. The Complainant is asked to file rejoinder to the reply if any upon the receipt of copy of the reply. The matter is now posted on 01/07/2021 for final arguments.

**Case 1.8**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed Respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the Respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed Respondent to file a reply to the show cause notice within a period of 15 days. However Respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the Respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq. mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the Respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq. mts to that as 60 sq mts . It thus decided to issue directions to the Respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

The Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained*

*present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal hearing.

**Proceeding:** The matter was called out through VC, Advocate Shweta Pereira appeared on behalf of Complainant and submitted that she has not received the copy of the reply and sought time to file rejoinder to the reply after receipt of the reply copy.

**Decision:** The Authority heard both the parties and decided to direct the Respondent to serve copy of the reply to the complainant. Further complainant was directed to file a rejoinder to the reply upon the receipt of the reply copy before the next date of hearing and copy of the rejoinder to be served upon the Respondent. The matter was posted on 01/07/2021 for further hearing.

**Case No1.9**

**To decide on a complaint from the Villagers of Vaddy, Candolim, Bardez Goa second complaint letter dated 18/03/2021 from the Residents of Candolim, through Mr. Monico Fernandes, with respect to Illegal construction of structures; illegal construction of Swimming pool with Deck, balance tank for swimming pool, sitting area partly G+1) Restaurant, steps infront of the Restaurant stage, washrooms with wash basin and laterite flooring in front, illegal construction is by using laterite stones by destroying the beach, sand dunes and beach vegetation in Sy No 124, situated at Vaddy Candolim; the Manager, Barrel Yan Tree Beach Club.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint from the Villagers of Vaddy, Candolim, Bardez Goa dated 03/03/2021 and inwarded in the office of the GCZMA on 02/03/021; and second complaint letter dated 18/03/2021 from the Residents of Candolim, through Mr. Monico Fernandes, r/o House no 849/6, Camotim Bardez Goa; with respect to Illegal construction of structures; illegal construction of Swimming pool with Deck, balance tank for swimming pool, sitting area partly G+1) Restaurant, steps infront of the Restaurant stage, washrooms with wash basin and laterite flooring in front, illegal construction is by using laterite stones by destroying the beach, sand dunes and beach vegetation in Sy No 124, situated at Vaddy Candolim; carried out by the Manager, Barrel Yan Tree Beach Club, Survey No 124, Vaddy Candolim Bardez Goa. This office has issued SCN to the violator.

During 260$^{th}$ meeting held on 10/06/2021. None present. The authority decided to issue fresh hearing notices on both parties to remain present before Authority on 24/06/2021 at 3.30 pm.

**Proceeding:** None present for the Complainant as well as the Respondent.

**Decision;** The Authority decided to issue fresh notices to all the concerned parties.

**Case No1.10**

**To decide on a complaint from Mr. Jack Fernades, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated 12/04/2021 from Mr. Jack Fernades, and was inwarded in the office of on the 12/04/2021, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia, resident of House no 7/59, Saunat vaddo. Calangute Bardez Goa. This office has issued SCN to the violator .

During 260th meeting held on 10/06/2021. The Authority after hearing both the parties decided to grant additional time of two weeks to file reply and matter is posted on 24/06/2021 at 3.30 pm.

**Proceeding:** The matter was taken through VC, Complainant was not present, Adv Pankaj Vernekar appeared on behalf of the Respondent and submitted that he has filed his preliminary reply. He further stated that he has GSCCE approval and need time to file detailed reply. The Respondent undertakes to furnish copy in advance to the Complainant. Hence seeks time to file additional reply.

**Decision**: The Authority heard the Respondent and, in view of Principle of Natural Justice granted time to file reply with a direction to serve the copy of the reply in advance. The matter is posted for hearing on 01/07/2021.

**Case No1.11**

**To decide on complaint Anna D'Souza, Anjuna Bardez Goa pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora.**

**Background:** this office is in receipt of a complaint letter dated 13/02/2021 from Anna D'Souza, Secretary St. Anthony's Church Vagator P.O. Anjuna Bardez Goa and was inwarded in the Office of the GCZMA on 15/02/2021; pertaining to the illegal construction of a House/Hotel/Building/Compound Wall is being carried out in Sy. No. 343/21-A, in the village of Anjuna-Vagator by Inder Singh Arora resident of House No 56, Sohna Road, Malibu Town, Gurgaon, Haryana 122 001 within 200 – 500 mts from HTL. This office has issued SCN to the violator. During 260th meeting held on 10/06/2021. None appeared the Authority decided to issue fresh hearing notice to the party.

Proceeding: The matter called through VC, Complainant absent, Advocate Nivas Bhivshet appeared on behalf of Respondent. The Respondent further submitted that an application has been filed before GCZMA for approval for Construction of Compound wall and the same is awaited.

**Decision;** The Authority heard the Respondent hence in view of principles of Natural justice decided to issue fresh notice to the Complainant. The matter was posted on 29/07/2021 for further hearing.

**Case No. 1.12**

**To decide on complaint from Villagers of Nuvem, Khola Canacona regarding illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (had received a complaint letter dated 11/11/2020 from Villagers of Nuvem, Khola Canacona, Goa and was inwarded in the office of GCZMA on the 12/11/2019, with respect to the illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/20-21/33/1071dated 20/11/2020 a site Inspection was carried out on 25/11/2020 at 11/30.a.m.

In the said Site Inspection of the Expert Member dated 25/11/2020 the Expert Member stated the illegalities carried out by the alleged violators.

The Complainants present in person. Ld Adv for the Respondent No.2 to 6 and sought the time to file reply. None remained present for the Respondent No.1.

The Authority decided to grant the time for the Respondents No. 2 to 6 to file reply. The Authority decided to issue fresh notice on the Respondent No.1. The matter is adjourned and fixed on 18/02/20121 at 3.30pm.

During 250$^{th}$ GCZMA meeting held on 23/02/2021. The Complainants present. Adv for Respondents No.2 to 6 present. The Respondents sought time to file their reply. The Authority noted that A.D Card by which notice is served on Respondent No.1 is received, hence it is clear that the Respondent No 1 was served, but failed to remain present.

The Authority directed to issue fresh notice to Respondent no 1. M/s V.S.Dempo. The matter is further posted on 11/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now Authority decided to issue fresh hearing notices to both the parties.

**Proceeding:** The matter called out through VC, Complainants remained absent. Adv Shivan Dessai appeared for the Respondent No.2 to 5 and sought time to file the reply. Respondent no.1 was absent.

**Decision;** The Authority heard the matter and decided to issue fresh notice upon the Complainant and respondent no.1. The respondent 2 to 5 waived notices. The matter was posted on 22/07/2021 for further hearing and reply.

**Case No. 1.13**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.
After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.
The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent Uday Vaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242nd meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021. Ld Adv for the Complainant and Ld Adv for the Respondent present. Ld Adv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021.Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

**Proceeding:** Adv. Kakodkar appeared for Complainant, Adv. A. Gosavi appeared on behalf of Respondent. Adv for the Complainant submitted that he has sent the copy of the reply through Email and seeks time to hand over the hard copy of the reply.

**Decision:** the Authority heard both the parties the Authority decides to post the matter on 01/07/2021at 3.30 pm.

**Case no. 1.14**

**To decide on complaint dated 09/11/2020 from Mr. Mabaleshwar Simepurushkar, with respect to Illegal construction of First floor in the property bearing survey no 209/5 of Calangute Village Bardez Goa carried out by Mr Vijay @Nilesh Govekar, resident of Khobra Vaddo, Calangute, Bardez Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 09/11/2020 from Mr. Mableshwar Simepurushkar, and was inwarded in the office of on the 09/11/2020, with respect to Illegal construction of First floor in the property bearing survey no 209/5 of Calangute Village Bardez Goa carried out by Mr Vijay @Nilesh Govekar, resident of Khobra Vaddo, Calangute, Bardez Goa.

During 238th GCZMA meeting The Complainant and the Respondent present and prayed for time. The Authority decided to grant the time and the matter stands adjourned on 17/12/2020 at 3.30pm.

The Complainant remained present and filed the reply. Ld Adv for the Respondent present and filed the reply and sought time to file additional reply along with documents as the offending structure falls beyond 500mts of HTL. He further said the Respondent had filed the complaint against the illegal structure carried by him and the action be taken on the said application.

The Authority after detailed discussion decided to post the matter on 28/01/2021 at 3.30pm for personal hearing. The Complaint by Mr. Vijay Govekar (Respondent) shall also be inquired into.

The Ld Adv for the Respondent present and prayed for time to file reply. The complainant present in person.

The Authority considered the request of the Ld Adv for the Respondent and adjourned the matter to 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021at 3.30 pm.

During 252nd GCZMA meeting held on 02/03/2021.Due to paucity of time the matter is posted 18/03/2021 at 3.30 pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

**Proceeding:** Complainant was not present. Respondent was also not present.

**Decision:** The Authority decided to issue fresh notices to both the parties. The matter is now posted on 22/07/2021at 3.30 pm.

**Case No. 1.15**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

**Background:**

the Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, Uttara Vaigankar, however, one of the Respondent filed his reply to the notice.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. Ld Adv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021at 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

**Proceeding:** Adv. Kakodkar appeared for Complainant, Adv. A Gosavi appeared on behalf of Respondent. Adv for the Complainant submitted that he has sent the copy of the reply through Email and seeks time to hand over the hard copy of the reply.

**Decision:** Heard both the parties, the Authority decides to keep the matter on 01/07/2021 at 3.30 pm.

**Case No. 1.16**

**To discuss deliberate and decide upon show cause notice issued to Royal Orchid Resort ,**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the

structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time. Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Shivan Dessai was present on behalf of Respondent and filed the reply on behalf of Respondent. He argued that the authorities had granted all the approvals in the year 2000 and the project is completed in the year 2005.The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

**Proceeding:** Matter was called out through VC, Complainant remained absent.

Adv Shivan Dessai was present on behalf of Respondent and submitted that a reply has been filed and requested to keep the present matter along with the other three matters for arguments as they involve similar issues and points of law.

**Decision:** The Authority after hearing the matter decided to keep on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Case No.1.17**

**To discuss deliberate and decide upon show cause notice issued to Kenilworth Resort.**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021. During 250th GCZMA meeting held on 18/02/2021Adv ShivanDessai was present on behalf of Respondent and filed the reply. Placed on record the approval granted in the year 1991. He argued that all approvals are prior to 1991 before the CRZ notification came into force.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

**Proceeding:** Matter was called out through VC, Complainant remained absent.

Adv Shivan Dessai was present on behalf of Respondent and submitted that a reply has been filed and requested to keep the present matter along with the other three matters for arguments as they involve similar issues and points of law.

**Decision:** The authority after matter decided to hear on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Case No.1.18**

**To discuss deliberate and decide upon show cause notice issued to Planet Hollywood Resort.**

**Background:** Goa ParyavaranSavrakshanSangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regardasite inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021 Adv Shivan Desai was present on behalf of Respondent and filed the reply.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

**Proceeding:** Matter was called out through VC, Complainant remained absent.

Adv Shivan Dessai was present on behalf of Respondent and submitted that a reply has been filed and requested to keep the present matter along with the other three matters for arguments as they involve similar issues and points of law.

**Decision:** The authority after matter decided to hear on 01/07/2021 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Case No.1.19**

**To discuss deliberate and decide upon show cause notice issued to M/s Park Hyatt Resort (ITC Hotel).**

**Background:** Goa ParyavaranSavrakshanSangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

None remained present for the Respondent However the Authority is in receipt of letter at the entry seeking time to file the reply.
Issue fresh notice of the Respondent to remain present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Talaulikar was present for Respondent. Adv for Respondent sought liberty to file interim reply today and final reply on the next date of hearing.

Authority heard the party and decided to give last opportunity to file reply to the Show Cause Notice. Matter is posted on 04/03/2021 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The

Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

**Proceeding:** The matter was called out through VC, Complainant remained absent.

Adv IK Bhushan along with Adv Preetam Talaulikar appeared for Respondent and highlighted the order dated 22/03/2021, passed by Hon'ble National Green Tribunal. Advocate for Respondent submitted they have filed reply and placed on record relevant approvals, plans, and minutes of the Authority.

**Decision:** The Authority after hearing the matter decided to keep the matter for further clarification. The matter was on posted on 01/07/2021 3.30 pm for clarification and further hearing.

**Case No.1.20**

**To decide on complaint from Green Space pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village.**

**Background:** A complaint letter dated 15/04/2021 from Green Space was inwarded in the Office of the GCZMA on 19/04/2021; pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village. This office has issued SCN to the violator .

Proceeding in 260th Meeting: A person named Wilbert appeared for complainant. None remained present for Respondent.

Decision in 260th Meeting: The Authority directed to issue fresh hearing notice on the respondent for appearances. Matter is posted to 24/06/2021 at 3.30 pm.

**Proceeding:** Matter called out through VC, Advocate Wilbert Noronha was present for the Complainant and submitted that notices issued to Respondent are unserved as the Respondent is not residing at the given address and hence sought time to furnish the fresh address of the Respondent..

**Decision:** The Authority heard the Ld. Adv for Complainant and time was granted to furnish the fresh address of the Respondent, matter posted on 01/07/2021 for appearance.

**Case No.1.21**

**To decide on complaint dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Consistency, with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa. (LAQ matter)**

**Background:** The Office of the GCZMA has received complaint letter dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Constituency, resident of Alemao Mansion, H. No. 150, Novan gully, Varca Salcette Goa with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193 dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint letter dated 27/09/2019 from Mr. Churchill Alemao and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. Ld Adv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

The Authority after hearing both the parties decided to grant additional time to respondent and the matter is further posted on 18/03/2021 at 3.30 pm. The Authority

postponed the said matter to 25/03/2021. Now the Authority decided to issue fresh hearing notices.

**Proceeding:** Adv Redkar appeared on behalf of the Complainant, Adv Parag Rao appeared on behalf of the Respondent, Adv for Complainant submitted that he has not received the copy of the reply and the Compliance report.

**Decision**: The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

**Case No.1.22**

**Letter /representation dated 25/06/2018 *(enclosing emails dated 18/06/2018 and 19/06/2018)* made by Judith Almeida to include additional survey nos. 567/29, Village Curtorim, Salcete, Goa in the order dated 15/06/2018 passed by GCZMA.**

**BACKGROUND:**

The Office of the GCZMA had received a complaint letter/representation dated 23/03/2016 from Mrs. Judith Almeida with regard to the alleged illegal construction and filling of water bodies in survey no. 567/29, 568/1,2 in the Curtorim village, Salcete, Goa by Mr. Armando Barreto. Further Mrs. Judith Almeida filed complaint letter dated 28/06/2016 interalia relying upon various documents in support of her allegations in the complaints. Further Mrs.Judith Almeida also submitted vide letter dated 07/02/2017 coloured goggle images of the year 2003, 2010 and 2015. Further Mrs.Judith Almeida also filed a complaint letter dated 20/03/2017 in respect of Survey no.569/0 with regard to two illegal structures.

A site inspection was carried out on 19/01/2017 by the Expert Member of GCZMA with regard complaints filed by Mrs. Judith Almeida which interlia recorded observations depicting violation of CRZ notification.

In the **173rd GCZMA meeting held on 24/04/2018** it was decided to conduct joint site inspection by Expert Member (GCZMA) along with officials from DSLR, Captain of Ports Department and Deputy Collector Margao on 27th April 2018 and the complainant. The said Joint site inspection report dated 27/04/2018 prepared by officials interalia recorded observations depicting violation of CRZ Notification.

The matter was placed in the **174th GCZMA meeting held on 08/05/2018** wherein it was decided as follows:-" *The Authority heard both the parties and after going through the review application and the documents annexed thereto and the written submissions made*

*by both the parties. The authority decided to uphold its earlier demolition order dated 07/04/2017 and reject the application dated 21/04/2017 filed by Mr. Armando Baretto. The Authority noted that even on the Plan submitted by the complainant vide email dated 5/02/2018 prepared by office of Superintendent of Survey and Land Records dated 29/11/2017 depicted large encroachment into the river Zuari. Further the authority after detailed discussion and due deliberation also noted that inspection report conducted by expert members of (GCZMA) along with the officials from the other Departments shows erection of structures in addition to the structure on survey plan and encroachment into the Zuari river and also reclamation of land without permission of Competent Authority. The authority therefore decided with regard to reclamation of land and restoration direct Directorate of Settlement and Land Records quantify the area of land filling and further direct the respondent to restore the land to its original."*

That vide letter /representation dated 2/06/2018 Mrs.Judith Almeida interalia requested inclusion of Survey no.567/29 in the directions dated 15/06/2018 issued by GCZMA. The complainant interalia stated that her original complaint included three Survey Numbers ie. 568/1, 2 and 567/29 and even the joint site inspection report dated 27/04/2018 have at point (ix) and (x) contain finding that there is filling done and structure in Syno.567/29 village Curtorim.

The matter was taken up for further hearing during the **179th GCZMA meeting held on 19/07/2018** wherein the authority has decided to issue a show cause notice to Mr. Armando Barreto in respect of illegalities in Syno.567/29, Village Curtorim, Salcete, Goa. Accordingly show cause notice bearing no. GCZMA/ S/ILLE/ COMPL/15-16/20/714 dated 24/07/2018 was issued to the violator. Mr. Armando Barreto filed a reply dated 07/08/2018 to the said show cause notice.

The said matter was taken up for hearing in the **182nd GCZMA meeting held on 28/08/2018** wherein it was decided as follows: **"***The Authority after hearing both the parties and considering the written and oral submissions made by both the parties decided to direct DSLR to conduct survey and superimpose the NDZ line on the Survey No. in question".*

In this regard site inspection and mapping was done by Expert Member GCZMA and DSLR.

The matter was taken up for hearing in the **237th GCZMA meeting held on 19/11/2020**. In the said meeting the complainant was present in person, Adv appeared on behalf of respondent. The both parties directed to collect the Expert report from the office of the

GCZMA. The complainant sought time to take the expert opinion and then file reply. The matter is posted for reply and arguments on 10/12/2020 at 3.30 pm.

The authority after considering the report of the Expert Member and after hearing the parties in its **239th meeting held on 10/12/2020** decided as follows "*The Authority decided to direct the DSLR, panaji to carry the inspection to quantify the encroachment done in the river and filing of the land. The report of the quantify the encroachment done in the river and filing of the land. Expert Member is to be shared with DSLR. The next date of hearing is 28/01/2021 at 3.30pm for report of DSLR.*"

The matter was taken for hearing in the **245th GCZMA meeting held on 28/01/2021**. The proceedings in the said meeting can be seen as follows: *"The Complainant Mrs Judith Almeida present in person. Ld Adv John Lobo appeared for the Respondent. This authority could not seek the report from the DSLR as directed in the last hearing". In the said meeting the Authority decided to call report from the Inspector, Settlement and Land Records, Margao in the said matter. The matter is adjourned and fixed on 25/02/2021 at 3.30pm.*

The matter was fixed for personal hearing in the **251st GCZMA meeting held on 25/02/2021.** The proceedings in the said meeting can be seen as follows: *"The Complainant present. Ld Adv for the Respondent present. The Report of ISLR is awaited. In the said meeting the Authority decided to issue fresh notices of hearing on the parties on receipt of the report from the ISLR, Margao."*

The authority is in receipt of a report from the Office of ISLR, Margao dated 23/03/2021.

The Authority decided to call report from the Inspector, Settlement and Land Records, Margao in the said matter. The matter is adjourned and fixed on 25/02/2021 at 3.30pm.

**Proceeding:** Complainant Mrs.Judith Almeida present, Adv John Lobo appeared on behalf of Respondent. The advocate for Respondent submitted that they have received the DSLR report and wished to file reply on the same. The Complainant requested for the advance copy of the additional reply. The Advocate for Respondent undertook to serve the copy of the reply in advance via post.

**Decision:-** The Authority heard both the parties, considering the plea to file additional reply of Respondent decided to adjourn the matter. The Authority directed the Respondent to serve the copy of the reply in advance. The matter is posted on 22/07/2021 for further hearing.

**Item No. 2 (Repair and Renovation)**

**Case No.2.1**

**NOC for temporary floating jetty to be named as (Panveli Floating Jetty) for berthing of yatches / boat / sail / personal watercraft (PWCs) and other small Crafts in river Mandovi abutting property bearing Survey No. 3 Sub. Div 1 of Village Panelim, Tiswadi-Goa.**

**Background:** The said proposal was approved in the 241st GCZMA Meeting held on 22/12/2020. Accordingly letter was communicated to Mrs. Vijay Shripad Naik, "Vijayshree" H. No. 111, St. Pedro, Old Goa, Panelim village, Tiswadi-Goa, vide this Office letter No. GCZMA/N/20-21/55/1551 dated 08/01/2021. Now, the letter dated 19/03/2021 was received from Mr. Yogesh Shripad Naik informing that Mrs. Vijaya Shripad Naik is expired on 11/01/2021 and he also requested to transfer the said NOC in the name of Mr. Yogesh Shripad Naik.

**Decision:** The Authority after detailed discussion decided to approve and to transfer the temporary Panveli Floating Jetty for berthing of yatches / boat / sail / personal watercraft (PWCs) and other small Crafts in river Mandovi abutting property bearing Survey No. 3 Sub. Div 1 of Village Panelim, Tiswadi-Goa from Mrs Vijaya Shripad Naik to in the name of Yogesh Shripad Naik.

**Case No.2.2**

**Permission for access road to proposed development on plat bearing Sy.No.59/3A village Calangute Taluka Barez-Goa.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 18/03/2021from Devashish Sehgal, Dhiraj Bakshi, Nicetel Electronic Private Limited, Aman Chouhan regards permission for access road to proposed development on plat bearing Sy.No.59/3A village Calangute Taluka Barez-Goa.

**Site inspection Report:** The said site was inspected by Mahesh Patil, Expert Member (GCZMA).

1. Applicant has a plot bearing Sy.No.59/3 in Calangute Village Bardez Taluka.
2. Copy of the plan showing 100.0 NDZ line is submitted.
3. Proponent has proposed residential complex in the plot beyond 100.0 meter NDZ line.
4. The access road from the proposed complex to the asphalted road passes through the 100.0 meter line.

5. Proponent has proposed 24.19 mt length and 11.0 meter width paver/laterite road, without using cement for loss and mobility, proposed road land is owned by the proponent.
6. All details of dimensions and route plan as demarcated an attached plan.

**Decision: The authority after detailed discussion directed the project proponent to furnish documents as follows:**

1. **Form I & XIV,**
2. **Document to prove whether the area is a paddy field.**
3. **Document to prove whether on the regional plan the plot is shown as settlement zone.**
4. **Minimum width required for access/road for a multi dwelling residential unit as per the TCP norms.**

**Case No.2.3**

**Proposed repair of existing retaining wall in Sy.No.245/1, 2 by Fomento Resorts and Hotels Limited, Cidade Goa damaged due to the "Tauktae" Cyclone.**

**Background:**

The Office of the GCZMA is in receipt of application dated 19/05/2021 from Fomento Resorts and Hotels Limited, Cidade de Goa, Vainguinim Beach, Goa with regards severe damage to the retaining wall and property in Sy.No.245/1, 2 due to cyclone "Tauktae". Require immediate repairs to restore the retaining wall so as to control more damages in the monsoon that is going to approach soon.

The said site was inspected by Mahesh Patil, Expert Member (GCZMA) & Devendra Gaonkar, Field Surveyor, GCZMA.

1. The proposed repair / renovation of existing retaining wall is located in survey number 245/1,2 in village Taleigao of Bardez Taluka.

2. The laterite retaining wall strengthen with cement pointing was existing for last many years. It was effectively controlling wave erosion.

3. During the last month Cyclone, retaining/erosion control wall is severely damaged due to sea waves. Many grown up trees have been uprooted (Photographs attached). This is the common phenomena, across the sea beach.

4. Monsoon and waves are further damaging the wall and leading to huge erosion and land slide.

5. Proponent has submitted the detail design, to use boulder and cement pointing, to strengthen the wall and to withstand the sea waves. It is recommended to use coir based geotextile to further reduce the wave impact as well to support the vegetation on the retention wall.

6. Existing retaining wall is made of laterite boulder/ laterite stones which has withstand for long period due to regular maintenance of bundh and proper drainage management.

7. Total length of the wall propose to be repaired is 163.57 meters. Details are marked in attached plan. Since retaining g wall is facing the sea directly, the construction/ repair be undertaken with the technical guidance from Water Resources Department.

**Recommendations**

Repair of the wall is most essential to control further damage to the property and soil erosion.

Permission may be granted to repair the retention / erosion control wall as per the design submitted, under the supervision of water Resource Department

**Decision: The Authority after detailed discussion decided to defer the matter to later date.**

**Case No.2.4**

**To decide on Note dated 18/06/2021 regarding appointment of standing council to represent GCZMA to defend its interest before Hon'ble High court of Bombay at Goa.**

**Background:** This office is in receipt of note dated 18/06/2021 from the office of Hon'ble Minister for Law & Judiciary, Environment & Climate Change & Non Conventional Sources of Energy, Secretariat, recommending Shri. Pavitran A.V as the standing counsel to represent for the Goa Coastal Zone Management authority (GCZMA) in the high Court . He is also functioning as the standing counsel for the GSPCB.

**Decision:** The Authority after detailed discussion and deliberation decided to appoint Shri. Pavitran A.V as the standing counsel to represent for the Goa Coastal Zone Management Authority (GCZMA) in Hon'ble High court of Bombay at Goa.

**Item No.3**

**DELIBERATION ON FURTHER ACTION ON THE OBJECTIONS AND SUGGESSTIONS RECEIVED FOR THE DRAFT CZMP, 2011.**

The Member Secretary explained to the members that the Authority has received ...number of objections and suggestions and ..... number of objections and suggestions for North Goa and South Goa respectively when notice for Public Hearing on March 7th was issued.

Broadly the objections and suggestions can be summarised as follows:-

1. Objection for non depiction of structures in the / Wrong depiction of structures
2. Objection for depiction of Port Limits.
3. Objection for wrong depiction of Khazans / non depiction of Khazan
4. Objection to the wrong / non depiction of sluice gates
5. Objection to the wrong/non depiction of Bunds
6. Objection to the wrong /non depiction of fishing zone
7. Objection to the wrong /non depiction of fish breeding areas.
8. Objection to the wrong/non depiction of fishing ward
9. Objection to the wrong /non depiction of fishing village boundary
10. Objection regarding the wrong depiction of High tide Line
11. Objection to the wrong / non depiction/ depiction of Hazard Line
12. Objection to the wrong / non depiction of sand dunes
13. Objection regarding wrong /non depiction of mangroves / buffer for mangroves
14. Postponement / Cancellation of Public Hearing
15. Notification of the Draft CZMP submitted by VP/Local bodies as the Draft CZMP and not the Draft CZMP prepared by the NCSCM.

The members perused the nature of objections and suggestions and decided to address the objections and suggestions as follows:

| Sr. No | Nature of Objection /Suggestions | Proposed action |
|---|---|---|
| 1 | Objection for non depiction of structures in the / Wrong depiction of structures | To convey that the GCZMA in its 251st meeting has addressed this issue and the copy of the minutes of the meeting to be enclosed. |
| 2 | Objection for depiction of Port Limits. | To convey that the GCZMA in its 251st meeting has addressed this issue and the copy of the minutes of the meeting to be enclosed. NCSCM will be requested not to depict the port limits in the final CZMP maps. |
| 3 | Objection for wrong depiction of Khazans / non depiction of Khazan | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 4 | Objection to the wrong / non depiction of sluice gates | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 5 | Objection to the wrong/non depiction of Bunds | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 6 | Objection to the wrong /non depiction of fishing zone | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |

| | | |
|---|---|---|
| 7 | Objection to the wrong /non depiction of fish breeding areas. | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 8 | Objection to the wrong/non depiction of fishing ward | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 9 | Objection to the wrong /non depiction of fishing village boundary | To be forwarded to Fisheries Department for their comments and ground truthing wherever required |
| 10 | Objection regarding the wrong depiction of High tide Line | To constitute a committee comprising of Dr. Simon Dsouza, Dr. N.P.S Varde, Dr. Prabhakar Shirodkar and Dr. Vinod Dhargalkar to carryout ground truthing and submit comments. |
| 11 | Objection to the wrong / non depiction/ depiction of Hazard Line | To constitute a committee comprising of Dr. Simon Dsouza, Dr. N.P.S Varde, Dr. Prabhakar Shirodkar and Dr. Vinod Dhargalkar to carryout ground truthing and submit comments |
| 12 | Objection to the wrong / non depiction of sand dunes | To constitute a committee comprising of Dr. Simon Dsouza, Dr. N.P.S Varde, Dr. Prabhakar Shirodkar and Dr. Vinod Dhargalkar to carryout ground truthing and submit comments |
| 13 | Objection regarding wrong /non depiction of mangroves / buffer for mangroves | To constitute a committee comprising of Dr. Simon Dsouza, Dr. N.P.S Varde, Dr. Prabhakar Shirodkar and Dr. Vinod Dhargalkar to carryout ground truthing and submit comments. |
| 14 | Postponement / Cancellation of Public Hearing | ---------- |
| 15 | Notification of the Draft CZMP submitted by VP/Local bodies as the Draft CZMP and not the Draft CZMP prepared by the NCSCM. | To inform the Village Panchayats / Municipalities that all the draft CZMP's received in the year 2019 were forwarded to the NCSCM to consider the same while preparing the Draft CZMP. |

**Decision:** The Authority decided to defer the discussion to the next date of hearing.

**Item No.4**

**To decide on applications for erection of temporary structures shacks/tents/cottages and huts) in private beach property Details as enclosed as (Annexure 1)**

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

## Erection of Temporary Structures i.e Shack/Tents/Cottages/Huts etc

**Village: Candolim** **Taluka: Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 26/03/2021 | M/s. Fomento Resources Pvt. Ltd | 162 | 1 | 3850.00 | 1270.05 | 12 Cottages | 1 Restaurant | 580.00 | Recommended The applicant also sought permission for repair of existing structure having an area 534.31 Sq.mt. The site was inspected by Expert Member GCZMA as per site inspection report there is one existing ground plus one structure with compound wall and gate. The built up area of this existing structure is 534.31 square meter. The structure is very old and in dilapidated conditions. | **Defered** |

**Village:Assagao (Sea)** **Taluka: Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 20% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1 | 26/05/2021 | Mr. Anil V. Madgavkar | 64 | 1 | 860.00 | 172.00 (20%) | - | 1 | 170.00 | Recommended The Proposal fall within 100mtrs.From HTL of river Chapora. Beach Carrying Capacity Report is not applicable. | Approved |

**Village: Morjim (Sea)** **Taluka: Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 2. | 02/08/2019 | Manu Dagar, (Proposal beyond 200m from HTL) | 122 | 0 | 850.00 | 280.50 | 2 | - | 248.52 | Recommended. The Proposal beyond 200mts from the HTL. Beach Carrying Capacity Report is not applicable | Approved |

**Village: Sernabatim (Sea)** **Taluka: Salcete**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 3. | 04/11/2019 | Maria Filomena Fuetado | 12 | 4 | 3550.00 | 1171.50 | 8 | 1 | 698.32 | The Case may be considered after scrutiny upon receipt of documents & disposed of Complaint. Report from accredited agency & payments of bill raised by PWD for demolition. | Defered |
| 4. | 08/11/2019 | Maria Filomena Fuetado | 12 | 1-A | 470.00 | 155.10 | - | 1 | 144.00 | The Case may be considered after scrutiny upon receipt of documents & disposed of Complaint. Report from accredited agency & payments of bill raised by PWD for demolition. | Defered |

**Village: Cola** **Taluka: Canacona**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 5. | 07/10/2020 | Aneesh D. Panikar | 270 | 4 | 1650.00 | 544.50 | 14 Cottages | 1 | 397.00 | Recommended Subject to Beach Carrying Capacity Report | Approved |

**MINUTES OF THE 263rd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 01/07/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VC.**

The 263rd Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 01/07/2021 at 3.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 01/07/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced

construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021. The advocate HD Naik who appeared for complainant sought one week time for arguments. The authority after detailed discussion decided to grant one week time and matter is posted on 01/07/2021at 3.30 pm.

**Proceeding:** Adv Shivan Dessai appeared through VC. He requested for time and stated that he sent an email seeking adjournment on ground of personal difficulty.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and posted this matter on 06/07/2021.

**Case No.1.2**

**To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. *(High Court Matter)***

**Background:** That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

***"IV. FINDINGS AND RECOMMENDATIONS.***

*8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.*

*9. However, since respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry."*

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of thepetition bearing Writ petition no.108/021 vide order dated 03/03/2021observed as follows:-

*" 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.*

*6. Until such action is concluded the statement on behalf of respondent No.7 that no further construction will be undertaken will stand. In fact we direct the respondent No.7*

*not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat."*

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to respondent and posted the matter on 24/06/2021 at 3.30 pm.]

During 262nd meeting held on 24/06/2021 The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for arguments.

**Proceeding**; In this matter Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

**Decision:** The Authority considered the Email sent by the Respondent requesting for adjournment decided to grant the time and posted the matter on 06/07/2021.

**Case No1.3**

**To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights.**

**Background:** An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies ( Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along

with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZNMA meeting held on 1510/2020.The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m.However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021. During 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021_at 3.30pm. During 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021. During 249th GCZMA meeting held on 18/02/2021. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 23/02/2021. During 251st GCZMA meeting held on 23/02/2021 the official s from COP present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

Minutes of meeting of 02/03/2021 needs to be added.

During 251st meeting held on 25/02/2021 the Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter

to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion today as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. Now the Authority decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

**Proceeding:** In this matter Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No1.4**

**To decide on complaint filed by Mr.Ghanashyam Datta Warik regarding illegal construction of tents, toilets, cottages within 20 mtrs of H.T.L in Survey no.66/12 and Survey no.66/12-A of village Nagorcem, Palolem, Canacona.**

**Background:** The office of GCZMA is in receipt of letter from Department of Tourism forwarding complaint dated 30/12/2020 filed by Mr.Ghanashyam Datta Warik r/o Hno.184/1, Patnem, Colomb, Canacona interalia stating that there is illegal construction of tents, toilets, cottages within 20 mtrs of H.T.L in Survey no.66/12 and Survey no.66/12-A of village Nagorcem, Palolem, Canacona. The Dy.Director of Tourism, Department of Tourism in said letter dated 19/01/2021 has also mentioned that their office has also not issued any N.O.C for Registration of temporary shack / huts /tents in private property bearing Survey no.66/12 of village Nagorcem, Palolem, Canacona to Mr.Dharmesh Prabhudas Saglani and Mr.Prasant Chandrakant Kankonkar.

Upon close perusal of the said letter dated 19/1/2021 issued by Dy.Director of Tourism, Department of Tourism along with complaint dated 30/12/2020 respectively, a show cause notice was issued. A reply was also filed by the respondent violators. As due to

Covid -19 pandemic matters could not be heard and fresh notice is issued and personal hearing is scheduled on 01/07/2021 at 3.30 pm.

**Proceeding;** The matter was called out through VC, Complainant absent, Respondent Dharmesh Sanglani was present. Other Respondent Prashant Kankonkar remained absent on account of personal difficulty which was communicated to the office of GCZMA. The Respondent Dharmesh Sanglani informed the Authority that the Complainant has expired due to Covid. The Respondent submitted that the present complaint is totally false and misleading. The Respondent stated that he has filed two replies to the show cause notice producing all the relevant documents. The Respondent pointed that he has permissions granted by this Authority and considering the same the proceedings should be discharged.

**Decision:** The Authority heard the Respondent and directed the Respondent to furnish the names of the Legal heirs of the Complainant. The Authority further decided to hold a Site inspection in the matter to verify the illegalities, through Expert member of GCZMA.

**Case No1.5**

**To decide on complaint dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Consistency, with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa. (LAQ matter)**

**Background:** The Office of the GCZMA has received complaint letter dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Constituency, resident of Alemao Mansion, H. No. 150, Novan gully, Varca Salcette Goa with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193 dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint letter dated 27/09/2019 from Mr. Churchill Alemao and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. Ld Adv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

During 262nd meeting held on 24/06/2021The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

**Proceeding:** In this matter Adv Parag Rao who is appearing for Respondent sought adjournment application via Email stating his personal difficulty to attend the hearing.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No1.6**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka. *(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 261st GCZMA meeting held on 17/06/2021 Advocate S.Dessai present on behalf respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The complainant relied upon written arguments filed by him. The complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The complainant submitted that the respondent has not produced Permission/NOC from any authority to utilize the said structures for commercial use. The complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the respondent relied upon minutes of authority dated 26/10/2019 on this point. The respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for reply and arguments.

**Proceeding:** In this matter Kashinath Shetye who is appearing for the Complainant communicated his adjournment application via Email stating his matter may be taken up on 06/07/2021.

**Decision:** The Authority after considering the Email sent by the Complainant requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No1.7**

**To decide on complaint letter 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa. *(High Court Matter)***

**Background :** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 27/09/2018 from Roshan Mathias regarding illegal construction of structure and compound wall in Sy. No. 136 of village Candolim, Bardez, Goa. Subsequently, on 04/10/2018 the Complainant filed another application correcting the Survey No. from 136 to survey number 146.

The Authority issued an order of demolition bearing ref no. GCZMA/N/ILLE-COMPL/18-19/91/1901 dated 10/12/2019 was issued against the Respondent M/s SHREM RESORTS Pvt Ltd, by GCZMA.

A Petition was filed before Hon'ble High Court of Bombay at Goa by Roshan Mathias &anr. Wherein the Hon'ble High Court of Bombay at Goa passed an order dated 18/12/2019, stating as follows:-

*"..... Accordingly, liberty is granted to the Petitioners to make fresh complaints to the GCZMA and the GCZMA is directed to dispose of such complaints within three months from the date of receipt of such complaints. The GCZMA, no doubt, will afford an opportunity of hearing to both, the Petitioners, as well as Respondent No.7 and decide these complaints in accordance with law and on their own merits..... ."*.

In this regard, the Complainants Mr Roshan Mathias and the Goa Foundation has filed their Complaint along with Annexure to the GCZMA on 27/01/2020.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021. During 261st GCZMA meeting .The Authority considered the request of the Respondent and posted the matter on 24/06/2021at 3.30p.m. The Authority directed the Respondent to furnish the copy of the reply to both the Complainants by email and hard copy.

During 262nd meeting held on 24/06/2021 The Authority heard parties and directed the Respondent to serve the copy of the reply on the Complainant on 25/06/2021. The Complainant is asked to file rejoinder to the reply if any upon the receipt of copy of the reply. The matter is now posted on 01/07/2021 for final arguments.

**Proceeding:** The matter was called out through VC, Complainant Roshan Mathis was present in person, Dr Claude Alvares was also present in person, Adv Shivan Dessai appeared on behalf of the Respondent. The Complainant sated that the structure is in question has come up in the NDZ. The Complainant highlighted that earlier this Authority had issued a demolition order and the Respondent had to comply with the same. The Complainant further added that they were granted specific liberty to file fresh complaint before this Authority highlighting the fresh issues. Pursuant to the liberty granted the Complainant has filed the present compliant which this Authority has to consider. The Complainant pointed out that interestingly permission / consent was granted in the year 2015 to the Respondent for Restaurant/ Hall and other commercial purposes. The Complainant stated that the said structure was granted permission for reconstruction of residential house however the same is being used fully fledged for commercial use. The Complainant pointed out to various exhibits to the complaint depicting variance between the structure which is permitted by the Authority and the structure as it exists at the site. The Complainant also pointed out to the fact that the subject matter in question has been inspected on five different occasions by this Authority. The Complainant requested the Authority that the structure in question should be immediately sealed. The Complainant stated that there is a fraud played on the Authority whereby structures which are otherwise not shown in cadastral survey plan are malafidely inserted through the process of resurvey of structures by instituting a proceeding before the Revenue Authority. The Complainant further pointed out to the various Google images which clearly depicts that there was no structure at site and the present structure has only emerged recently. The Complainant using the said Google images also stated that the property where the structure exists is infact a sand dune.

The Respondent further pointed out to their reply which is on record. The Respondent highlighted the annexure 9 of the compliant itself. The Respondent stated they were granted approval by this Authority in the year 2013. The Authority has after considering their application along with the relevant documents has considered that the structure was in existence prior to the year 1991. The Respondent pointed out to annexure 7, form I & XIV, and survey plan. The Respondent sated that the survey for the State of Goa was done in the year 1971 hence a resurvey can only relate back to year 1971. The Respondent stated that the said Survey plan was not challenged till date and hence the same has attained finality. The Respondent pointed out to the technical clearance and occupancy granted to the said structure by the Competent Authority . The Respondent stated that the said clarity, permissions granted in favour of the Respondent cannot be relooked by this Authority. The Respondent stated with regard to the complaint filed by Roshan Matthias the same would only be considered to check Compliance.

The Complainant Roshan Matthias submitted that the various new construction has come up in the property of the Respondent. The Complainant stated that the height of the structure is infact more than 9 meters, further the Complainant submitted that various rooms, restaurant, stalls, swimming pool, reception counter, wooden deck have been constructed which are been used for commercial purpose. The Complainant Mr Claude Alvares submitted that all the structures except the 396 sqmtrs should be demolished.

**Decision;** The Authority after considering the submissions made by both the parties decided that the Complainants can file written submissions highlighting the issues which were not previously addressed which Authority can look and verify.

**Case 1.8**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but

she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

The office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

the Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting held on 24/06/2021 The Authority heard both the parties and decided to direct the Respondent to serve copy of the reply to the complainant. Further complainant was directed to file a rejoinder to the reply upon the receipt of the reply copy before the next date of hearing and copy of the rejoinder to be served upon the Respondent. The matter was posted on 01/07/2021 for further hearing.

**Proceeding:** In this matter Adv Sweta Pereira who is appearing for Complainant was present for the hearing, Adv Parag Rao who is appearing for the Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No1.9**

**To decide on a complaint from Mr. Jack Fernades, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated 12/04/2021 from Mr. Jack Fernades, and was inwarded in the office of on the 12/04/2021, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia, resident of House no 7/59, Saunat vaddo. Calangute Bardez Goa. This office has issued SCN to the violator .

During 260th meeting held on 10/06/2021. The Authority after hearing both the parties decided to grant additional time of two weeks to file reply and matter is posted on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 The Authority heard the Respondent and, in view of Principle of Natural Justice granted time to file reply with a direction to serve the copy of the reply in advance. The matter is posted for hearing on 01/07/2021.

**Proceeding:** The matter was called out through VC Adv Pankaj Vernekar appeared on behalf of the Respondent and submitted that that he wishes to file his additional reply and sought time for the same , none present for complainant.

**Decision:** The Authority after considering the submissions of the Respondent decided to grant the time to file the additional reply in the matter and the matter is accordingly posted on 06/07/2021.

**Case No. 1.10**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.

After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.

The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent Uday Vaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242nd meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021. Ld Adv for the Complainant and Ld Adv for the Respondent present. Ld Adv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021.Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 The Authority heard both the parties the Authority decides to post the matter on 01/07/2021 at 3.30 pm.

**Proceeding:** In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No. 1.11**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

**Background:**

The Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, Uttara Vaigankar, however, one of the Respondent filed his reply to the notice.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. Ld Adv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District

level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021at 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 Heard both the parties, the Authority decides to keep the matter on 01/07/2021 at 3.30 pm.

**Proceeding:** In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No. 1.12**

**To discuss deliberate and decide upon show cause notice issued to Royal Orchid Resort ,**

**Background:** Goa Paryavaran Savrakshan SangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Shivan Dessai was present on behalf of Respondent and filed the reply on behalf of Respondent. He argued that the authorities had granted all the approvals in the year 2000 and the project is completed in the year 2005.The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The authority after hearing the matter decided to keep on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Proceeding:** In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No.1.13**

**To discuss deliberate and decide upon show cause notice issued to Kenilworth Resort.**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021. During 250th GCZMA meeting held on 18/02/2021Adv Shivan Dessai was present on behalf of Respondent and filed the reply. Placed on record the approval granted in the year 1991. He argued that all approvals are prior to 1991 before the CRZ notification came into force.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The authority after hearing the matter decided to keep on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Proceeding:** In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No.1.14**

**To discuss deliberate and decide upon show cause notice issued to Planet Hollywood Resort.**

**Background:** Goa ParyavaranSavrakshanSangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021 Adv Shivan Desai was present on behalf of Respondent and filed the reply.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 the Authority after matter decided to hear on 01/07/2021 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

**Proceeding:** In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No.1.15**

**To discuss deliberate and decide upon show cause notice issued to M/s Park Hyatt Resort (ITC Hotel).**

**Background:** Goa Paryavaran Savrakshan SangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

None remained present for the Respondent However the Authority is in receipt of letter at the entry seeking time to file the reply.

Issue fresh notice of the Respondent to remain present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Talaulikar was present for Respondent. Adv for Respondent sought liberty to file interim reply today and final reply on the next date of hearing.

Authority heard the party and decided to give last opportunity to file reply to the Show Cause Notice. Matter is posted on 04/03/2021 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to keep the matter for further clarification. The matter was on posted on 01/07/2021 3.30 pm for clarification and further hearing.

**Proceeding:** In this matter Adv Preetam Talaulikar who is appearing for the Respondent communicated his adjournment application via Email.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case No1.16**

**To decide on complaint from Green Space pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village.**

**Background:** A complaint letter dated 15/04/2021 from Green Space was inwarded in the Office of the GCZMA on 19/04/2021; pertaining to the illegal construction of lateritic house with concrete flooring, soak pit and underground drainage tank built and used for residential and commercial purpose and restaurant and bar is run in the name and style of "CHILL OUT" in the NDZ ZONE of CRZ III B area in Sy No. 222/3 of Anjuna Ozrant, Vagator, Village. This office has issued SCN to the violator .

During 260th meeting .A person named Wilbert appeared for complainant. None remained present for Respondent.

The Authority directed to issue fresh hearing notice on the respondent for appearances. Matter is posted to 24/06/2021 at 3.30 pm.

**Proceeding:** The Matter was called out through VC none appeared for the Complainant as well as for the Respondent

**Decision:** The Authority has decided to issue fresh notices to the parties for appearance

**Case No1.17**

**NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.**

**Background:** The Office of the GCZMA is in receipt of an application dated 23/02/2021 from B.K. Satish, Goan Hotels and Realty Private Limited, Regd Office: DB House,

Gen.A.K. Vaidya Marg, Goregaon (East), Mumbai 400063 regarding NOC for proposed relocation of open space in the non-development zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.

Observations:

1. Mr. B.K. Satish had applied for permission for relocation of open space in the non-Development Zone of CRZ-III (along the Zuari River) under Sy.No.12/1, 99/2 of Bambolim Village, Tiswadi Taluka.
2. The site has is already developed as per the plan approved by Town and Country Department(copy of the plan attached)
3. The project had received CRZ clearance vide letter number ---dated ----. This CRZ approval was based on 50 meter NDZ line. The plan with existing structures and NDZ line is attached. However while inspecting these structures with reference to the approved CRZ Plan are not verified.
4. Total plot open space indicated in the earlier approved plan (marked in blue color) in attached plan is 12280 sq. meter. This area is utilized as gardening and water body.
5. Proposed area for relocation is utilized as garden and landscaping is within 50 meters of NDZ line is 12280 sq. meters. This area is marked in green color in attached plan.
6. CRZ notification permits the garden, park, rain water harvesting structure etc, within NDZ of CRZ. Therefore shifting of open space from the existing location to the proposed location will not have any adverse impact on overall Environment Management of the site.
7. This proposal should be treated as standalone for shifting the open space and not new GCZMA approved for the entire project.

   Authority may deliberate & decide.

The Authority during 257th GCZMA meeting held on 27/05/2021 after detailed discussion decided to call the parties for personal hearing before the Authority prior to take any decision in the matter.

Proceeding at the 260th Meeting: Adv. Jitendra Superkar appeared for applicant along with Mr. B.K. Satish. Adv stated that the application is only for relocation of open space beyond NDZ area. The said activity is permissible under CRZ norms and requested to grant the permission for said activity. The applicant had approached this Authority based on directions of the TCP to seek the permission. He further stated that area is falling under CRZ-III and same is permissible activity.

Decision at the 260th Meeting: The Authority heard the matter and directed the applicant to produce further documents like letter from the TCP, and any further supporting documents etc.

During 261st GCZMA meeting held on 17/06/2021, Adv. Jitendra Supekar appeared for applicant along with Mr. B.K. Satish. Advocate for the applicant submitted fresh documents such as Sanad, Letter from TCP, Form I & XIV.

The Authority heard the advocate on behalf of applicant and considered the documents on record. The authority noted that present case the Office of Town and Country Planning Department, Panaji-Goa had vide letter bearing no. DE/5453/Bam/TCP-2021/366 dated 24/02/2021 had interalia directed the applicant to obtain a N.O.C from this office from CRZ point of view.

The Authority looked into the matter and decided to seek additional information from the applicant:-

1. Copy of approved plan for the subject matter under application along with statement showing the ownership of the subject matter.
2. A statement showing whether the subject matter under consideration has been affected by any order passed by any competent Court /Tribunal.

**Decision:** The authority perused the records and gave due consideration to the submission advanced by Ld Adv J. Supekar and deliberations within the authority. The matter was discussed at length.

This is a case where the open space of the existing approved sub division is proposed to be relocated from outside to within CRZ areas. Since the proposed development falls within CRZ, Town & Country Planning Department, Government of Goa, directed the applicant to this Authority for approval. The property in question falls within CRZ III on the bank of the river Zuari/Estuary.

The CRZ Notification 2011 set out prohibited and permissible activities within each coastal regulation zone. Considering the peculiarity of the proposal, authority was considered view that its approval was not required at this stage location of open spaces and their location being a planning concerns falls within the ambit of state town and planning laws and associated regulations hence TCP may act on its own in this case. Needless top say, usage of the area shall continue to be regulated under extent of CRZ regulations.

**Case No 1.18**

**To discuss and decide on Hon'ble National Green Tribunal order dated 20/12/2018 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka.**

**Background:** The original complainant Mr. Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, SalceteTaluka.

the office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James SebastiaoFernandes for all the structures( except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, SalceteTaluka.

The said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) before the Hon'ble National Green Tribunal.

vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi. The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows " *after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*

*Consequently, the original application (480/2018) is dismissed as withdrawn".*

vide representation dated 14/01/2019 the original complainant is interalia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

The Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : *"In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*

*Consequently, we allow the appeals and set aside the order dated 5 th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record".*

*The said matter was deliberated during 202nd GCZMA meeting held on 29/05/2019.Respondnet sought additional time to argue the matter. Accordingly the Authority decided to place the said matter on 11/06/2019. Personal hearing notices were waived off.*

Authority during its 204th meeting heard both the parties and took on record the submissions made by both the parties. The Authority decided to defer the matter prior to take any decision in the matter.

The matter was placed before the Authority for personal hearing to the parties during 219th GCZMA meeting held on 29/01/2020 wherein the respondent sought additional time for arguments. The authority decided to give final opportunity to both the parties and adjourned the matter on 5th February 2020.

**Proceedings (1) for 219th GCZMA meeting held on 29/01/2020**

Two aspects which are primarily to be decided in the current case is on the aspect of the application dt.11/06/2019 filed by the Complainant seeking for execution of the directions passed by the Authority in ensuring that the sand dune is restored AND the second aspect is on the issue of proceedings being remanded back by the Hon'ble NGT in relation to the offending structures located in property bearing Sy. No. 16/7 of Village Sernabatim in SalceteTaluka.

Ld. Adv. For the Respondent submitted that the complainant has in the first place not replied his application dated & what the Complainant seeks to do is re-write the order of demolition that has been passed by this Authority on 24/05/12 which has already attained finality. He stated that when the orders have been executed the question of modifying the same by making an application on 11/6/2019 does not arise. Ld. Adv. for the Respondent thereafter requested the Authority to go through the prayers made by the Complainant which is seeking for a direction to restore the area/property as directed in orders dt.24/8/11 & 24/05/12. He also stated that apart from this the other prayer of the Complainant is that while upholding the orders dated.05/12/2014 & modifying the same to demolish structure 'B' as the Respondents have failed to produce any license/permissions/approvals for any structure admeasuring 80 sq.mts or thereabout. According to the Respondent the reliefs prayed for cannot be granted because all that the Complainant was left to do was to file an appeal before the NGT & obtain the reliefs & not at least before this Authority. He further stated that the principles of Res Judicata would be applicable to the current case because when the Authority has already decided on the subject matter in finality, it cannot re-decide the same be sitting in review because neither the NGT nor any other appellate forum has given any directions to this Authority

to do so. He stated that the order passed by this Authority on 24/05/12 has also already been complied with.

Ld. Adv. for the Respondent thereafter adverted to Section 14 of the NGT Act & stated that it is only the NGT that has the jurisdiction to decide upon substantial question relating to environment & in terms of section 15(1) (b) it also has the powers for restitution of damaged property. He strenuously argued to say that this Authority does not have the jurisdiction to decide disputes between two parties. He also questioned as to how the Authority would be in a position to decide upon recovery of costs from the heirs of Armando & that too after 8 years. He thus stated that the Authority should not go back & revisit its orders that had been passed & executed in the past.

The Counsel for the Complainant through his arguments bought to the notice of this Authority the contents of the order dt.24/05/12 whereby it has been categorically directed to restore the land to its original condition & if that be the case mere removal of the road is not enough but restoration of the destroyed sand dune shall also form a part of it. This order of 24/05/12 makes a mention of an earlier order dt.24/08/11 whereby Armando Cardozo was directed to demolish the illegal road which in other words indicted him of having done the road & that the legal hairs today cannot get themselves absolved. He further stated that if the Respondent hadn't developed the road, then why had he to go the Hon'ble High Court of Bombay at Goa in W.P. 606/2011. He submitted that even the Hon'ble High Court in WP. 606/2011 has reiterated the fact that the land should be restored to its original condition which means restoration of the sand dune.

The Counsel of the Respondent thereafter pointed out to the order passed by the NGT(WZ) dt.15/01/14 whereby the Authority was directed to examine the issue regarding existence of sand dune & if so to place on record relevant material pertaining to the same in order to fix liability for the restoration, compensation etc... & that in furtherance to that the Expert Members have given their report dt.17/02/14 confirming the existence of sand dune & steps to be taken for restoration. He thereafter stated that when the proceedings were pending before the NGT, the Hon'ble NGT itself directed the Complainant to point out this aspect before to this Authority & hence he sought liberty of the Hon'ble NGT to seek redress before the appropriate forum which was granted on 13/12/18 in OA No.480/2018 & hence the question of review as propounded by the Respondent does not arise. He further stated that there are two reports of the experts which has suggested as to how & in what manner the sand dunes could be restored. The report placed before the NGT clearly established the existence of sand dune &all what the Complainant is seeking is only for enforcement of the directions which has been passed by this Authority.

In reply to these arguments the respondent submitted that the order passed by this Authority was not as against the Respondent per se but it has directed the Dy. Collector of Salcete to undo the Kuccha road & hence the liability to restore the land does not vest on him. He pointed out to the order passed by the Hon'ble NGT on 13/12/18 which doesn't speak about giving any leverage to the Complainant to approach this Authority for seeking reliefs as claimed for by him for which purpose there was a need to seek for specific relief from the NGT. The withdrawal of petition before the Hon'ble NGT is made unconditionally & he questioned as to under what provision of law that he has made an application before this Authority. The Respondent denied of having constructed the said road. He thereafter pointed out to the complaints made by the Complainant himself on 29/11/2000 where he alleges that the Panchayat has done the construction & subsequently the Complainant in his complaint dt.6/9/2010 has not named any individual as having constructed the road. Under these circumstances, the Respondent stated that there is no cause to attribute the damages to be recovered from him.

The Authority during previous (220$^{th}$) meeting held on 05/02/2020after hearing the arguments of the parties & upon going through the records have decided on two factors i.e. whether the Authority becomes functus officio after implementation/execution of the orders & secondly whether the Respondent should have been penalized for the act of construction of a road in the property bearing Sy. No. 16/4A of Village Sernabatim. As per Rule 5 of the Environment Protection Rules 1986 it clearly mentions that any direction issued under section 5 of the EP Act shall be in writing & the direction shall specify the nature of action to be taken & the time within which it should be complied with by the person, officer of the authority to whom such direction is given. The CRZ Notification of 1991 & 2011 has to be read in consonance with the provisions of E.P. Act 1986, as it has been issued in terms of sub-section(1) and clause (v) of sub-section(2) of section 3 of the said Act. The preamble of the Notification also seeks to conserve & protect coastal stretches, its unique environment & its marine area. In short it only means to say that if there has been any damage/destruction than restoration would be part of the conservation ethos of the CRZ Notification.

In the current case, there is no doubt to the fact that a road was constructed through properties bearing Sy. Nos. 16/4 & 16/4A of Village Sernabatim. Although the Respondent has denied that he has done the same, during the proceedings conducted earlier which culminated into passing of orders dated 24/08/2011 & 24/05/2012 have unravelled the fact that the said road was a new road. To add to it, the Respondent whilst replying to our Show Cause notice dt.20/10/2010 has categorically mentioned that the Kaccha road of rubble stones & red mud is being repaired from time to time by them by dumping red mud to fill up the potholes which develop during the monsoons. It is this

very road that was ordered to be demolished as it was freshly/newly done & the admission on the part of the Respondent goes to the root of the case that it was indeed he who had done the road.

Coming to the first aspect as to whether the Authority becomes functus officio once the orders are executed of demolition, we are of the opinion that the mandate of the Authority is to ensure compliance to directives which means it is not limited only to demolition but it also has mandate to ensure conservation & that is what was directed to be done in the orders passed on 24/08/2011 & 24/05/2012 whereby the land was supposed to be restored back to its original condition. If that be the case, mere removal of the kuccha road would not be the end of the directives but restoration of the damaged portion would also be a part of it. The Authority cannot be a mute spectator to the damage done & hence the principle of functus officio would not be applicable.

As regards the second aspect, the discussions made supra have clearly indicted the Respondent of having constructed the road as there has been a categorical admission & he cannot shy off & raise his hands saying that he is not the one who has done the road work. Para 8 of the judgment passed in W.P .No.606/2011 also makes a mention that if any new road is constructed by the Petitioner in breach of the provisions of CRZ Notification it can be ordered to be removed. This re-affirms the position taken by this Authority in the deliberations that are mentioned supra. Merely because the second order dt.24/05/12 has given directives to the Dy. Collector of Salcete to remove the kaccha road that by itself doesn't mean that the Dy. Collector has to pay for the sins committed by the Respondent. Finally because the original Respondent Mr. Armando Cardozo has expired the legal heirs would not stand to get exonerated.

The Authority thus decided to obtain report from the Goa State Bio Diversity Board to know the costs of restoration of the sand dune & upon receipt of the same the Respondent shall be responsible to deposit the costs of restoration with the GSBB which will be communicated to the Respondent.

**Proceedings (2) for 219th GCZMA meeting held on 29/01/2020:**

The other issue that was canvassed across before the members of the Authority was on the aspect of remand to rehear the parties & to pass a speaking order. The Authority has issued orders of demolition on 05/12/14 against the Respondent which demolition was to be done against all structures (except one) identified in property bearing Sy.No.16/7 of Village Sernabatim. The said order was challenged by the Respondent before the Hon'ble NGT & vide order dt.20/12/18 directions have been given to us to reconsider the case. It is on this factor that part arguments were heard by the Authority.

Ld. Adv. for the complainant commenced arguments by first relying upon Form I & XIV of property bearing Sy. No.76/1 of Village Sernabatim by saying that the name of the property is AmbeaShir and in the other rights column of the said property the name of Armando Cardozo is figuring who is the predecessor in title of the Respondents. He thereafter stated that the offending structures are located in property bearing Sy.No.16/7 & the name of the property is Praya. He stressed on these two aspects of names of properties because the documents which the Respondent is relying upon to prove that the offending structures were of a place named AmbeaShir& not of Praya. He thereafter pointed out to the survey plan of property 16/7 which shows two structures & a well but as per the plan prepared by the Authority a number of structures are plotted in this property which according to him are new structures built much after the CRZ Notification of 1991. He emphasized on this aspect of the structures being built much after 1991 by relying upon an order passed by the Dy. Collector of Salcete in Case No.LRC/COR/29/2000 dated 5/7/2001. This order has been passed in terms of section 103 of the Land Revenue Code to correct the area of the property including these structures located in property bearing Sy.no.16/7. The area of the house is shown to be just 25 sq.mts as late as in the year 2001 & if at all the structures as shown in the plan prepared by DSLR were in existence than the same would have reflected in the correction order passed by the Dy. Collector.

Ld. Counsel for the Complainant thereafter pointed out to an application made by the Respondent on 29/03/1985 to the Excise Department seeking for sale of liquor license & in reply to this letter the Excise Department has stated that the place where the license is sought is located at a distance of 400 mts away from the beach. In other words the said premises were located in property bearing Sy.No.76/1 & not 16/7. The documents as relied upon by the Respondent to prove the existence of structures in property bearing Sy.No.16/7 gets belittled is what the Counsel of the Complainant said. The certificates which the Respondent seeks to rely upon are in respect of the structure located at AmbeaShir& not Praya& this structure at AmbeaShir is far away from the offending structures located at Praya. The documents such as license of the Excise dept. dt .25/08/1986, License from the FDA dt. 27/03/1996, sale deed dt.03/01/1977, NOC issued by V.P. of Sernabatim for repairs dt. 22/10/1986, electricity bill dt.12/12/1986, trade tax receipt dt.09/05/1988 are of the structures located at AmbeaShir which are in Sy.no.76/1 & not of the illegal & unauthorized structures located at Praya in Sy.No.16/7. He also submitted that there has been a categorical admission made by the Respondent during the course of personal hearing held on 06/10/04 & 22/04/05 that the structures have exceeded the plinth. He hence prayed that all of the offending structures located in property bearing Sy.No.16/7 should be ordered to be demolished as they are of the period post 1991.

Ld. Adv for the Respondent seeks time to file reply & to argue the matter.

The Authority after hearing the Counsel of the complainant decided to give time to the Respondent to reply & to argue the matter on merits.

During 230th GCZNMA meeting held on 09/10/2020The Counsel for the Complainant is present. One of the Respondents namely Maria Sunifer Cardoz is present in person & she stated that her counsel being a senior citizen is unable to come before this Authority because of the prevailing Covid-19 pandemic. None of the other Respondents were present. The Respondent who is present today sought for time of 2 months.

The Authority after deliberations came to a conclusion that all the cases have been regularly heard by different forums & the pandemic of Covid-19 cannot be an excuse to defer the matters. The Counsel for the complainant shall issue a private notice on the Respondents informing the next date of hearing as 29/10/2020 at 3.30 pm to either argue the matter orally or to file written arguments.

During 233rd meeting held on 29/10/2020 The Counsel for the Complainant Adv N. Vaze was present who briefed the Authority about the background of this case whereby the limited issue is in relation to restoration of the Sand Dunes at the cost of the respondents for which a Decision has already been taken in the 219th Meeting to obtain a report from the Goa State Bio Diversity Board to know the cost of restoration. As regards to the other issue it is stated that the respondents are trying to take shield of some structures which were not existing prior to 1991. The respondent No. 2 who is present in person moved an application for revisiting the decision taken in the 219th Meeting pertaining to the restoration of sand dunes stating that it is not he or his predecessor in title who was instrumental in destroying the Sand dunes. He also pleaded for time as his counsel is unable to appear for today's hearing. The Respondent No 7 is present in person who is also appearing for and on behalf of Respondent No. 5. She has placed her written arguments and has also pleaded time to orally argue the matter.

The Authority observed that in spite of clear cut directives that were issued on the last occasion the some of the Respondent has preferred not to appear. In so far as this Respondent who have abstained to appear and defend their interest, the proceedings shall be exparte. The matter is posted for final arguments on 26/11/2020 at 3.30p.m.

During 238th GCZMA meeting held on 26/11/2020 Adv Prag Rao and Adv R. Gracias present on behalf of respondents. Complainant present through S Henrix and Adv. N. Vaze.

Adv. Parag rao insisted on decision filed by respondent .Adv S Henrix filed reply to the application and pointed out and reiterated minutes of the meeting held on 05/02/2020. He

further stated that the Authority directed GSBB to do necessary interms of its decision taken. Adv P. Rao disputes present of sandunes. Adv vaze has also pointed out that there are two expert reports prepare by the Expert members and read out the suggestion and recommendation therein. Report submitted by Expert member is given to both the parties regarding sandune. GSBB report is awaited.

The Authority heard both the parties and directed both parties to collect the report submitted by Expert Member and decided to allow the area to reclaim naturally. Further as regards to the structure the matter is kept for final arguments on 14/01/2020.

During 243rd meeting held on 14/01/2021.Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents.

Ld. Adv for Complainant stated that the road is removed and now the sand dunes are needs to be restored and the Respondent may be asked to restore the sand dunes at his cost.

Ld Adv Parag for Respondent stated that admittedly road is removed by the authority. The matter is went to NGT which is subsequently withdrawn by the Complainant without any specific leave to go to CRZ.

The Authority after hearing both the parties directed to file written arguments on the point of liability to restore the sand dunes. The matter is posted on 04/02/2021 at 3.30pm for further hearing.

During 246th GCZMA meeting held on 04/02/2021. Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents. Ld adv for complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.

Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ld adv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the complainant. The Respondents pointed out that complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were issued to the concerned Collector. The respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the complainant cannot be allowed to do forum hunting. The respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the complainant before the Hon'ble NGT, Pune and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has infact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by then expert members Shri. Raghunath Dhume and Dr. Antonio Mascaranhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no. 23/2013.

The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately.

**Proceeding:** In this matter Adv Parag Rao who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

**Decision:** The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Case 1.19**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.** ***(High Court Matter)***

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa".* Interms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai

appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that_since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020 Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 the Adv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021.

During 257th Meeting the Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.

**Proceedings:** Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent through VC. Adv for Respondent argued on survey plan prepared by DSLR and filed detailed written submission before the authority.

Complainant sought 2 weeks time to go through written submissions filed by respondent.

**Decision:** The authority after hearing both the parties decided to post the matter on 22/07/2021 at 3.30 pm.

That present matter listed in today's meeting on 01/07/2021 after keeping in mind direction of High court direction same was intimated to all concern parties

Proceeding : Adv Shivan Dessai sought for time in the above matter by moving an application through e-mail.

Decision the Authority considered the request and granted time matter now stands posted on 06/07/2021

***Meeting ended with thanks to the chair.***

**Member Secretary**

**(GCZMA)**

**Chairman (GCZMA)**

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**MINUTES OF 264th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 06/07/2021 at 2.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA THROUGH VC.**

The 264th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 06/07/2021 at 2.00 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 06/07/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by

the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR

Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm. During 262nd meeting held on 24/06/2021. The advocate HD Naik who appeared for complainant sought one week time for arguments. The authority after detailed discussion decided to grant one week time and matter is posted on 01/07/2021at 3.30 pm.

On 01/07/2021 Adv Shivan Dessai appeared through VC. He requested for time and stated that he sent an email seeking adjournment on ground of personal difficulty.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and posted this matter on 06/07/2021.

**Proceeding:** Adv Shivan Dessai appeared through VC on behalf of Respondent for M/s Reis Euopa Developers and Adv. J. Godinho appeared through VC on behalf of Mr. Tahir Isani Present. Adv H D Naik appeared through VC on behalf of Complainant.

**Decision:** As the Authority was busy with the draft CZMP, the matter stands adjourned to 15/07/2021 at 3.30 p.m.

**Case No.1.2**

**To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. (*High Court Matter)***

**Background:** That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

***"IV. FINDINGS AND RECOMMENDATIONS.***

*8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.*

*9. However, since respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry."*

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021observed as follows:-

*" 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.*

*6. Until such action is concluded the statement on behalf of respondent No.7 that no further construction will be undertaken will stand. In fact we direct the respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat."*

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to respondent and posted the matter on 24/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd meeting held on 24/06/2021 The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for arguments. During 263rd meeting_Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority considered the Email sent by the Respondent requesting for adjournment decided to grant the time and posted the matter on 06/07/2021.

**Proceeding:** Mr. Ronald Pinto appeared in person. Adv Balkrishna Sardessai appeared on behalf of Mr. Perry Fernandes. Adv Sardessai stated that he filed his reply in the office of the GCZMA and also provided a copy of the Reply to the Complainant. The Complainant filed a rejoinder to the Reply and the copy of the rejoinder is served on the Adv for the Respondent.

**Decision:** The Authority heard the parties and has taken the replies on record. The matter now stands posted to 15/07/2021 at 3.30 p.m for Arguments.

**Case No1.3**

**To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights.**

**Background:** An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies ( Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZNMA meeting held on 1510/2020.The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m.However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021. During 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021_at 3.30pm. During 248th meeting official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021. During 249th GCZMA meeting held on 18/02/2021. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 23/02/2021. During 251st GCZMA meeting held on 23/02/2021 the official s from COP present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing

both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

Minutes of meeting of 02/03/2021 needs to be added.

During 251st meeting held on 25/02/2021 the Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion today as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. Now the Authority decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceedings:** Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent.

**Decisions:** The Authority noted that since the Complainant was absent and in the interest of natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m.

**Case No.1.4**

**To decide on complaint dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Consistency, with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa. (LAQ matter).**

**Background:** The Office of the GCZMA has received complaint letter dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Constituency, resident of Alemao Mansion, H. No. 150, Novan gully, Varca Salcette Goa with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193 dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint letter dated 27/09/2019 from Mr. Churchill Alemao and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. Ld Adv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

The Authority after hearing both the parties decided to grant additional time to respondent and the matter is further posted on 18/03/2021 at 3.30 pm. The Authority

postponed the said matter to 25/03/2021. Now the Authority decided to issue fresh hearing notices. The said matter is placed for hearing on 24/06/2021.

During 262nd meeting held on 24/06/2021. The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceedings:** None present for the Complainant. None present for the Respondent

**DECISION:** The Authority noted that since both the parties were absent and in the interest of natural justice matter is posted for hearing on 22/07/2021 at 3.30 p.m. Fresh Hearing Notices to be issued to all the parties.

**Case No1.5**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka.** ***(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person.

Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The

Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 261st GCZMA meeting held on 17/06/2021 Advocate S.Dessai present on behalf respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The complainant relied upon written arguments filed by him. The complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The complainant submitted that the respondent has not produced Permission/NOC from any authority to utilize the said structures for commercial use. The complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the respondent relied upon minutes of authority dated 26/10/2019 on this point. The respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for reply and arguments.

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Complainant requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceedings:** Kashinath Shetye present in person. Adv Shivan present for the Respondent. Adv Dessai stated that he has filed compliance in Casa Britona and Casa Colvale. The Adv for Respondent sought time to comply in the matter of Casa Baga.

**Decision**: The Authority decided to conduct a Site Inspection in the matters of Casa Britona and Casa Colvale inorder to verify the compliance. The Authority also decided to grant time in the matter of Casa Baga and posed the matters for arguments on 15/7/2021 at 3.30 p.m.

**Case No1.6**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

**AND WHEREAS,** the said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

**AND WHEREAS,** the Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Sweta appeared through VC. Adv Parag Rao sent email seeking time in the above matter. Adv Sweta objected to granting of time as the Respondent is trying to delay the matter. She also stated that this is a direction matter of the Hon'ble High Court.

**Decision:** The Authority considered the request of granting time and adjourned the matter. The matter is now posted on 15/07/2021 at 3.30p.m.

**Case No1.7**

**To decide on a complaint from Mr. Jack Fernades, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated 12/04/2021 from Mr. Jack Fernades, and was inwarded in the office of on the 12/04/2021, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia, resident of House no 7/59, Saunta vaddo. Calangute Bardez Goa. This office has issued SCN to the violator.

During 260th meeting held on 10/06/2021. The Authority after hearing both the parties decided to grant additional time of two weeks to file reply and matter is posted on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 The Authority heard the Respondent and, in view of Principle of Natural Justice granted time to file reply with a direction to serve the copy of the reply in advance. The matter is posted for hearing on 01/07/2021.

The matter was called out through VC Adv Pankaj Vernekar appeared on behalf of the Respondent and submitted that that he wishes to file his additional reply and sought time for the same , none present for complainant.

The Authority after considering the submissions of the Respondent decided to grant the time to file the additional reply in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** The Complainant not present. Adv Pankaj Vernekar appeared through VC on behalf of the Respondent. Adv Pankaj stated that he filed his reply and the construction carried out on site is as per the approved GSCCE Plan.

**Decision:** The Authority decided to issue fresh notice of hearing to the Complainant. The matter stands posted for hearing on the 22/07/2021 at 3.30 p.m

**Case No. 1.8**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.
After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.
The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent Uday Vaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242nd meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021. Ld Adv for the Complainant and Ld Adv for the Respondent present. Ld Adv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021.Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021. The Authority heard both the parties the Authority decides to post the matter on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021. In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Amey Phadte is appeared for the Complainant. Adv A.Gosavi is appeared for the Respondent. Adv Gosavi stated that he had filed his reply.

**Decision:** The Authority heard the parties and has taken the reply on record. The matter is now posted for hearing on 22/07/2021 at 3.30p.m for arguments.

**Case No. 1.9**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

**Background:**

the Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, Uttara Vaigankar, however, one of the Respondent filed his reply to the notice.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. Ld Adv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021at 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 Heard both the parties, the Authority decides to keep the matter on 01/07/2021 at 3.30 pm.

During 263rd GCZMA meeting held on 01/07/2021 In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Amey is appeared for the Complainant. Adv A.Gosavi is appeared for the Respondent. Sought time to file his reply.

**Decision:** The Authority heard the parties. The matter is now posted for filing reply on 22/07/2021 at 3.30p.m

**Case No. 1.10**

**To discuss deliberate and decide upon show cause notice issued to Royal Orchid Resort,**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time. Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Shivan Dessai was present on behalf of Respondent and filed the reply on behalf of Respondent. He argued that the

authorities had granted all the approvals in the year 2000 and the project is completed in the year 2005.The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The authority after hearing the matter decided to keep on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

During 263rd GCZMA meeting held on 01/7/2021. In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Shivan appeared for Royal Orchid Resort. Adv Shivan stated that in all cases since the constructions were based on 1991 notification the line drawn on RSI plan is not applicable. Adv Shivan relied on 3 Judgments.

**Decision:** The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**Case No.1.11**

**To discuss deliberate and decide upon show cause notice issued to Kenilworth Resort.**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan.

The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021. During 250th GCZMA meeting held on 18/02/2021Adv Shivan Dessai was present on behalf of Respondent and filed the reply. Placed on record the approval granted in the year 1991. He argued that all approvals are prior to 1991 before the CRZ notification came into force.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 263rd GCZMA meeting held on 01/7/2021. In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Shivan appeared for Hotel Kennilworth. Adv Shivan stated that in all cases since the constructions were based on 1991 notification the line drawn on RSI plan is not applicable. Adv Shivan relied on 3 Judgments.

**Decision:** The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**Case No.1.12**

**To discuss deliberate and decide upon show cause notice issued to Planet Hollywood Resort.**

**Background:** Goa ParyavaranSavrakshanSangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regardasite inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021 Adv Shivan Desai was present on behalf of Respondent and filed the reply.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 263rd GCZMA meeting held on 01/7/2021._ In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Shivan appeared for Planet Hollywood Resort. Adv Shivan stated that in all cases since the constructions were based on 1991 notification the line drawn on RSI plan is not applicable. Adv Shivan relied on 3 Judgments.

**Decision:** The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**Case No.1.13**

**To discuss deliberate and decide upon show cause notice issued to M/s Park Hyatt Resort (ITC Hotel).**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

None remained present for the Respondent However the Authority is in receipt of letter at the entry seeking time to file the reply.

Issue fresh notice of the Respondent to remain present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Talaulikar was present for Respondent. Adv for Respondent sought liberty to file interim reply today and final reply on the next date of hearing.

Authority heard the party and decided to give last opportunity to file reply to the Show Cause Notice. Matter is posted on 04/03/2021 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to keep the matter for further clarification. The matter was on posted on 01/07/2021 3.30 pm for clarification and further hearing.

During 263rd meeting held on 01/07/2021 In this matter Adv Preetam Talaulikar who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

**Proceeding:** Adv Bhushan appeared for Part Hyatt; Adv Bhushan stated that the construction on site is as per the approval. He stated that the 2011 notification supersedes the 1991 notification. He stated that two replies are filed on 23/2/2021; The Adv stated that he has filed List of Documents. He made reference to the contents at Sr No. 10 marked as Annexure J. He stated that they had purchased the property in the year 2015 under SARFAESI, Act sale in September 2008 possession was given to the Respondent.

**Decision:** The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**Case No 1.14**

**To discuss and decide on Hon'ble National Green Tribunal order dated 20/12/2018 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka.**

**Background:** The original complainant Mr. Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, SalceteTaluka.

the office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James Sebastiao Fernandes for all the structures( except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) before the Hon'ble National Green Tribunal.

vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi. The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows " *after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*

*Consequently, the original application (480/2018) is dismissed as withdrawn".*

vide representation dated 14/01/2019 the original complainant is interalia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

The Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : *"In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*

*Consequently, we allow the appeals and set aside the order dated 5 th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record".*

*The said matter was deliberated during 202nd GCZMA meeting held on 29/05/2019.Respondnet sought additional time to argue the matter. Accordingly the Authority decided to place the said matter on 11/06/2019. Personal hearing notices were waived off.*

Authority during its 204th meeting heard both the parties and took on record the submissions made by both the parties. The Authority decided to defer the matter prior to take any decision in the matter.

The matter was placed before the Authority for personal hearing to the parties during 219th GCZMA meeting held on 29/01/2020 wherein the respondent sought additional time for arguments. The authority decided to give final opportunity to both the parties and adjourned the matter on 5th February 2020.

**Proceedings (1) for 219th GCZMA meeting held on 29/01/2020**

Two aspects which are primarily to be decided in the current case is on the aspect of the application dt.11/06/2019 filed by the Complainant seeking for execution of the directions passed by the Authority in ensuring that the sand dune is restored AND the second aspect is on the issue of proceedings being remanded back by the Hon'ble NGT in relation to the offending structures located in property bearing Sy. No. 16/7 of Village Sernabatim in SalceteTaluka.

Ld. Adv. For the Respondent submitted that the complainant has in the first place not replied his application dated & what the Complainant seeks to do is re-write the order of demolition that has been passed by this Authority on 24/05/12 which has already attained finality. He stated that when the orders have been executed the question of modifying the same by making an application on 11/6/2019 does not arise. Ld. Adv. for the Respondent thereafter requested the Authority to go through the prayers made by the Complainant which is seeking for a direction to restore the area/property as directed in orders dt.24/8/11 & 24/05/12. He also stated that apart from this the other prayer of the Complainant is that while upholding the orders dated.05/12/2014 & modifying the same to demolish structure 'B' as the Respondents have failed to produce any license/permissions/approvals for any structure admeasuring 80 sq.mts or thereabout. According to the Respondent the reliefs prayed for cannot be granted because all that the Complainant was left to do was to file an appeal before the NGT & obtain the reliefs & not at least before this Authority. He further stated that the principles of Res Judicata would be applicable to the current case because when the Authority has already decided on the subject matter in finality, it cannot re-decide the same be sitting in review because neither the NGT nor any other appellate forum has given any directions to this Authority to do so. He stated that the order passed by this Authority on 24/05/12 has also already been complied with.

Ld. Adv. for the Respondent thereafter adverted to Section 14 of the NGT Act & stated that it is only the NGT that has the jurisdiction to decide upon substantial question relating to environment & in terms of section 15(1) (b) it also has the powers for

restitution of damaged property. He strenuously argued to say that this Authority does not have the jurisdiction to decide disputes between two parties. He also questioned as to how the Authority would be in a position to decide upon recovery of costs from the heirs of Armando & that too after 8 years. He thus stated that the Authority should not go back & revisit its orders that had been passed & executed in the past.

The Counsel for the Complainant through his arguments bought to the notice of this Authority the contents of the order dt.24/05/12 whereby it has been categorically directed to restore the land to its original condition & if that be the case mere removal of the road is not enough but restoration of the destroyed sand dune shall also form a part of it. This order of 24/05/12 makes a mention of an earlier order dt.24/08/11 whereby Armando Cardozo was directed to demolish the illegal road which in other words indicted him of having done the road & that the legal hairs today cannot get themselves absolved. He further stated that if the Respondent hadn't developed the road, then why had he to go the Hon'ble High Court of Bombay at Goa in W.P. 606/2011. He submitted that even the Hon'ble High Court in WP. 606/2011 has reiterated the fact that the land should be restored to its original condition which means restoration of the sand dune.

The Counsel of the Respondent thereafter pointed out to the order passed by the NGT(WZ) dt.15/01/14 whereby the Authority was directed to examine the issue regarding existence of sand dune & if so to place on record relevant material pertaining to the same in order to fix liability for the restoration, compensation etc... & that in furtherance to that the Expert Members have given their report dt.17/02/14 confirming the existence of sand dune & steps to be taken for restoration. He thereafter stated that when the proceedings were pending before the NGT, the Hon'ble NGT itself directed the Complainant to point out this aspect before to this Authority & hence he sought liberty of the Hon'ble NGT to seek redress before the appropriate forum which was granted on 13/12/18 in OA No.480/2018 & hence the question of review as propounded by the Respondent does not arise. He further stated that there are two reports of the experts which has suggested as to how & in what manner the sand dunes could be restored. The report placed before the NGT clearly established the existence of sand dune &all what the Complainant is seeking is only for enforcement of the directions which has been passed by this Authority.

In reply to these arguments the respondent submitted that the order passed by this Authority was not as against the Respondent per se but it has directed the Dy. Collector of Salcete to undo the Kuccha road & hence the liability to restore the land does not vest on him. He pointed out to the order passed by the Hon'ble NGT on 13/12/18 which doesn't speak about giving any leverage to the Complainant to approach this Authority for seeking reliefs as claimed for by him for which purpose there was a need to seek for

specific relief from the NGT. The withdrawal of petition before the Hon'ble NGT is made unconditionally & he questioned as to under what provision of law that he has made an application before this Authority. The Respondent denied of having constructed the said road. He thereafter pointed out to the complaints made by the Complainant himself on 29/11/2000 where he alleges that the Panchayat has done the construction & subsequently the Complainant in his complaint dt.6/9/2010 has not named any individual as having constructed the road. Under these circumstances, the Respondent stated that there is no cause to attribute the damages to be recovered from him.

The Authority during previous (220th) meeting held on 05/02/2020after hearing the arguments of the parties & upon going through the records have decided on two factors i.e. whether the Authority becomes functus officio after implementation/execution of the orders & secondly whether the Respondent should have been penalized for the act of construction of a road in the property bearing Sy. No. 16/4A of Village Sernabatim. As per Rule 5 of the Environment Protection Rules 1986 it clearly mentions that any direction issued under section 5 of the EP Act shall be in writing & the direction shall specify the nature of action to be taken & the time within which it should be complied with by the person, officer of the authority to whom such direction is given. The CRZ Notification of 1991 & 2011 has to be read in consonance with the provisions of E.P. Act 1986, as it has been issued in terms of sub-section(1) and clause (v) of sub-section(2) of section 3 of the said Act. The preamble of the Notification also seeks to conserve & protect coastal stretches, its unique environment & its marine area. In short it only means to say that if there has been any damage/destruction than restoration would be part of the conservation ethos of the CRZ Notification.

In the current case, there is no doubt to the fact that a road was constructed through properties bearing Sy. Nos. 16/4 & 16/4A of Village Sernabatim. Although the Respondent has denied that he has done the same, during the proceedings conducted earlier which culminated into passing of orders dated 24/08/2011 & 24/05/2012 have unravelled the fact that the said road was a new road. To add to it, the Respondent whilst replying to our Show Cause notice dt.20/10/2010 has categorically mentioned that the Kaccha road of rubble stones & red mud is being repaired from time to time by them by dumping red mud to fill up the potholes which develop during the monsoons. It is this very road that was ordered to be demolished as it was freshly/newly done & the admission on the part of the Respondent goes to the root of the case that it was indeed he who had done the road.

Coming to the first aspect as to whether the Authority becomes functus officio once the orders are executed of demolition, we are of the opinion that the mandate of the Authority is to ensure compliance to directives which means it is not limited only to

demolition but it also has mandate to ensure conservation & that is what was directed to be done in the orders passed on 24/08/2011 & 24/05/2012 whereby the land was supposed to be restored back to its original condition. If that be the case, mere removal of the kuccha road would not be the end of the directives but restoration of the damaged portion would also be a part of it. The Authority cannot be a mute spectator to the damage done & hence the principle of functus officio would not be applicable.

As regards the second aspect, the discussions made supra have clearly indicted the Respondent of having constructed the road as there has been a categorical admission & he cannot shy off & raise his hands saying that he is not the one who has done the road work. Para 8 of the judgment passed in W.P .No.606/2011 also makes a mention that if any new road is constructed by the Petitioner in breach of the provisions of CRZ Notification it can be ordered to be removed. This re-affirms the position taken by this Authority in the deliberations that are mentioned supra. Merely because the second order dt.24/05/12 has given directives to the Dy. Collector of Salcete to remove the kaccha road that by itself doesn't mean that the Dy. Collector has to pay for the sins committed by the Respondent. Finally because the original Respondent Mr. Armando Cardozo has expired the legal heirs would not stand to get exonerated.

The Authority thus decided to obtain report from the Goa State Bio Diversity Board to know the costs of restoration of the sand dune & upon receipt of the same the Respondent shall be responsible to deposit the costs of restoration with the GSBB which will be communicated to the Respondent.

**Proceedings (2) for 219th GCZMA meeting held on 29/01/2020:**

The other issue that was canvassed across before the members of the Authority was on the aspect of remand to rehear the parties & to pass a speaking order. The Authority has issued orders of demolition on 05/12/14 against the Respondent which demolition was to be done against all structures (except one) identified in property bearing Sy.No.16/7 of Village Sernabatim. The said order was challenged by the Respondent before the Hon'ble NGT & vide order dt.20/12/18 directions have been given to us to reconsider the case. It is on this factor that part arguments were heard by the Authority.

Ld. Adv. for the complainant commenced arguments by first relying upon Form I & XIV of property bearing Sy. No.76/1 of Village Sernabatim by saying that the name of the property is AmbeaShir and in the other rights column of the said property the name of Armando Cardozo is figuring who is the predecessor in title of the Respondents. He thereafter stated that the offending structures are located in property bearing Sy.No.16/7 & the name of the property is Praya. He stressed on these two aspects of names of properties because the documents which the Respondent is relying upon to prove that the

offending structures were of a place named AmbeaShir& not of Praya. He thereafter pointed out to the survey plan of property 16/7 which shows two structures & a well but as per the plan prepared by the Authority a number of structures are plotted in this property which according to him are new structures built much after the CRZ Notification of 1991. He emphasized on this aspect of the structures being built much after 1991 by relying upon an order passed by the Dy. Collector of Salcete in Case No.LRC/COR/29/2000 dated 5/7/2001. This order has been passed in terms of section 103 of the Land Revenue Code to correct the area of the property including these structures located in property bearing Sy.no.16/7. The area of the house is shown to be just 25 sq.mts as late as in the year 2001 & if at all the structures as shown in the plan prepared by DSLR were in existence than the same would have reflected in the correction order passed by the Dy. Collector.

Ld. Counsel for the Complainant thereafter pointed out to an application made by the Respondent on 29/03/1985 to the Excise Department seeking for sale of liquor license & in reply to this letter the Excise Department has stated that the place where the license is sought is located at a distance of 400 mts away from the beach. In other words the said premises were located in property bearing Sy.No.76/1 & not 16/7. The documents as relied upon by the Respondent to prove the existence of structures in property bearing Sy.No.16/7 gets belittled is what the Counsel of the Complainant said. The certificates which the Respondent seeks to rely upon are in respect of the structure located at AmbeaShir& not Praya& this structure at AmbeaShir is far away from the offending structures located at Praya. The documents such as license of the Excise dept. dt .25/08/1986, License from the FDA dt. 27/03/1996, sale deed dt.03/01/1977, NOC issued by V.P. of Sernabatim for repairs dt. 22/10/1986, electricity bill dt.12/12/1986, trade tax receipt dt.09/05/1988 are of the structures located at AmbeaShir which are in Sy.no.76/1 & not of the illegal & unauthorized structures located at Praya in Sy.No.16/7. He also submitted that there has been a categorical admission made by the Respondent during the course of personal hearing held on 06/10/04 & 22/04/05 that the structures have exceeded the plinth. He hence prayed that all of the offending structures located in property bearing Sy.No.16/7 should be ordered to be demolished as they are of the period post 1991.

Ld. Adv for the Respondent seeks time to file reply & to argue the matter.

The Authority after hearing the Counsel of the complainant decided to give time to the Respondent to reply & to argue the matter on merits.

During 230th GCZNMA meeting held on 09/10/2020The Counsel for the Complainant is present. One of the Respondents namely Maria Sunifer Cardoz is present in person & she stated that her counsel being a senior citizen is unable to come before this Authority

because of the prevailing Covid-19 pandemic. None of the other Respondents were present. The Respondent who is present today sought for time of 2 months.

The Authority after deliberations came to a conclusion that all the cases have been regularly heard by different forums & the pandemic of Covid-19 cannot be an excuse to defer the matters. The Counsel for the complainant shall issue a private notice on the Respondents informing the next date of hearing as 29/10/2020 at 3.30 pm to either argue the matter orally or to file written arguments.

During 233rd meeting held on 29/10/2020 The Counsel for the Complainant Adv N. Vaze was present who briefed the Authority about the background of this case whereby the limited issue is in relation to restoration of the Sand Dunes at the cost of the respondents for which a Decision has already been taken in the 219th Meeting to obtain a report from the Goa State Bio Diversity Board to know the cost of restoration. As regards to the other issue it is stated that the respondents are trying to take shield of some structures which were not existing prior to 1991. The respondent No. 2 who is present in person moved an application for revisiting the decision taken in the 219th Meeting pertaining to the restoration of sand dunes stating that it is not he or his predecessor in title who was instrumental in destroying the Sand dunes. He also pleaded for time as his counsel is unable to appear for today's hearing. The Respondent No 7 is present in person who is also appearing for and on behalf of Respondent No. 5. She has placed her written arguments and has also pleaded time to orally argue the matter.

The Authority observed that in spite of clear cut directives that were issued on the last occasion the some of the Respondent has preferred not to appear. In so far as this Respondent who have abstained to appear and defend their interest, the proceedings shall be exparte. The matter is posted for final arguments on 26/11/2020 at 3.30p.m.

During 238th GCZMA meeting held on 26/11/2020 Adv Prag Rao and Adv R. Gracias present on behalf of respondents. Complainant present through S Henrix and Adv. N. Vaze.

Adv. Parag rao insisted on decision filed by respondent .Adv S Henrix filed reply to the application and pointed out and reiterated minutes of the meeting held on 05/02/2020. He further stated that the Authority directed GSBB to do necessary interms of its decision taken. Adv P. Rao disputes present of sandunes. Adv vaze has also pointed out that there are two expert reports prepare by the Expert members and read out the suggestion and recommendation therein. Report submitted by Expert member is given to both the parties regarding sandune. GSBB report is awaited.

The Authority heard both the parties and directed both parties to collect the report submitted by Expert Member and decided to allow the area to reclaim naturally. Further as regards to the structure the matter is kept for final arguments on 14/01/2020.

During 243rd meeting held on 14/01/2021.Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents.

Ld. Adv for Complainant stated that the road is removed and now the sand dunes are needs to be restored and the Respondent may be asked to restore the sand dunes at his cost.

Ld Adv Parag for Respondent stated that admittedly road is removed by the authority. The matter is went to NGT which is subsequently withdrawn by the Complainant without any specific leave to go to CRZ.

The Authority after hearing both the parties directed to file written arguments on the point of liability to restore the sand dunes. The matter is posted on 04/02/2021 at 3.30pm for further hearing.

During 246th GCZMA meeting held on 04/02/2021. Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents. Ld adv for complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.

Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ld adv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the complainant. The Respondents pointed out that complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were issued to the concerned Collector. The respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the complainant cannot be allowed to do forum hunting. The respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the complainant before the Hon'ble NGT, Pune

and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has infact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by then expert members Shri. Raghunath Dhume and Dr. Antonio Mascaranhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no. 23/2013.

The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately.

**Proceeding:** Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appearing for respondents sought time by sending an email seeking adjournment. Adv R. Gracias was absent.

**Decision:** The Authority granted time on the request made by Adv Parag. Matter is now posted for deciding the question of penalty to be imposed on Respondent and further for arguments on 22/07/2021 at 3.30 p.m on the illegal structures constructed by the Respondent.

**Case No 1.15**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.** ***(High Court Matter)***

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar,

all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa".* Interms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that_since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020 Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 the Adv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021.

During 257th Meeting the Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.

During 261st GCZMA meeting held on 17/06/2021 Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent through VC. Adv for

Respondent argued on survey plan prepared by DSLR and filed detailed written submission before the authority.

Complainant sought 2 weeks time to go through written submissions filed by respondent.

The authority after hearing both the parties decided to post the matter on 22/07/2021 at 3.30 pm.

As it is a High Court matter and the Authority has decided the case within 3 months of time. Therefore the authority decided to issue fresh hearing notice.

**Proceeding:** Adv. H D Naik appeared for complainant through VC. Adv Shivan Dessai appeared on behalf of Respondent through VC.

**Decision:** The Authority adjourned the matter and is now posted for hearing on 15/07/2021 at 3.30pm.

**Case No 1.16**

**To decide on complaint dated 18/03/2021from Mr. Teotonio Karl Das Alemao against Mr. Olavio Alemao for illegally constructing 2 bungalows in survey no. 99/2 of Betalbatim, South Goa.**

**Background:** This office is in receipt of complaint dated 18/03/2021from Mr. Teotonio Karl Das Alemao against Mr. Olavio Alemao for illegally constructing 2 bungalows within NDZ area in survey no. 99/2 of Betalbatim, South Goa.

The complaint was forwarded to DLC South, for inspection and report.. This office is in receipt of report from DLC South.

**Proceeding:** Mr Karl Alemao present in person. Adv Lotlikar appearing on behalf of the Respondent Mr. Olavio Alemao stated he has not received the report of DLC South. Both parties are been advised to collect the DLC report and file their reply.

**Decision:** The Authority posted the matter on 29/07/2021 at 3.30 p.m.

**Case No 1.17**

**To decide on order dated 31/05/2021 passed before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.04/2021 (WZ) filed by Cavelossim Villagers Forum against M/s Mobor Fisheries.**

**Background:** pursuant to exhaustive hearing of the matter, the authority was pleased to issue an order discharging the respondent interms of decision taken in the 215th GCZMA meeting held on 22/10/2019.

the said order of discharge dated 08/10/2020 was challenged before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.04/2021 (WZ) filed by Cavelossim Villagers Forum . The Hon'ble National Green Tribunal, New Delhi has vide order dated 31/05/2021 observed as follows:- 4."*Without expressing any opinion on veracity of the submissions made on behalf of the appellant, we consider it to be in the interest of justice to permit the appellant an opportunity to raise all such contentions and produce documents sought to be relied before the GCZMA itself within one month from today. The GCZMA may consider such documents on their merit and record an appropriate finding, after giving due opportunity to the affected parties. In particular, the issue of hygiene in terms of solid waste, sewage disposal etc. may be looked into. The GCZMA may take a decision preferably within six months. It will be open to the GCZMA to pass such further order as may be found appropriate and for this purpose the impugned order will not be treated as final till a further order is passed".*

the said order of discharge dated 08/10/2020 was challenged before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.07/2021 (WZ) filed by Kashinath Shetye . The Hon'ble National Green Tribunal, New Delhi has vide order dated 23/06/2021 observed as follows:- "*2. Appeal No. 04/2021 (WZ), Cavelossim Villager's Forum v. The Village Panchayat of Cavelossim & Ors. against the same impugned order was disposed of by this Tribunal vide order dated 31.05.2021 requiring GCZMA to revisit the matter in the light of documents relied upon by the appellant in the said matter."*

*"3. In view of above, since the proceedings are open before GCZMA and the impugned order is not final, the appellant is at liberty to approach the GCZMA for intervention in the pending proceedings. If the appellant herein produces any further material, GCZMA may consider the same in accordance with law."*

**Proceeding:** Adv Shivan appeared for the Mobor Fishers. Adv Nigel appeared for Cavelossim Villager's Forum. Kashinath Shetye filed an application to be an intervener in the above matter. During the course of the hearing Mr. Kashinath stated that he engaged the services of Adv Nigel to defend his case.

**Decision:** The Authority has considered the application of Kashinath Shetye as an intervener in the matter. The Authority directed the parties to file reply if any and serve copies of the replies to both side. Matter now stands posted for hearing on the 22/07/2021 at 3.30 p.m..

**Case No 1.18**

**To decide on application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/*nallas*/channels/paddy fields.**

**Background:** An application bearing no.61/2014 was filed by Cavelossim Villagers Forum interalia against M/s Balaji Concepts, Margao, Goa for illegal construction activities adversely affecting the natural water bodies/*nallas*/channels/paddy fields.

The said application came for hearing on 24/04/2019 before the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal has vide order dated 24/04/2019 directed as follows : "*Since the matter has been pending for the last about five years, having regard to the need for expeditious disposal based on correct and latest factual position, we consider it appropriate to direct furnishing of a joint report by representatives of the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa. The GCZMA will be the nodal agency for coordination and compliance. Such factual report dealing with the issue may be furnished within three months by email at ngt.filing@gmail.com. A copy of the order be sent each to the MoEF&CC, GCZMA, Goa State Pollution Control Board and Water Resources Department, State of Goa by email.*

*24. It will be open to the parties to furnish their respective versions to the GCZMA. It will also be open to the joint Committee to carry out inspection to ascertain status and assess the damage to the environment, if any, and suggest remedial measures".*

In terms of said order dated 24/04/2019,thejoint committee conducted the inspection and furnished and placed before the Hon'ble National Green Tribunal .

the Hon'ble National Green Tribunal has vide order dated 01/10/2019 has directed to as follows "*We, therefore, direct that the matter shall be looked into by the Goa Coastal Zone Management Authority (GCZMA) in terms of the Recommendation 3 (xii) on the aspects pointed out in the report. The GCZMA shall issue notice upon the parties and fix a date for consideration of the matter. The parties shall be at liberty to place their respective views and file additional documents, if so advised in the matter. The GCZMA shall dispose of the matter in accordance with law expeditiously within three months from hence".*

During 233rd GCZMA meeting held on 29/10/2020 the matter fixed for hearing on 12/11/2020 at 3.30p.m. The Complainant and Respondent to take note of this date and time and appear to advance final arguments.

Complainant Iris Prasanna appeared on behalf of Cavellossim Villagers Forum. Adv. P Morais appeared on behalf of Respondent.

Complaint and Respondent filed written documents before Authority which were taken on record. The Complainant informed that the Respondent had diverted the existing nullah which is denied by the Respondent. Respondent stated that alleged construction is beyond NDZ and that they had obtained required permission to do development in the area.

The Authority heard both the parties and the matter is adjourned to 10/12/2020 @ 3.30 pm with a direction to officials from the WRD and Expert member (GCZMA) to inspect the site to check the salinity of water and tidal influence of all water bodies and nullah which have been diverted by tracing their older alignments and submit the report on or before the next date of hearing.

On 10/12/2020 in 239th GCZMA meeting the Complainant absent. Ld Adv for Respondent present. No inspection is carried out as directed.

The Authority adjourned the matter on 28/01/2021 at 3.30pm for inspection report'. Meanwhile the inspection as directed should be carried out.

Advocate on behalf of Respondent remained present. No one appeared for Complainant. The report from the WRD is awaited.

The Authority decided to post the matter on 18/02/2021 at 3.30pm.

The Authority during 249th GCZMA meeting held on 18/02/2021 decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

**Proceeding:** Adv Nigel appeared for the original Complainant. Respondent was not present for the hearing

**Decision:** The Authority posted the matter for hearing on the 22/07/2021 at 3.30 p.m..

**Case No 1.19**

**To discuss and deliberate upon issue pertaining to Terminal building of Captain of Port, Panaji-Goa and compliance of order dated 26/02/2020 passed by Hon'ble High Court of Bombay at Goa in PIL WP no.55/2019. *(High Court Matter)***

**Background:** The present Petitioners had earlier filed the above petition being aggrieved by the construction of a Terminal Building for the Captain of Ports Department at Panaji. The Petitioners prayed for an Order directing the GCZMA to forthwith revoke the permission dated 20.7.2015 issued to the Captain of ports for the said building.

The matter was heard by Hon'ble High Court of Bombay at Goa on 26/02/2020 wherein it has directed as follows : "*11. Accordingly, we direct the GCZMA to hear the Project. Proponent, the Executing Agency and the petitioners on all the issues raised by the*

*petitioners in the present petition and thereafter take a suitable decision in the matter. The GCZMA to also address the issue of the necessity or the otherwise of Rapid Environmental Impact Assessment Studies, now that it is suggested that the construction is coming up in the river or in the riverine area and not on the land. In arriving at its decision, the GCZMA, should not be influenced in any manner by the Affidavit of the Member Secretary in this matter. The GCZMA to decide all issues on their own merits and in accordance with law after affording an opportunity of hearing to all parties as aforesaid.*

*12. The GCZMA to communicate its decision to all parties, including in particular the petitioners herein, within a period of seven days from the date on which such decision is arrived at. If any parties wish to challenge such decision, they are at liberty to do so in accordance with law.*

*13. Mr. Nigel Da Costa Frias, submits that pending the decision of the GCZMA, the construction of the terminal undertaken by the Captain of Ports through GSIDC, may be halted/ stayed.*

*14. Mr. Nigel Da Costa Frias, has himself submitted that for the last three months there is no construction in progress at the site. The construction, even otherwise is commissioned by the Captain of Ports, which is a Government Department and the same is executed by GSIDC, which is a Government Company. This is a public project. At this stage, we do feel that it would be appropriate to pass any orders on stay. Besides, we have directed the GCZMA to consider all the issues within a period of four weeks from today taking into consideration the urgency expressed by the petitioners. The construction, is presently not going on at the site. If the construction begins, it is always open for the petitioner for the petitioners to approach the GCZMA for appropriate orders in relation to the construction terminal building. At this stage, we can only say that the construction, if undertaken shall be subject to any orders which the GCZMA will make in the matter.*

*15. We make it clear that we have not examined the merits and demerits of the rival contentions and it is for the GCZMA to examine and to decide upon such contentions in accordance with law and on their own merits within the period indicated."*

The said matter was placed for personal hearing to both the parties during its 256th GCZMA meeting held on 22/04/2021 wherein The Officials from the Department of Captain of Ports and GSIDC were remained present. Complainant Joe Dsouza along with Ld Advocate remained present for the hearing.

The complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. The EIA report prepared by the captain of Ports was for a jetty and not a terminal building. He stated in the garb of port activities a Terminal building is constructed only to facilitate the casinos which are anchored in river Mandovi. He further stated that said construction is being done on conservation /heritage zone by flouting all the laws of the land. He hence prayed that necessary directions be issued to stop the work and also to issue directions to demolish the pile foundation which is part of the terminal building.

Mr. Braganza official from Captain of Ports Department also partly argued the matter by stating that when the jetty was constructed the complainant had not raised any issue but only because a terminal building is constructed that the complainant is upset because the view of river Mandovi would be blocked from his house . He further stated that the

terminal building has to be necessarily inside the water body which will house the administrative office, Customs and Central Excise office etc. He went on to state that with the increase in flow of water traffic with large draft of vessels so too is the need to augment the facilities of the captain of ports and hence this terminal building is the need of the hour

The Authority after partly hearing both the parties directed both the parties to submit written arguments and the matter is posted on 27/04/2021 at 3.30 pm. However the meeting was cancelled and the fresh notices were issued to parties and directed both to remain present on 13/05/2021 at 3.30 pm. Mean while both the parties have filed written documents.

The matter is fixed for hearing on 27/05/2021 at 3.30 pm onwards.

on 27/05/2021 the Officials from the Department of Captain of Ports and GSIDC attended the hearing through VC. Complainant Joe Dsouza along with Ld Advocate Laxmi attended the hearing.

The learned advocate for complainant submitted that whatever the captain of ports is undertaking in the water front area of river Mandovi is totally illegal. Marine biodiversity is been adversely affected by the said construction. Further submitted that the construction is not in public interest and is in complete violation of CRZ norms. There is no permission from Ministry of Environment & Forest (MoEF & CC). Further advocate of complainant prayed to the Authority for the site inspection.

The officials of the Captain of Ports submitted that the construction is as per the plan submitted to CRZ. It is permissible activity. There is no heavy machinery involved n construction. EIA report has been prepared by NIO, Goa for jetty which is part of the terminal building.

The authority during 257th GCZMA meeting held on 27/05/2021 after hearing both the parties and after detailed discussion decided to conduct site inspection of the said property by the Expert Members (GCZMA) on 31st May 2021 at 11.00 am. Notices were waived by both the parties. After receipt of the inspection report from Expert Members, the personal hearing notices will be issued on both the parties.

Accordingly the site inspection was carried out by the Expert Members on 31st May 2021 and submitted the report.

Proceedings as per 260th GCZMA meeting

As per the directions of Hon'ble High Court of Bombay at Goa vide order dated 07/06/2021 in Contempt Petition No 1229/2021 in Misc Civil Application No.1176/2021 with WP No 1097 /2021, the written submission dated27/04/2021filed by Dr Joe D'souza was discussed at length in the today's meeting whether to restrain the COP from carrying out with ongoing construction of Terminal Building.

Ld. Adv. for complainant submitted that the ongoing construction of Terminal Building is located in riverine land for which the study in the nature of EIA was of utmost importance and need of the hour because the construction would result in damage being caused to Eco sensitive areas and also would disturb habitat of the various organisms which live in the area. She submitted that piling work would disturb the underground strata resulting in damage which will be reversible in nature. Apart from that she further stated the permission obtained by COP/ Respondent was based on EIA report prepared in

year 2008 for the purpose of construction of Jetty which in no way can be used for construction of all together different project which is styled as Terminal Building. She further pointed out that so called Terminal Building is not an offshore facility but basically aimed to provide entertainment facilities containing cafeterias, mini shopping complex etc. Considering the gravity of the damage that would cause to coastal ecosystem the complainant pray for stoppage of ongoing work until the matter is decided by this Authority on merits.

The Respondent on other hand submitted that there are no merits in the complaint as there was already an existing jetty constructed way back in 2015 and all what is being done as on date is construction of a building to accommodate the terminals, control room and other related requirements of the COP. He stated that over the period of time the volume of water traffic had increased many fold whereby surveillance and monitoring of the same plays a pivotal role. Unless proper infrastructure is put in place, the possibilities of water accidents as well as dangers from any enemy attacks cannot be ruled out. He further stated that the complaint has been filed belatedly out of malice because the complainant will not get an unobstructed view of river Mandovi. Had he been aggrieved with the activities of Respondent then he would have raised alarm bell when the jetty was constructed for first time which stood to get completed in 2015. All along the pilling work was done for construction of jetty no damage has been caused to the coastal Ecosystem and hence the construction of Terminal Building which is again on pile foundation would not any way cause any damage as propounded by complainant .The Respondent hence proposed that no stay be granted to the ongoing works of their which are of significant importance both to state as whereas to nation from maritime security point of view and is a permitted activity as per CRZ Notifications.

Decision as per 260th GCZMA meeting

The Authority, after hearing the arguments and also after perusing the various records placed before it including the plan which have been prepared by officials of DSLR, is of the opinion that for the purpose of granting any equitable relief, the cardinal principle of having prima facie case, show balance of convenience and prove irreparable loss and damage has to be fulfilled, in addition to the seeker coming with clean hands. In so far as prima facie case is concerned the complainant himself had admitted about the existence of jetty which was subsequently demolished and expanded. This expanded Jetty was completed way back in 2015, which was constructed by means of pile foundation. Upon completion of this jetty in year 2015 there has been no evidence placed by the complainant stating that the same has resulted in any destruction or disturbance to the eco system of any marine life, nor any evidence has been placed in respect to show that the renovated jetty on piles has resulted in any divergence of flow of river water or damage is being caused towards landwards side.

Apparently, the complainant has failed to establish prima facie case and he has also failed to point out as to why he had delayed himself in filing any complaint when the said jetty was first constructed and completed in year 2015. Furthermore, as per the plan prepared by DSLR on 09/06/2021 the Terminal Building is constructed in a riverine land on pile foundation itself and the same is not beyond the jetty towards riverside but on landwards side. Since, the Terminal Building would be on elevated platform, the possibility of obstruction to the flow water currents is ruled out.

In so far as balance of convenience is concern the same tilts in favour of the respondent because the construction activity would in no way hamper the existing flow of water in the river Mandovi. Apart from that, the pile foundation seems to have been done within the area occupied by the jetty which stood completed in the year 2015.Hence on this count too the complainant has failed to show the balance of convenience tilting in his favour.

As regards to irreparable loss and damage, the complainant has only harped upon the facts that there would be geo-morphological changes in river belt if this Terminal Building takes shape. The CRZ notification speaks about EIA studies to be done with built up area of any structure beyond 20,000 Sq mts. In this case, the so-called Terminal Building is having lesser area.

It is also seen that the said Terminal Building would act in the nature of foreshore facilities which are permissible activities as per CRZ notification 2011, the area being a notified port. Having not constructed such a foreshore facility may on the contrary result in irreparable loss and damage to the national maritime security as well as in discharge of other regulatory functions by the Respondent on various activities undertaken in the water channel of River Mandovi.

The Authority does deemed it fit that at this stage that the need to stop the ongoing construction is untenable and hence the prayer of the Complainant to grant stay on the construction activities of Respondent is not allowed.

Further the matter is fixed for final arguments on 17/06/2021.

During 261st meeting held on 24/06/2021 Adv Laxmi Dessai appeared for complainant. Official from Department of Captain of Ports was present for hearing. The advocate for complainant submitted that the Terminal building is being built in reverie land. Further submitted that the earlier jetty was proposed to be reconstructed. In the year 2015 the NOC/Permission was granted by GCZMA. The said NOC/Permission was granted by GCZMA subject to conditions therein. The advocate for complainant submitted that conditions laid in the said NOC/Permission have been violated by the Captain of Ports. It is the contention of the complainant that no further permissions have been obtained from local bodies ie. Town and Country Planning Department, Goa State Bio Diversity board and other statutory bodies ie. Goa State Pollution Control Board and North Goa Planning and Development Authority. Further submitted that the Marine Diversity will be affected by the construction of the said Terminal Building. The NOC/permission granted by GCZMA has to be revoked as conditions contained therein have been violated by the Captain of Ports. The Complainant relied upon recommendations recorded in the report of Expert members of GCZMA. Further submitted that Provision 4.2 of CRZ Notification 2011 have not been complied. Further contended that a specific EIA report has not been obtained by the Project Proponent. Considering the area under question is CRZ III area, the construction is being carried out in No Development Zone (NDZ) area, the same is not permissible.

The representative on behalf of Captain of Ports submitted that GCZMA has duly considered the project under question as per law. The said activity is covered under permissible activities under CRZ Notification 2011. Furthermore certain activities require facilities for foreshore activities. The required EIA report has been already prepared and submitted before the Authority for the said project. The area under question is CRZ II being in Panaji City. The CRZ Notification has relaxed provisions with regard to permissible activities which are part of the project undertaken.

The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties kept the matter for orders.

**Decision:**

The Authority after hearing the parties were of the opinion that in the decision that had been taken during the 260th meeting many of the contentious issues as raised by the complainant had already been decided and the same has been repeated by the complainant de novo. It felt that the construction of terminal building is not beyond the renovated jetty but was within the riverine area and that too within the space available, in the open to sky area. This is clearly understandable by reading the plan prepared by the officials of the DSLR. Apart from this, the piling carried out is within the already disturbed area and in the garb of the old EIA prepared for renovation and expansion of jetty, no fresh area more so towards the riverine area is ventured upon by the Respondent i.e. CoP. As regards the requirement of obtaining permission to carry out construction from the local bodies including the Town Planning Department, the Authority was of the opinion that there was no need of such approvals because the construction was not on land but within the riverine area and hence the permission from local body and/or from planning authorities would not be a pre-requisite as they have the mandate only on landed properties. In so far as the said land bearing a specific survey number is concerned, the judgment & order passed by the Dy. Collector & SDO Tiswadi in Case No.LEC/DYCL/Resurvey/01/10 is very clear which has spelt out that the concrete platform of the jetty which was on pile foundation was given a chalta number which by no stretch of imagination can be considered to be land and hence wrongly surveyed plan was directed of not to be given any survey number.

As regards the EIA study is concerned the Authority was of the opinion that the project proponent i.e. CoP has applied for clearance in terms of clause 4.2, and clause (b) speaks about EIA report including marine & terrestrial component, but there is an exception contained therein in cases of construction of projects listed under 4(c) & 4(d) and the present project of the CoP attracts 4(d). From the records that have been placed before the Authority it is evident that the construction is below 20000 sq.mts and hence it is not mandatory that the said application of the CoP was supposed to be accompanied by Rapid EIA. The Authority also was of the opinion that in terms of clause 4.2 (i) (d) comprehensive EIA is required only for projects in stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Government and the area which is used for the construction of terminal building is not classified as low and medium eroding.

The Authority was also of the view that the approval granted to the CoP was in an area which is classified as CRZ II and such a construction is permissible in terms of clause 4 of the CRZ notification 2011. Apart from this the construction carried out by the CoP also does not involve any dredging or reclamation work and will be on piles foundation which will also allow movement of water.

The construction done by the Respondent also does not come within any of the activities which require an Environmental Clearance in terms of EIA Notification, 2006 and hence the CoP was not required to prepare an EIA or any fresh Rapid EIA. The Authority thus concluded that there is no meant and substance in the complaint filed by the complainant and hence finally decided that the approval conveyed by them through the 118th meeting held on 06/07/2015 need not be interfered with.

## Item No.2 (Government Projects)

**Case No.2.1**

**NOC for the work of "construction of Ramp & net mending shed in Sy.No.157/1 at Dhaujowada in V.P. Cundaim-Ponda for the benefit of local fisherman of Cundaim-Ponda.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 27/07/2020 from Director of Fisheries, Directorate of Fisheries, Dayanand Bandodkar Marg, Panaji-Goa regards to issuance of NOC for the work of "construction of Ramp & net mending shed in Sy.No.157/1 at Dhaujowada in V.P. Cundaim-Ponda for the benefit of local fisherman of Cundaim-Ponda.

**Site Inspection Report:** The said site was inspected by Mahesh Patil, Expert Member (GCZMA).

i) **Name of the Applicant:** Director of Fisheries
ii) **Date of the Application:** 27/07/2020
iii) **Application for:** construction of Ramp & net mending shed
iv) **Date of construction based on the documents:** After NOC
v) **Date of Inspection:** 08/07/2020
vi) **Name of the Official / Expert Member, GCZMA:** Mahesh Patil (Expert Member GCZMA) & Devedra Gaonkar (Field Surveyor, GCZMA)
vii) **Location of the alleged violation:**

**Sy. No.** : 157/1 **Village** :Cundaim **Taluka:** Ponda

iv) **Accessibility:** Good

v) **Distance from the HTL of River / Sea:** Bank of Cumbharjua Canal

vi) **Classification of CRZ Area:** c) CRZ – III

vii) **Existence of Sand dunes and its Height:** NIL

viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** Its on the bank of Cumbharjua Canal. Traditional fisherman are using this access for many year.

ix) **Existence of Vegetation, if any:** Only on the periphery. Exist storage room, but inadequate to store nets and accessories.

x) **Plinth area of the structure / alleged violation:** -----

xi) **Nature of the structure:** As per the attached plan and design.

xii) **Height of the structure:** -----

**xiii)Details of extension to the existing structure:** New Temporary shed proposed, adjacent to existing permanent shed.

**xiv) Approvals / NOC's issued by any other Department's / Authorities:**

- Panchayat NOC.
- NOC from land owner.

**xv)Nature of violation if any, with regard to provisions of CRZ Notification 2011:** NIL

- Traditional fisherman need a ramp to park the canoe and unload fish.
- They also need area to store and repair the nets.

**xvi) Whether the proposed construction meet the CZMP Guidelines:**

- Fisherman need water front to park the canoe well as store fish nets.

**xvii) Conclusion / Recommendation:** Recommended for construction of ramp and temporary shed as per attached plan.

**Decision: Approved subject to condition to obtain permissions from the Local Authority Concerned.**

**Case No.2.2**

**NOC/Approval for development of pedestrian spine and revitalization of Patto area (Imagine Panaji Smart City Development LTD).**

This office is in receipt of an application dated 02/07/2021 from the Managing Director & CEO, Imagine Panaji Smart City Development Ltd, Adil Shah Palace, Old Secretariat, Panaji-Goa regarding development of pedestrian spine and revitalization of Patto area.

IPSCDL in its 12th Board Meeting held on 28th May 2021 has accorded approval for taking up "Development of Pedestrian Spine and Revitalization of Patto Area" Project. The proposed project is a new vision for Patto Area adjacent to the picturesque Ourem Creek, wherein it is proposed to connect diverse areas, stimulating recreational development and easy access to waterfront and the commercial areas.

The project intervention area spans from the Central Library to the Santa Monica Jetty. The existing Mangrove Boardwalk behind the Central Library will be connected to the narrow Island by a 9m Foot bridge. This narrow Island which runs approximately 300m in length and width varying from 12m to 15m ends at the existing Pedestrian Bridge connecting Patto and Rua de Ourem Road. On this Island shall be a building (on the existing plinth) which shall be housing a restaurant and an exhibition space. There shall also be a series of pavilions (on available plinths) that one shall pass through to

arrive at the existing Pedestrian Bridge. The Island shall be connected to the EDC open space by 2 bridges of 33 m length approximately which cross the backwater and lead to a public garden of about 2 acres that shall be developed on the EDC open space area. This garden will be the lungs of Panaji City and Patto Area. Further, from the existing Pedestrian Bridge upto the historic Ponte de Linhares (Old Patto Bridge), avoiding the land which belongs to GTDC, a Mangrove Boardwalk has been planned which shall serve as a recreational as well as an open air interpretation centre in order to bring about awareness on various types of mangroves and their importance in Goa's ecosystem and biodiversity. Also, a pedestrian walkway (approx. 3m wide) has been proposed from Old Patto Bridge to the Santa Monica Jetty which shall run along the edge of the Government Quarters at Patto, Panaji.

**Decision: Approved subject to condition to obtain permissions from the Local Authority Concerned.**

**Item No.3 (Jetty/other development)**

**Case No.3.1**

**Proposed jetty for M/s. Milestone Resorts in Sy.No.194/1 to 10, 12, 20, 21, 22, 23, 195/1 to 30, 32, 196/1 to 26, 197/1 to 45, 198/1 to 47 of Chorao Village, Tiswadi Taluka**

**Background:** The Office of the GCZMA is in receipt of an application dated 26/04/2021 from Anubhav Sharma, Milestone Resorts, Kerem Chorao, Tiswadi-Goa regarding proposed jetty for M/s. Milestone Resorts in Sy.No.194/1 to 10, 12, 20, 21, 22, 23, 195/1 to 30, 32, 196/1 to 26, 197/1 to 45, 198/1 to 47 of Chorao Village, Tiswadi Taluka.

Observations:

1. Mr. Anubhav Sharma, Milestone Resorts had applied for permission for jetty for in Sy.No.194/1 to 10, 12, 20, 21, 22, 23, 195/1 to 30, 32, 196/1 to 26, 197/1 to 45, 198/1 to 47 of Chorao Village, Tiswadi Taluka. All these sy.nos are contiguous totaling around 1, 48, 000 sq meters. Mr. Anubhav Sharma owns land as per Form No. I & XIV and Sale deed attached.
2. The property is bounded Mandovi River in the western side and asphalted road in the east.
3. Part of the property is water logged and used as fishing pond, while higher elevation towards the east is flat land with coconut plantation.
4. M/s. Milestone Resort has proposed a wooden/fiber floating jetty in the survey number 196/01 of his property, bounded by river Mandovi in western side.

5. The property has well maintained bandh, which controls flood erosion from River Mandovi as well as water submersion from water pond. The water level within the pond is maintained by traditional sluice gate. The bandh width is around 6 meters, traditionally used by canoe boat operators, as approach road to river bank. The bandh is within the property of M/s. Milestone Resorts and proposed as approach road from jetty to the main road.
6. Proposed location doesn't have any mangrove and other vegetation.
7. Mr. Anubhav Sharma, project proponent owns his personal yacht. Registration and other details attached. He has also submitted undertaking to use the jetty for personal purpose and not for commercial activities.
8. Jetty location is located adjacent to the chorao wild life sanctuary, but onother bank of river Mandovi, therefore opinion of Goa Forest Department may be obtained.

**Recommendation:**

Based on the above observation and details submitted, the propose jetty is recommended as per the attached plan.

The project proponent has submitted NOC from the Forest Department.

**Decision: Approved subject to condition to obtain permissions from the Local Authority Concerned.**

**Case No.3.2**

**Revised drawing for approved temporary structure i.e. 15 wooden cottages (Praya Beach Resort), one shack restaurant (Saffron), one toilet, one kitchen, one watch men shed, one staff toilet in Sy.No.16/4 of Sernabatim, Salcete Goa by Hermitage Builders.**

**Background & Observations:**Hermitage Builders were granted NOC to construct ten temporary wooden cottages, one shack/restaurant, toilet, kitchen, watchmen shed, staff toilet in property bearing survey number 16/4 of Sernabatim, village salectte taluka

1. The proposed plot is located in the survey number 16/4, of Sernabatim village of Salcete Taluka, and CRZ approval was granted vide above referred letter

2. As per the application letter and site visit interaction with the project proponent, the revision application is filed after detail site study and wind impact during the recent Tautukecyclone.

3.. It is proposed to change the alignment of the temporary huts at same location, slightly shifting in the front to protect the existing vegetation as well support growth of newly planted coconut, cashew along the boundary. Also project proponent to plant more local creepers, bushes for soil binding and reduce erosion in elevated portion of the Northern and Southern side of the plot.

4. One cottage is shifted from Northern side to southern side, thus five cottages at each side, which will maintain the symmetry. (Details as per the attached Plan)

5. Project proponent has undertaken extensive Coconut, cashew plantation along the boundary and available free space within the plot. Temporary fencing is erected with mesh wire to protect the plants from cattle's.

6. It is recommended to take good after care, so that the plantation grows fast, above cattle feeding height and temporary fencing be removed after three years,

7. There exist bore well within the plot, outside 200 meter NDZ line. Bore well is registered with Water Resource Department.

8. Staff toilet, gate and pathways are clearly demarcated in attached plan.

9. Vegetation of sparse grass/ creepers in the middle portion, was observed while bushes towards the sea side. Plot is fiat in the middle, with elevation at both the sides (Site photographs are attached).

10. Mr. Devendra Gaonkar, Field Surveyor, confirmed from the Sand dunes report, that the plot bearing survey number 16/4 is not included in sand Dunes plan report. Mr Devendra Gaonkar observations are attached in response to my query on inclusion of this survey number in sand dune plan of Salcete Taluka. Present changed layout, is within the earlier approved area.

11. The western part of the plot facing sea is under severe erosion, and efforts should be made to construct gabion wall to prevent further damage. Encouraging more natural green cover like grass, creepers will reduce the erosion. Similarly the eastern tip of the plot has also has a sloppy contour. This portion has to be kept in natural form without disturbance.

12. There has been many encroachments in several parts of coastline which has caused deterioration of coastline which has caused deterioration of coastal ecosystem. Therefore a clear responsibility to the land owner and to conduct business along with management and conservation of the well demarcated area, and review, while renewing the license, will support business as well as conservation.

**Recommendations:**

Proposed change in the plan is recommended

**Decision: The said matter to be attached with complaint proceeding pending before authority.**

**Item No.4**

**(Temporary measures for repairs of damaged retaining wall/boundary wall due to "Tauktae" cyclone)**

**Case No. 4.1**

**Proposed repair of existing retaining wall in Sy.No.245/1, 2 by Fomento Resorts and Hotels Limited, Cidade Goa damaged due to the "Tauktae" Cyclone.**

**Background:**

The Office of the GCZMA is in receipt of application dated 19/05/2021 from Fomento Resorts and Hotels Limited, Cidade de Goa, Vainguinim Beach, Goa with regards severe damage to the retaining wall and property in Sy.No.245/1, 2 due to cyclone "Tauktae". Require immediate repairs to restore the retaining wall so as to control more damages in the monsoon that is going to approach soon.

The said site was inspected by Mahesh Patil, Expert Member (GCZMA) & Devendra Gaonkar, Field Surveyor, GCZMA.

1. The proposed repair / renovation of existing retaining wall is located in survey number 245/1,2 in village Taleigao of Bardez Taluka.
2. The laterite retaining wall strengthen with cement pointing was existing for last many years. It was effectively controlling wave erosion.

3. During the last month Cyclone, retaining/erosion control wall is severely damaged due to sea waves. Many grown up trees have been uprooted (Photographs attached). This is thecommon phenomena, across the sea beach.
4. Monsoon and waves are further damaging the wall and leading to huge erosion and landslide.
5. Proponent has submitted the detail design, to use boulder and cement pointing, to strengthen the wall and to withstand the sea waves. It is recommended to use coir based geotextile to further reduce the wave impact as well to support the vegetation on the retentionwall
6. Existing retaining wall is made of laterite boulder/ laterite stones which has withstand

for long period due to regular maintenance of bundh and proper drainage management.

7. Total length of the wall propose to be repaired is 163.57 meters. Details are marked in attached plan. Since retaining g wall is facing the sea directly, the construction/ repair be undertaken with the technical guidance from Water Resources Department.

**Recommendations**

Repair of the wall is most essential to control further damage to the property and soil erosion.

Permission may be granted to repair the retention / erosion control wall as per the design submitted, under the supervision of water Resource Department.

**Decision: The said matter is deferred.**

**Case No. 4.2**

**Restoration and Rehabilitation of existing mini-deck and walk way for water sports by Fomento Resorts and Hotels Ltd. in Sy.No.246/1 of Taleigao Village Tiswadi Goa.**

**Background:**

1. Project proposal had submitted the proposal on 12/09/2018 for Rehabilitation of existing Mini Deck and Walkway for water sports.
2. Expert Members of GCZMA, conducted the site inspection on 16/10/2018 and submitted the report recommending the repair and rehabilitation with a condition to submit the letter of specific permission from the Board of Trustee of MPT to FRHL to use and construct temporary structures.

**Inspection & observations**: The site was inspected by Mahesh Patil Expert Member (GCZMA).

1. The mini deck and related structures are further eroded and totally damaged. The deck is also damaged and metal pathway is removed as it was a safety hazard. Photographs are attached.
2. Project proponent has revised the drawings to repair of other parts (considering the present status) i.e. Mini Deck and pathway and also proposed floating pontoons, anchored to the Desk. Detail drawings of proposed structures are attached.
3. As stated in earlier inspection report, these are permitted activities in CRZ III, and recommended subject to NOC from MPT.
4. FHRL has submitted letter from MPT no CE-Estate/1/1/ foreshore/FRHL/2019/1174 dated 12/06/2019 no objection certificate strengthening of Mini Deck and Walkway.

**Conclusion and recommendations:**

1. The proposed restoration and rehabilitation of the existing mini deck, cassion and installation of floating pontoon is within the HTL of Zuari River marked as CRZ III area.
2. Mini Deck was granted CRZ permission on 17/10/2000.
3. Entire structure is corroded, unsafe and requires immediate maintenance and repair.
4. Recommended for restoration and rehabilitation of existing Mini Deck, strengthening of cassion, anchoring arrangement, and installation for floating pontoon.

**Decision: The said matter is deferred.**

**Item No. 5 (Any Other Development)**

**Case No.5.1**

**NOC for proposed sub division for individual plot development of society by Members in Sy.No.188/1-A in Poinguinim Village, Canacona Taluka.**

**Background:**

This office is in receipt of an application dated 15/06/2021 from Hon. Secretary, Gomantak Co-Op Housing Society Ltd, 322, Casa Del Sol, office block, Miramar, Panaji-Goa regarding NOC for proposed sub division for individual plot development of society by Members in Sy.No.188/1-A in Poinguinim Village, Canacona Taluka.

**Decision: The said matter is deferred.**

**Case No.5.2**

**To decide on Erection of Temporary Structures i.e Shack/Tents/Cottages/Huts etc as annexed as Annexure "A"**

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**Erection of Temporary Structures i.e Shack/Tents/Cottages/Huts etc**

**Village: Candolim** **Taluka: Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 26/03/2021 | M/s. Fomento Resources Pvt. Ltd | 162 | 1 | 3850.00 | 1270.05 | 12 Cottages | 1 Restaurant | 580.00 | Recommended The applicant also sought permission for repair of existing structure having an area 534.31 Sq.mt. The site was inspected by Expert Member GCZMA as per site inspection report there is one existing ground plus one structure with compound wall and gate. The built up area of this existing structure is 534.31 square meter. The structure is very old and in dilapidated conditions. | Approved |

**Village: Mandrem (Sea)** **Taluka: Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1 | 09/07/2020 | Mr.Lyzer Fernandes | 226 | 1-F | 140.00 | 46.20 (33%) | - | 1shack/Restaurant | 45.90 | Recommended Subject to Beach Carrying Capacity Report | Approved |
| 2 | 04/03/2021 | M/s. Bhalla and Anand Enterprises | 211 | 2-A | 2943.00 | 971.00 (33%) | Cottages-28, Admin-1, | Resutrent/Shack-1 | 964.76 | Recommended Subject to Beach Carrying Capacity Report | Approved |
| 3 | 14/06/2021 | Mr. Rajender Kumar Kamra | 211 | 2-A (Part) Polt M-I, Plot 23, Plot 24 | 3955.00 | 1305.15 | Cottages-21, | 1-Resturent/ Reception | 1217.00 | Recommended Subject to Beach Carrying Capacity Report | Approved |
| 4 | 18/06/2021 | Mr. Satyam Thakral | 216 | 0 | 4800.00 | 1584.00 | Huts type X-12, Huts type Y-8, Admin/Reception- 1 | Shack-1 | 931.00 | Recommended The applicant also sought permission for repair of existing structures having an total area of an 311.00 Sq.mt. | Approved. However for repair of existing structures is pending. |

**Village: Sernabatim (Sea)** **Taluka: Salcete**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 04/11/2019 | Maria Filomena Fuetado | 12 | 4 | 3550.00 | 1171.50 | 8 | 1 | 698.32 | The Case may be considered after scrutiny upon receipt of documents & disposed of Complaint. Report from accredited agency & payments of bill raised by PWD for demolition. Expert Member Mr. Savio Correia and Mr. Flaviano Miranda stated that he has conveyed his opinion in 242nd GCZMA meeting. | Deferred for hearing |
| 2. | 08/11/2019 | Maria Filomena Fuetado | 12 | 1-A | 470.00 | 155.10 | - | 1 | 144.00 | The Case may be considered after scrutiny upon receipt of documents & disposed of Complaint. Report from accredited agency & payments of bill raised by PWD for demolition. Expert Member Mr. Savio Correia and Mr. Flaviano Miranda stated that he has conveyed his opinion in 242nd GCZMA meeting. | Deferred for hearing |

**MINUTES OF THE 265th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 15/07/2021 at 2.30 PM. IN THE MINI CONFERENCE HALL, SECOND FLOOR, SECRETARIAT, PORVORIM-GOA THROUGH VC.**

The 265th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 15/07/2021 at 2.30 p.m.in the mini conference hall, second floor, Secretariat, Porvorim – Goa.

**The following members were present for the meeting on 15/07/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Department of Tourism, (online)
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

The Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes,

Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose

they were trying to get into the bottom of the said document. He stated that after having constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm. During 262nd meeting held on 24/06/2021. The advocate HD nailk who appeared for complainant sought one week time for arguments. The authority after detailed discussion decided to grant one week time and matter is posted on 01/07/2021at 3.30 pm.

On 01/07/2021 Adv Shivan Dessai appeared through VC. He requested for time and stated that he sent an email seeking adjournment on ground of personal difficulty.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and posted this matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. The Authority decided to adjourned the matter on 15/07/2021 at 3.30 pm.

**Proceedings: :** Adv H D Naik appeared through VC on behalf of Complainant, Adv Shivan Dessai appeared through VC on behalf of Respondent M/s Reis Euopa Developers and Adv. J. Godinho appeared through VC on behalf of Mr. Tahir Isani Present..

The Advocate for Complainant submitted Respondent no.1 demarcated the High Tide Line (HTL) from DSLR in respect to property. The Town and Country Planning Department has granted permission based on said demarcated HTL. The Advocate for Complainant submitted that HTL has been deviated while submitting same before the TCP for approval. The advocate for Complainant submitted that Respondent no.1 has filed and application before the Authority seeking fresh inspection

Advocate S. Dessai submitted that he represents the M/s Reis Euopa Developers and all permissions are on record. All the structures have be constructed with the requisite permissions from all the Authorities. The permissions validly granted to Respondent cannot be relooked based on apprehension/allegation raised by the Complainant which is without any basis. Further submitted that permission cannot be used to set aside for asking.

Advocate Godinho submitted that DSLR has physically visited the site and thereafter line was drawn. He stated that the SCN is issued under the E.P. Act. The Adv denies the fact that they have manipulated the HTL. The development in question is beyond existing road and hence CRZ is not applicable. Further submitted that area in question is a CRZ II zone. He further informed that all the required permissions are been obtained by them and the constructions are carried out as per the approved plans and permissions granted by the Authority. There is no any illegality committed by respondent. Adv. Godinho prayed for time to argue the matter.

**Decision:** The Authority after hearing the parties posted the matter on 29/07/2021 at 3.30 pm.

**Case No.1.2**

**To decide on the complaint from Mr. Ronald Pinto vide email dated 25/01/2021 against Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim. (*High Court Matter)***

**Background:** That, vide email dated 25/01/2021 Mr. Ronald Pinto filed a complaint before Authority stating interalia stating that there is illegal construction going on in Sy.No.97/1, 2, 3 at Mobor Cavelossim.

The complainant further filed a Writ Petition bearing No.108/2021 before Hon'ble High Court of Bombay at Goa interalia being aggrieved by said illegal construction in 97/1, 2, 3 Mobor, Cavelossim carried out by Mr. Perry Fernandes r/o. House No.448, Mobor Cavelossim.

That, vide order dated 22/02/2021 the Hon'ble High Court of Bombay at Goa in the said petition interalia directed the authority to visit the site and ascertain whether the allegations made by petitioner are correct and also initiate action permissible under law.

That, in terms of directions contain in order dated 22/02/2021 passed by Hon'ble High Court of Bombay at Goa in the said petition a site inspection was carried by Expert Members of GCZMA along with Field Surveyor GCZMA on 01/03/2021. The said Expert Members of GCZMA submitted their report interalia stating as follows:-

***"IV. FINDINGS AND RECOMMENDATIONS.***

*8. Prima facie, the structure appears to be unauthorised having been constructed/reconstructed beyond the plinth of the structure shown on the survey plan without prior permission of the authority and lying within NDZ of River Sal. As such, the same is required to be demolished and the land restored to its original condition.*

*9. However, since respondent Mr.Perry Fernandes claims that the structure was existing prior to 1991 et., he may be allowed to produce evidence on this aspect and appropriate decision may be taken after due inquiry."*

The above findings and recommendations depict violation of CRZ norms and regulations.

That the Hon'ble High Court of Bombay at Goa interalia while disposing of the petition bearing Writ petition no.108/021 vide order dated 03/03/2021observed as follows:-

*" 5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.*

*6. Until such action is concluded the statement on behalf of respondent No.7 that no further construction will be undertaken will stand. In fact we direct the respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat."*

Based on the complaint a show cause notice dated 19/03/2021 was issued to the violator.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time to respondent and posted the matter on 24/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd meeting held on 24/06/2021 The Authority after hearing the parties directed the Respondent to submit a copy of reply to office of the Authority at the earliest. Further

directed Complainant to collect copy of the reply from the authority and file his rejoinder if any to the reply before the next date of hearing and copy may be served upon the Respondent in advance. The matter is now posted on 01/07/2021 at 3.30 p.m. for arguments. During 263rd meeting_Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority considered the Email sent by the Respondent requesting for adjournment decided to grant the time and posted the matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Mr. Ronald Pinto appeared in person. Adv Balkrishna Sardessai appeared on behalf of Mr. Perry Fernandes. Adv Sardessai stated that he filed his reply in the office of the GCZMA and also provided a copy of the Reply to the Complainant. The Complainant filed a rejoinder to the Reply and the copy of the rejoinder is served on the Adv for the Respondent.

The Authority heard the parties and has taken the replies on record. The matter now stands posted to 15/07/2021 at 3.30 p.m for Arguments.

**Proceedings:** The matter is called out through video Conference. The Complainant remained present in person. The Respondent is duly represented by Adv. Balkrishna. Sardessai. Both the parties stated that they have exchanged the pleadings and matter may be heard.

The Complainant submitted that the structure in question is a fresh/ new illegal construction carried out in the Village of Cavelossim, Mobor-Goa. The Complainant further stated that he relies upon the all the submissions made in the written submissions filed before the Authority and the reply may be taken as Arguments. The Complainant stated that the structure in question is constructed in violation CRZ Notification, TCP and the Village Panchayat Act.

The Advocate for Respondent submitted that he has filed a detailed reply. The advocate for Respondent pointed out to the allegations made in show cause notice and conclusions recorded in the Site inspection report dated 08/03/2021. The advocate for Respondent further pointed out allegation made by complainant in the petition filed before the High Court of Bombay at Goa. The advocate for Respondent pointed out Para 4 of the inspection report dated 08/03/2021. The advocate for Respondent pointed out to various documents filed before the authority and stated the structure in question existed prior to 1963-70. The advocate for Respondent stated that structure is definitely prior to year 1991. The advocate for Respondent stated that in the year 1970 an assessment is registered at sr. no.41 in the name of Sebastiao Fernandes and the same is annexed as Annexure I to his reply. The advocate for Respondent further stated that there is further a assessment of house of the year 1981-1982 and entries at sr. no.499.500 are made in the name of Sebastiao Fernandes having house no 498 and 499. The advocate for Respondent stated that both the assessment of house has been standng prior to the year 1991 and the said documents are prior to year 1991. The advocate for Respondent stated survey for the State of Goa was done and promulgation was done in the year 1971. The advocate for Respondent stated further relied upon the Certificate of registry of fishing boat and same is in name of one Filomeno Fernandes and the same is annexed as Annexure II to his reply. The advocate for Respondent stated in the year 1991 the property was purchased

vide Deed of Sale dated 14/10/1991. The advocate for Respondent stated the Form I & XIV records in the other rights column that there is house belonging to one Sebastiao Fernandes. He further stated that the structure figures on the Survey Plan. The advocate for Respondent stated the there are letter of the year 1990 from the Excise Department and also an N.O.C for running a restaurant is issued by the concerned Village Panchayat in the year 1990. The Application to the concerned Panchayat seeking permission to start a restaurant was made on the 31/08/1989.

The Respondent has produced Death Certificate of Sebastiao Fernandes is filed on record. And the Birth Certificate of the Respondent is also on record to show the connection The advocate for Respondent stated said Sebastiao Fernandes is linked to the Respondent and hence the Respondent is entitled to rely upon his documents which are prior to 1991.

The advocate for Respondent stated in the CRZ Notification 2011 Clause 6 (d) provides for regularization dwelling units of traditional coastal community. The advocate for Respondent stated the structure was infact old and was in dilapidated state and is only repaired /renovated on exiting plinth.

The Advocate for Respondent stated pointed out the process of CZMP is under process and authority may also consider regularization of said structure and same will be used for residential use only.

The Complainant in rebuttal submitted that the original structure was only 27 sq. mts and same has been extended. The Complainant submitted that the documents relied upon by Respondent pertain to different structure which is close to the HTL and same is not under consideration. The new structure which is constructed by the Respondent is 11 mts from the HTL.

**Decision:** The Authority heard the parties at length and taking into consideration the reply, oral and written submissions, made by both the parties decided to keep the matter for passing appropriate order.

**Case No1.3**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka.** ***(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 261st GCZMA meeting held on 17/06/2021 Advocate S.Dessai present on behalf respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The complainant relied upon written arguments filed by him. The complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The complainant submitted that the respondent has not produced Permission/NOC from any authority to utilize the said structures for commercial use. The complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the respondent relied upon minutes of authority dated 26/10/2019 on this point. The respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for reply and arguments.

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Complainant requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 the meeting is postponed to 15/07/2021 at 3.30 pm.

**Proceedings:** The matter is called out through video Conference. The Complainant remained present in person. The Respondent is duly represented by Adv. Shivan Dessai.

**Decision:** The Authority noted a site inspection has been carried out by Expert Member GCZMA. The Authority after hearing the parties directed the parties to collect the copies of inspection report. The matter is posted on 22/07/2021; at 3.30 pm .

**Case No1.4**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently

clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

**AND WHEREAS,** the said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

**AND WHEREAS,** the Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a*

*maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*
*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*
*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 advocate on behalf of Brigida Fernandes requested for additional time for arguments the meeting is postponed to 15/07/2021 at 3.30 pm.

**Proceeding:** Advocate Parag Rao present for respondent. The complainant represented by Advocate Shweta Pereira. Adv Parag Rao brought to the notice of this Authority that he had filed the complaint against illegal huts which is required to be inquired. It is made clear there are two separate matters before this Authority one which is remanded by Hon'ble High Court of Bombay at Goa and another in which the complainant is filed by the respondent for which site inspection needs to be done.

**Decision:** The matter is adjourned and fixed for final arguments on 22/07/2021 at 2.00 pm.

**Case No 1.5**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.** ***(High Court Matter)***

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa".* Interms of decision taken in 196th GCZMA meeting held on 16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai

appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that_since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020 Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 the Adv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021.

During 257th Meeting the Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.

During 261st GCZMA meeting held on 17/06/2021 Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent through VC. Adv for Respondent argued on survey plan prepared by DSLR and filed detailed written submission before the authority.

Complainant sought 2 weeks time to go through written submissions filed by respondent.

The authority after hearing both the parties decided to post the matter on 22/07/2021 at 3.30 pm.

As it is a High Court matter and the Authority has decided the case within 3 months of time . Therefore the authority decided to issue fresh hearing notice.

**Proceedings:** The matter is called out through video Conference. The Complainant is duly represented by Adv. H. D. Naik. The Respondent represented by Adv. S. Dessai.

The Advocate for Complainant pointed out to inspection report and plan prepared. The Complainant stated that part of structure is in river Mandovi. Further the advocate for Complainant submitted that instead of 5 structures, 3 Bungalows have been constructed by the Respondent.

The advocate for Respondent stated that he has preliminary objections against maintainability of the complaint. The advocate for Respondent submitted that Respondent has obtained all the approvals from the concerned authority. The advocate for Respondent obtained permissions from the Town and Country Planning Department and the Village Panchayat has granted completion and occupancy for the said construction. The advocate for Respondent stated that permissions granted to Respondent have become final. The advocate for Respondent submitted that that present complaint is an attempt to question the permissions granted to Respondent through backdoor. The advocate for Respondent submitted that permission granted to him cannot be re-looked at this stage and legal recourse available to Complainants is also time barred. The advocate for Respondent submitted that survey plan is faulty/flawed as the same doesn't consider the approval granted to the Respondent. The advocate for Respondent submitted that riverine portion of the property is leased to the Respondent prior to 1991. The advocate for Respondent relied upon additional reply filed in the matter. The advocate for Respondent submitted that a report is submitted by him prepared by recognized agency and relied upon conclusion in the said report. The advocate for Respondent submitted that compound wall is in existence prior to 1991. The survey plan / report has been discarded and cannot be considered. The advocate for Respondent submitted that the riverine land was in his possession of his predecessor's i.e it was leased to the Respondent's predecessors prior to year 1991. The advocate for Respondent submitted that structures are across the road and has approval. The advocate for Respondent submitted that the temporary structures in the property have been removed. The Advocate for the Respondent stated that the DSLR and the GCZMA report should by discarded as they do not look into the permissions obtained by the Respondent.

**Decision:** The Authority heard both the parties at length matter posted the matter for Orders.

**ITEM NO. 2**

**Case No.2.1**

**Permission for access road to proposed development on plat bearing Sy.No.59/3A village Calangute Taluka Barez-Goa.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 18/03/2021from Devashish Sehgal, Dhiraj Bakshi, Nicetel Electronic Private Limited, Aman Chouhan regards permission for access road to proposed development on plat bearing Sy.No.59/3A village Calangute Taluka Barez-Goa.

**Site inspection Report:** The said site was inspected by Mahesh Patil, Expert Member (GCZMA).

1. Applicant has a plot bearing Sy.No.59/3 in Calangute Village Bardez Taluka.
2. Copy of the plan showing 100.0 NDZ line is submitted.
3. Proponent has proposed residential complex in the plot beyond 100.0 meter NDZ line.
4. The access road from the proposed complex to the asphalted road passes through the 100.0 meter line.
5. Proponent has proposed 24.19 mt length and 11.0 meter width paver/laterite road, without using cement for loss and mobility, proposed road land is owned by the proponent.
6. All details of dimensions and route plan as demarcated an attached plan.

**Decision:** The Authority after detailed discussion decided to approve construction of access road of 6 mts for proposed development on the plot bearing survey no. 59/3A of village Calangute, Bardez Goa with a condition that structures not to be shown, only access to be shown, on the plan clearly indicating with writing that the Authority is giving concurrence for access lying in CRZ area only.

**Item No.3**

**(Temporary measures for repairs of damaged retaining wall/boundary wall due to "Tauktae" cyclone)**

**Case No. 3.1**

**Proposed repair of existing retaining wall in Sy.No.245/1, 2 by Fomento Resorts and Hotels Limited, Cidade Goa damaged due to the "Tauktae" Cyclone.**

**Background:**

The Office of the GCZMA is in receipt of application dated 19/05/2021 from Fomento Resorts and Hotels Limited, Cidade de Goa, Vainguinim Beach, Goa with regards severe damage to the retaining wall and property in Sy.No.245/1, 2 due to cyclone "Tauktae". Require immediate repairs to restore the retaining wall so as to control more damages in the monsoon that is going to approach soon.

The said site was inspected by Mahesh Patil, Expert Member (GCZMA) & Devendra Gaonkar, Field Surveyor, GCZMA.

1. The proposed repair / renovation of existing retaining wall is located in survey number 245/1,2 in village Taleigao of Bardez Taluka.
2. The laterite retaining wall strengthen with cement pointing was existing for last many years. It was effectively controlling wave erosion.

3. During the last month Cyclone, retaining/erosion control wall is severely damaged due to sea waves. Many grown up trees have been uprooted (Photographs attached). This is the common phenomena, across the sea beach.
4. Monsoon and waves are further damaging the wall and leading to huge erosion and land slide.
5. Proponent has submitted the detail design, to use boulder and cement pointing, to strengthen the wall and to withstand the sea waves. It is recommended to use coir based geotextile to further reduce the wave impact as well to support the vegetation on the retention wall
6. Existing retaining wall is made of laterite boulder/ laterite stones which has withstand for long period due to regular maintenance of bundh and proper drainage management.
7. Total length of the wall propose to be repaired is 163.57 meters. Details are marked in attached plan. Since retaining g wall is facing the sea directly, the construction/ repair be undertaken with the technical guidance from Water Resources Department.

**Recommendations**

Repair of the wall is most essential to control further damage to the property and soil erosion.

Permission may be granted to repair the retention / erosion control wall as per the design submitted, under the supervision of water Resource Department

**Decision: The matter is deferred due to paucity of time.**

**Case No. 3.2**

**Restoration and Rehabilitation of existing mini-deck and walk way for water sports by Fomento Resorts and Hotels Ltd. in Sy.No.246/1 of Taleigao Village Tiswadi Goa.**

**Background:**

1. Project proposal had submitted the proposal on 12/09/2018 for Rehabilitation of existing Mini Deck and Walkway for water sports.
2. Expert Members of GCZMA, conducted the site inspection on 16/10/2018 and submitted the report recommending the repair and rehabilitation with a condition to submit the letter of specific permission from the Board of Trustee of MPT to FRHL to use and construct temporary structures.

**Inspection & observations**: The site was inspected by Mahesh Patil Expert Member (GCZMA).

1. The mini deck and related structures are further eroded and totally damaged. The deck is also damaged and metal pathway is removed as it was a safety hazard. Photographs are attached.
2. Project proponent has revised the drawings to repair of other parts (considering the present status) i.e. Mini Deck and pathway and also proposed floating pontoons, anchored to the Desk. Detail drawings of proposed structures are attached.
3. As stated in earlier inspection report, these are permitted activities in CRZ III, and recommended subject to NOC from MPT.
4. FHRL has submitted letter from MPT no CE-Estate/1/1/ foreshore/FRHL/2019/1174 dated 12/06/2019 no objection certificate strengthening of Mini Deck and Walkway.

**Conclusion and recommendations:**

1. The proposed restoration and rehabilitation of the existing mini deck, cassion and installation of floating pontoon is within the HTL of Zuari River marked as CRZ III area.
2. Mini Deck was granted CRZ permission on 17/10/2000.
3. Entire structure is corroded, unsafe and requires immediate maintenance and repair.
4. Recommended for restoration and rehabilitation of existing Mini Deck, strengthening of cassion, anchoring arrangement, and installation for floating pontoon.

**Decision: The matter is deferred due to paucity of time.**

**Item No. 4 (Any Other Development)**

**Case No.4.1**

**NOC for proposed sub division for individual plot development of society by Members in Sy.No.188/1-A in Poinguinim Village, Canacona Taluka.**

**Background:**

This office is in receipt of an application dated 15/06/2021 from Hon. Secretary, Gomantak Co-Op Housing Society Ltd, 322, Casa Del Sol, office block, Miramar, Panaji-Goa regarding NOC for proposed sub division for individual plot development of society by Members in Sy.No.188/1-A in Poinguinim Village, Canacona Taluka.

**Decision: The matter is deferred due to paucity of time.**

**Item No. 5**

**DELIBERATION ON FURTHER ACTION ON THE OBJECTIONS AND SUGGESSTIONS RECEIVED FOR THE DRAFT CZMP, 2011.**

The Member Secretary explained to the members that the Authority has received approximately 3493 number of objections and suggestions for North Goa and 4016 number of objections and suggestions for South Goa respectively when notice for Public Hearing on March 7th 2021was issued.

Broadly the objections and suggestions can be summarised as follows:-

1. Objection for non depiction of structures in the / Wrong depiction of structures
2. Objection for depiction of Port Limits.
3. Objection for wrong depiction of Khazans / non depiction of Khazan
4. Objection to the wrong / non depiction of sluice gates
5. Objection to the wrong/non depiction of Bunds
6. Objection to the wrong /non depiction of fishing zone
7. Objection to the wrong /non depiction of fish breeding areas.
8. Objection to the wrong/non depiction of fishing ward
9. Objection to the wrong /non depiction of fishing village boundary
10. Objection regarding the wrong depiction of High tide Line
11. Objection to the wrong / non depiction of sand dunes
12. Objection regarding wrong /non depiction of mangroves / buffer for mangroves.
13. Objection regarding wrong/non depiction of notified heritage sites

The members perused the nature of objections and suggestions and decided to address the objections and suggestions as follows:

| Sr.No | Nature of Objection /Suggestions | Proposed action |
|---|---|---|
| 1 | Objection for non depiction of structures in the / Wrong depiction of structures | To convey that the GCZMA in its 251st meeting has addressed this issue and the copy of the minutes of the meeting to be enclosed. |
| 2 | Objection for depiction of Port Limits. | To convey that the GCZMA in its |

| | | |
|---|---|---|
| | | 251st meeting has addressed this issue and the copy of the minutes of the meeting to be enclosed. NCSCM will be requested not to depict the port limits in the final CZMP maps. |
| 3 | Objection for wrong depiction of Khazans / non depiction of Khazan | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 4 | Objection to the wrong / non depiction of sluice gates | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 5 | Objection to the wrong/non depiction of Bunds | To be forwarded to WRD for their comments and ground truthing wherever required. |
| 6 | Objection to the wrong /non depiction of fishing zone | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 7 | Objection to the wrong /non depiction of fish breeding areas. | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 8 | Objection to the wrong/non depiction of fishing ward | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 9 | Objection to the wrong /non depiction of fishing village boundary | To be forwarded to Fisheries Department for their comments and ground truthing wherever required. |
| 10 | Objection regarding the wrong depiction of High tide Line | Team of Expert members (GCZMA) |
| 11 | Objection to the wrong / non depiction of sand dunes | Team of Expert members (GCZMA) |
| 12 | Objection regarding wrong /non depiction of mangroves / buffer for mangroves | To constitute a committee comprising of Dr. Simon Dsouza, Dr. N.P.S Varde, Dr. Prabhakar Shirodkar and Dr. Vinod Dhargalkar to carryout ground truthing and submit comments. |
| 13 | Objection regarding wrong/non depiction of notified heritage sites | To be forwarded to Town & Country Department and Department of Archives & Archaeology for confirmation of site. |

**Decision:** The Authority approved the proposed action as per table above and had further decided to send the data to NCSCM Chennai on receipt of inspection report from the Expert members for updation on daily basis by keeping in mind the directives given by the NGT for completion of CZMP by 31/08/2021.

*Meeting ended with thanks to the Chair.*

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF THE 266th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 22/07/2021 at 02.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 266th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 22/07/2021 at 2.00 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 22/07/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No1.1**

**To comply with the Order dated 12/01/2017 in Application No. 170/2016 of the Hon'ble National Green Tribunal at Pune filed by Mr. Kashinath Shetye and to decide on the alleged illegal construction carried out by Mrs. Sheila Dhody by building / constructing various hotels i.e. (Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Casa Anjuna) within NDZ area of Bardez Taluka.** ***(NGT Matters)***

**Background:** The GCZMA earlier pursuant to detailed inquiry in the matter and decisions taken in the 180th GCZMA meeting held on 31/07/2018, 190th GCZMA meeting held on 04/12/2018, 191st GCZMA meeting held on 4/12019 had passed a demolition orders to various structures belonging to Mrs. Sheila Dhody.

the said order of demolition was challenged before the Hon'ble NGT in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) by the said Respondent.

vide order dated 06/02/2020 in appeals bearing no. 18/2019, 19/2019, 20/2019, 21/2019, 22/2019 (WZ) passed by Hon'ble Tribunal has directed as follows : "The parties shall appear before the GCZMA within a period of 15 days from hence. The GCZMA shall permit the Appellant to file her objections to the Inquiry Report and also responses in

each of the five cases. The Appellant shall be at liberty to submit additional documents and place additional facts if relevant and necessary for an effective adjudication of the matter. The GCZMA shall then hear the parties and take decisions afresh by reasoned orders. The entire exercise shall be completed within six weeks".

During 240th GCZMA meeting held on 17/12/2020. Complainant Kashinath Shetye, Surendra Govekar, Sheetal Dabholkar, Suhasini Govekar remained present in person. Adv Shivan Dessai appeared on behalf of Respondent. Adv. Shivan Dessai briefed about each individual case. Shri. Kashinath Shetye also pointed out certain illegalities.

The Authority after long discussion directed the Respondent to file the detailed reply in each individual case and furnish the advance copy to the Complainants. The Authority also decided to separate the cases into five cases for better adjudication and decision. The matter is fixed on 28/01/2021 at 3.30pm.

During 245th meeting held on 28/01/2021.The representative of the Respondent present and moved an application praying for the time. Complainant Mrs. SuhasiniGovekar present. Complainant Shri. Kashinath Shetye was absent. The Authority decided to post the matter on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. The Complainant Kashinath Shetye present in person for Casa Vagator, Casa Colvale, Casa Britona, Casa Baga and Complainant Suhasini Govekar present in person for Casa Anjuna. Ld Adv. appeared for Respondent. The Authority heard the Complainant and Respondent.

The Authority after hearing both the parties decided separate the cases into five different cases for better adjudication and decision as the complaint is in respect of different structures at different places. The matter is posted on 11/02/2021 at 3.30 pm.

During 248th Meeting held on 11/02/2021 Authority decided following.

**(a) Casa Britona**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the offending structures such as Extension done to the Massage Parlor, Kitchen and the Swimming pool and all additional extensions within two weeks. The Expert members to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority asked the respondent to submit comprehensive reply and compliance about the demolition carried out in the property as per survey plan.

**(b) Casa Colvale**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

The Authority after hearing both parties directed the Respondent to remove the all additional extensions done by them in violation of CRZ Regulation within two weeks. The Expert members and DSLR to inspect the site on 25/02/2021 and submit the report to this Authority on 04/03/2021 at 3.30 pm.

During the 258th GCZMA meeting the Authority directed the respondent to file detailed reply along with documentary evidence of the existence of structure before 1991. The matter is posted on 17/06/2021 at 3.30 pm through VC.

**(c) Casa Vagator**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(d) Casa Anjuna**

The Complainant Mrs. SuhashiniGovekar remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

**(e) Casa Baga**

The Complainant Shri. Kashinath Shetye remained present. Adv Shivan Desai for the Respondent present. Heard the arguments of both parties.

Due to paucity of time no matter could be discussed and hence adjourned on 04/03/2021 at 3.30pm.

The Authority during 252nd GCZMA meeting held on 04/03/2021 decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021.

During the 258th GCZMA meeting the Authority posted the matter on 17/06/2021 at 3.30 pm through VC.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 261st GCZMA meeting held on 17/06/2021 Advocate S.Dessai present on behalf respondent. Complainant Mr. Kashinath Shetye present.

The Complainant states that all the structures part of the present proceedings are being used for commercial purposes. The complainant relied upon written arguments filed by him. The complainant submitted that even the report of Inquiry Committee of GCZMA is negative and mapping is carried of all the structures. The complainant submitted that the respondent has not produced Permission/NOC from any authority to utilize the said structures for commercial use. The complainant relied upon various judgements already placed on record to indicate commercial use is not permissible.

Advocate for respondent submitted that usage of structure is only specifically indicated with regards to CRZ II area. With regards to CRZ III area there is restriction of use of structure for commercial purposes. Further the respondent relied upon minutes of authority dated 26/10/2019 on this point. The respondent advocate pointed out to relevant provisions CRZ 8 (2) CRZ II sub clause 3.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to direct the Respondent to ensure service of said compliance reports upon Complainant. The matter was posted on 01/07/2021 for reply and arguments.

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Complainant requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 the meeting is postponed to 15/07/2021 at 3.30 pm. During 264th meeting held on 15/07/2021. The authority decided

to share the site inspection report of Casa Britona with respondent and complainant and further posted the matter on 22/07/2021.

**PROCEEDINGS:** The Proceedings were conducted through VC. Mr Kashinath Shetye present in person. Adv Shivan Desai present on behalf of present on behalf Respondent. The Complainant states that there was no demolition carried out as compliance but only cosmetic demolition was carried out. Adv For the respondent objected and stated that the Respondent had complied with the directions. The Complainant referred to the Site Inspection report wherein in the report it has clearly been mentioned that the directions are not complied with.

**DECISION:** The Authority in Casa Vagator and Casa Anjuna decided to pass orders in the matter. The Authority directed to seek compliance from the Expert Members with regards to Casa Britona and Casa Colvale. The Authority considered the request of the Respondent seeking time to submit compliance.

**Case No1.2**

**To decide on order dated 31/05/2021 passed before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.04/2021 (WZ) filed by Cavelossim Villagers Forum against M/s Mobor Fisheries.**

**Background:** pursuant to exhaustive hearing of the matter, the authority was pleased to issue an order discharging the respondent interms of decision taken in the 215th GCZMA meeting held on 22/10/2019.

the said order of discharge dated 08/10/2020 was challenged before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.04/2021 (WZ) filed by Cavelossim Villagers Forum . The Hon'ble National Green Tribunal, New Delhi has vide order dated 31/05/2021 observed as follows:- 4."*Without expressing any opinion on veracity of the submissions made on behalf of the appellant, we consider it to be in the interest of justice to permit the appellant an opportunity to raise all such contentions and produce documents sought to be relied before the GCZMA itself within one month from today. The GCZMA may consider such documents on their merit and record an appropriate finding, after giving due opportunity to the affected parties. In particular, the issue of hygiene in terms of solid waste, sewage disposal etc. may be looked into. The GCZMA may take a decision preferably within six months. It will be open to the GCZMA to pass such further order as may be found appropriate and for this purpose the impugned order will not be treated as final till a further order is passed".*

the said order of discharge dated 08/10/2020 was challenged before the Hon'ble National Green Tribunal , New Delhi in Appeal bearing no.07/2021 (WZ) filed by Kashinath Shetye . The Hon'ble National Green Tribunal, New Delhi has vide order dated 23/06/2021 observed as follows:- "*2. Appeal No. 04/2021 (WZ), Cavelossim Villager's Forum v. The Village Panchayat of Cavelossim & Ors. against the same impugned order was disposed of by this Tribunal vide order dated 31.05.2021 requiring GCZMA to revisit the matter in the light of documents relied upon by the appellant in the said matter.*"

"*3. In view of above, since the proceedings are open before GCZMA and the impugned order is not final, the appellant is at liberty to approach the GCZMA for intervention in the pending proceedings. If the appellant herein produces any further material, GCZMA may consider the same in accordance with law.*"

During 264th GCZMA meeting held on 06/07/2021 The Authority has considered the application of Kashinath Shetye as an intervener in the matter. The Authority directed the parties to file reply if any and serve copies of the replies to both side. Matter now stands posted for hearing on the 22/07/2021 at 3.30 p.m.

**PROCEEDINGS:** Kashinath present in person as Intervener. Adv Shivan present for Respondent. Adv Nigel present for Cavelossim Villager's Forum.

**DECISION:** The Authority directed the Respondent and the Intervener to file reply and serve copies to the other parties. Counter reply if any to be filed before the next date of hearing. Fresh Personal hearing notices of next date of hearing will be intimated to all the parties.

**Case No1.3**

**To decide on complaint dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Consistency, with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa. (LAQ matter).**

**Background:** The Office of the GCZMA has received complaint letter dated 27/09/2019 from Mr. Churchill Alemao, MLA Benaulim Constituency, resident of Alemao Mansion, H. No. 150, Novan gully, Varca Salcette Goa with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193 dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint letter dated 27/09/2019 from Mr. Churchill Alemao and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. Ld Adv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

The Authority after hearing both the parties decided to grant additional time to respondent and the matter is further posted on 18/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now the Authority decided to issue fresh hearing notices. The said matter is placed for hearing on 24/06/2021.

During 262nd meeting held on 24/06/2021. The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. The Authority noted that since both the parties were absent and in the interest of natural justice matter is posted for hearing on 22/07/2021 at 3.30 p.m. Fresh Hearing Notices to be issued to all the parties.

**PROCEEDINGS:** Adv Shailesh Redkar present on behalf of the Complainant. Adv Parag Rao not present. Adv Rao sent an email to the Authority seeking adjournment.

**DECISION:** The Authority took the adjournment application on record and granted time. The Authority adjourned the matter to 26/07/2021 at 3.00p.m

**Case No1.4**

**To decide on email Complaint from Colva Civic & Consumer Forum and Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.**

**Background:** The Office of the GCZMA is in receipt of email complaint letter dated11/01/2021 from Colva civic & consumer Forum and a letter from Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that Respondent has violated the approvals granted by this authority.

The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244th GCZMA meeting held on 25/01/2021. The complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021Complainant Judith Almeida appeared in person. Ld advocate appeared for Respondent and filed the reply copy of the same is given to the complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm.However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021The Complainant remained present and filed the written statement and also objection to the inspection report dated

02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The authority decided to issue fresh hearing notices.

Proceeding at the 260th Meeting: Adv. Shivan Dessai appeared for respondent. Complainant did not appear. However complainant sent email stating her unavailability to appear for the matter due to short notice.

Decision at the 260th Meeting: The authority after taking note of the email from the complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd GCZMA meeting held on 24/06/2021. The Authority after hearing both parties decided to carry out fresh inspection and matter will be heard after issuing fresh hearing notice upon receipt of report.

**PROCEEDINGS:** Judith appeared in person through VC. Adv Shivan Desai appeared on behalf of Hermitage Builders through VC. The Respondent stated that he has complied with the directions of removing all the illegalities on site. The Complainant Objected to the Site Inspection as She was not served a Site Inspection Notice. Adv for Respondent objected and stated that she need not remain present for the Site Inspection as her presence was not required as it was for compliance.

**DECISION:** The Authority noted that the Expert Member Shri Mahesh Patel inspected the site on 21/07/2021. The Authority conveyed that the Notice need not be served as it is a Compliance Site Inspection that was carried out by the Expert Member. In view of the objections raised by the Complainant the Authority directed that the copy of the Site Inspection report that was carried out to verify the compliance may be sent to the Complainant via e-mail today itself and fixed the matter on Monday i.e 26/07/2021 for objections/reply if any.

**Case No1.5**

**To decide on illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H**

**of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.**

**Background:** in exercise of the power conferred upon the Goa Coastal Zone Management Authority, the GCZMA has issued various directions to the Deputy Collectors to take immediate action in cases of illegal construction in CRZ areas in violation of the above Notification 1991.

the office of GCZMA has received a monthly report dated 02/12/2015 from the office of the Deputy Collector & Sub Division Officer, Bardez, Goa. enclosing the report of the Mamlatdar of Bardez pertaining to illegal conversion of use of land from one purpose to another and illegal construction with footings plinth level in the property bearing Sy No. 97/1-H of Village Rei Magos Bardez Goa within the CRZ limits which is carried out by M/s. ATS Infrastructure Limited, Kegdavelim Wado, Reis Magos, Bardez Goa.

The GCZMA issued a Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/15-16/136/2129 dated 14/12/2015; the Respondent did file their reply to the Show Cause Notice on 28/12/2015.

The mater was placed before 238th GCZMA meting wherein Ld. Adv Hanumant Naik for complainant and Ld. Adv for Respondent present. Heard the arguments of both sides and perused the documents on record. The Authority decided to conduct site inspection and decided to call the parties for hearing on 07/01/2021. The matter was taken up in its 242nd GCZMA meeting held on 07/01/2021; wherein the Authority decided to conduct site inspection of the said property through Expert Members. The matter is kept for receipt of Expert Members report on 25/02/2021 at 3.30pm". This office is in receipt of DSLR report dated 19/04/2021.

During the 258th GCZMA Meeting the Authority after hearing the parties directed respondent o collect the copy of DSLR plan from the office of GCZMA and further posted the matter on 17/06/2021 at 3.30 pm through VC.

During 261st GCZMA meeting held on 17/06/2021.The Authority after hearing both the parties decided to direct the respondent to file brief written submission with regard to status of permission and validity in terms of law. The matter is posted for further hearing on 22/07/2021 at 3.30Pm.

**PROCEEDINGS:** Ld. Adv Hanumant Naik for complainant present through VC and Ld. Adv for Respondent present through VC . Adv Hanumant Naik sought for time.

**DECISION:** The Authority considered the oral request of the Complainant and granted time. Fresh notices to be issued to the parties intimating the next date of the hearing.

**Case No1.6**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

the Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 advocate on behalf of Brigida Fernandes requested for additional time for arguments the meeting is postponed to 15/07/2021 at 3.30 pm. During 265th GCZMA meeting , due to paucity of time the matter is posted on 22/07/2021.

**PROCEEDINGS:** Adv Sweta Present on behalf of the Complainant. Adv Parag Rao absent. Adv Rao sent an email seeking adjournment in the above matter stating that he is feeling feverish and would not be able to remain present for the hearing.

**DECISION:** The Authority considered the request of the Adv for Respondent and granted time thereby fixing the matter on 26/07/2021 for reply / arguments.

**Case No1.7**

**To decide on complaint letter dated 20/04/2016 from Lavu Toraskar, regarding illegal construction of a structure and errection of poles at Vaddy Candolim in the property bearing survey No. 125/1 at Vaddy, Candolim, Bardez, Goa against Mr Gurudas Soiru Toraskar.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 20/04/2016 from Lavu Toraskar, regarding illegal construction of a structure and errection of poles at Vaddy Candolim in the property bearing survey No. 125/1 at Vaddy, Candolim, Bardez, Goa against Mr Gurudas Soiru Toraskar.

the site under reference was inspected by the Expert Member of the GCZMA on 28th September 2016 and accordingly submitted report.

A show cause notice dated 28/02/2019 bearing no. GCZMA/N/ILLE-Compl/16-17/16/172 dated 25/04/2016; was issued to Mr Gurudas Soiru Toraskar.

The Respondent has filed his reply to the Show Cause Notice issued on 25/04/2016. the Site inspection was carried out by the members along with the DSLR on the 08/04/2019. During 238th GCZMA meeting held on 26/11/2020 The Complainant and the Respondent present in person. There is complaint and counter complaint by both Respondent and the Complainant. The Complainant and Respondent to collect the copies of complaint and counter complaint and inspection report of the expert member from the file and file their reply.

The Authority had decided to adjourned the matter for filing reply and counter reply if any 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 The matter is posted on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The Ld Adv for the Complainant present and informed that the Directorate of Settlement and Land Records had carried the inspection on 02/12/2020 and the Copy of the inspection report is not furnished to him and as such he is not in position to file the reply and prayed for the time. The Ld Adv for the Respondent present and filed the reply.

The Authority after considering the request from the complainant decided to post the matter on 25/02/2021 at 3.30pm. . Due to paucity of time the matter is adjourned on 02/03/2021.

During the 252nd Meeting the authority adjourned the matter on 25/03/2021 at 3.30pm. Now the authority has decided to fresh hearing notices.

During 261st GCZMA meeting held on 17/06/2021 The Authority heard the parties and directed Adv Noronha to inspect the office file and obtain the required document from the concerned file. The Authority further clarifies that the date 28/02/2019 on the Personal Hearing Notice is erroneously figuring and states that only one SCN was issued dated 25/04/2016. The matter is now posted on 22/07/2021 at 3.30 p.m. for any further clarification.

**PROCEEDINGS:** Adv Noronha Present Adv Mandrekar absent

**DECISION:** The Authority granted time and decided to issue fresh personal hearing notices of next date of hearing to all the parties.

**Case No 1.8**

**To decide on complaint letter dated 27/03/2019 from Shanil Toraskar and Mr. Vishant Toraskar and a Complaint letter dated 04/05/2016 from Mr Gurudas Toraskar, regarding illegal construction of a restaurant (Ground Floor) and apartment (First and Second Floor) in Sy. No. 127/3 at Vaddy, Candolim, Bardez, Goa carried out by Mr Lavu Toraskar.**

**Background:** the Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 27/03/2019 from Shanil Toraskar and Mr. Vishant Toraskar and a Complaint letter dated 04/05/2016 from Mr Gurudas Toraskar, regarding illegal construction of a restaurant (Ground Floor) and apartment (First and Second Floor) in Sy. No. 127/3 at Vaddy, Candolim, Bardez, Goa carried out by Mr Lavu Toraskar.

The site under reference was inspected by the Expert Member of the GCZMA on 28th September 2016 and accordingly submitted report.

A show cause notice dated 28/02/2019 bearing no. GCZMA/N/ILLE-Compl/16-17/21/460 dated 17/05/2016 was issued to Mr. Lavu Toraskar.

The Respondent has not filed any reply to the Show Cause Notice issued on 17/05/2016.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present in person. There is complaint and counter complaint by both Respondent and the Complainant. The Complainant and Respondent to collect the copies of complaint and counter complaint and inspection report of the expert member from the file and file their reply.

The Authority had decided to adjourned the matter for filing reply and counter reply if any 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 However

the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave..

The Ld Adv for the Respondent present and informed that the Directorate of Settlement and Land Records had carried the inspection on 02/12/2020 and the Copy of the inspection report is not furnished to him and as such he is not in position to file the reply and prayed for the time. The Ld Adv for the Complainant present.

The Authority after considering the request from the complainant decided to post the matter on 25/02/2021 at 3.30pm. . Due to paucity of time the matter is adjourned on 02/03/2021.

During the 252nd Meeting the Authority adjourned the matter on 25/03/2021 at 3.30pm. Now the authority has decided to fresh hearing notices.

During 261st GCZMA meeting held on 17/06/2021 The Authority has taken on record the Additional Written Synopsis of the Complainant. The matter stands posted to 22/07/2021 at 3.30 p.m.

**PROCEEDINGS:** Adv Noronha Present Adv Mandrekar absent

**DECISION:** The Authority granted time and decided to issue fresh personal hearing notices of next date of hearing to all the parties.

**Case no. 1.9**

**To decide on complaint dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction of 2 new structures were coming up within 100 my of HTL, in Sy No. 370/1 and 371/1 of Benaulim Village carried out by M/s Pereira Holdings Pvt Ltd.. (High Court matter)**

**Background:** The Office of the GCZMA has received email /complaint letter dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction of 2 new structures were coming up within 100 my of HTL, in Sy No. 370/1 and 371/1 of Benaulim Village carried out by M/s Pereira Holdings Pvt Ltd., within 0-200 mts of HTL in Benaulim Salcete.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/18-19/60/1447 dated 07/11/2018 carried out a site Inspection on 23/11/2018.

In the said Site Inspection of the Expert Member dated 23/11/2018 the Expert Member stated that *"(i)..... .....there are 04 nos of structures lying within 0-200m from the HTL of the sea, is an NDZ area of Benaulim village.(ii) Of the 04 structures, the central*

*bigger structure-Villa is completely lying on a sand dune. So also, the Outhouse existing towards the seaward side is also lying on the sand dune.(iii)It is not known whether the structures are new ones or they are old ones under repair...(iv) the filling done in the drainage area (also an NDZ area), the constructions of concrete platforms done for installation of Transformer and two Compressors of ACs as well as the Septic Tank constructed without the permission from GCZMA becomes a violation of CRZ regulation...".*

The matter was placed in the 190th GCZMA Meeting held on 18/12/2018, the Authority decided that "*The Authority perused the complaint and the site inspection report by the Expert member. Accordingly the Authority decided to issue a Show Cause Notice to the Respondent as no repair/renovation or construction of structures and the land filling is permissible within 200m (NDZ area) of CRZ III area without proper permission from GCZMA".*

The GCZMA issued a Show Cause Notice bearing No,GCZMA/S/ILLE-COMPL/18-19/60/4073 dated 05/03/2019; the Respondent collected the notice on the 23/11/2018; however the Respondent did file his reply to the Show Cause Notice dated 05/03/2019.

the Office of the GCZMA has received email /complaint letter dated 09/10/2018 from Colva Civic and Consumer Forum, Goa with regard to the illegal construction on the Sand Dunes, thereby causing destruction/flattened/sand dunes, extending the structures on the northern side on the same dune, in Survey No. 54/5, within 200-500 mts of HTL in Colva Salcete.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Complainant present in person. None present for the Respondent. The Authority decided to issue fresh notice to the Respondent by posting the matter on 19/11/2020 at 3.30p.m.

Complainant Judith Almeida was present in person. None appeared on behalf of the

The Authority decided to issue fresh hearing notice to both the parties and decided to keep the matter for personal hearing on 10/12/2020 @ 3.30 pm onwards.

on 10/12/2020 in 239th meeting the Complainant present in person and the Representative of the Respondent present and stated that they had filed the reply along with all the documents on 10/12/2020.

As reply copy is not available in the file the Representative of the Respondent has been asked to furnish additional copy of reply dated 10/10/2020 to the office before the next date of hearing. The matter is fixed on 28/01/2021 at 3.30pm.

The complainant present in person and informed that the Respondent had cut the sand dunes and had violated the CRZ norms. One Mr. Mandrekar remained present for the Respondent but did not produce any authority letter to represent. The Representative said he had already filed the reply.

The Authority directed the representative to produce the authority for his appearance and also directed him to furnish the copy of the reply to the complainant. The matter adjourned to 25/02/2021 at 3.30pm.

During 251st meeting held on 25/02/2021 The Complainant remained present. None appeared for the Respondent.

The Authority directed the Expert Members to carry out the site inspection of the offending structures and on receipt of the report from the Expert Members, issue fresh notices for hearing on both the parties for personal hearing.

The site inspection was conducted by Expert Members (GCZMA) Shri. Savio Correia and Flaviano Miranda and submitted the report.

During 262nd GCZMA meeting held on 24/06/2021 The The Authority after hearing the matter decided to issue separate notice to the DSLR for superimposing and to submit the report. The matter is now posted on 22nd July 2021 at 3.30p.m.

**PROCEEDINGS:** Mrs. Judith Almeida present in person. None present for Respondent.

**DECISION:** The Authority decided to ask the DSLR to superimpose the structures on the plan and send the same to this Authority. The Authority on receipt of the report from the DSLR will issue notices to the parties for personal hearing.

**Case No.1.10**

**Letter /representation dated 25/06/2018 *(enclosing emails dated 18/06/2018 and 19/06/2018)* made by Judith Almeida to include additional survey nos. 567/29, Village Curtorim, Salcete, Goa in the order dated 15/06/2018 passed by GCZMA.**

**BACKGROUND:**

The Office of the GCZMA had received a complaint letter/representation dated 23/03/2016 from Mrs. Judith Almeida with regard to the alleged illegal construction and filling of water bodies in survey no. 567/29, 568/1,2 in the Curtorim village, Salcete, Goa by Mr. Armando Barreto. Further Mrs. Judith Almeida filed complaint letter dated 28/06/2016 interalia relying upon various documents in support of her allegations in the complaints. Further Mrs. Judith Almeida also submitted vide letter dated 07/02/2017 coloured goggle images of the year 2003, 2010 and 2015. Further Mrs. Judith Almeida

also filed a complaint letter dated 20/03/2017 in respect of Survey no.569/0 with regard to two illegal structures.

A site inspection was carried out on 19/01/2017 by the Expert Member of GCZMA with regard complaints filed by Mrs. Judith Almeida which interlia recorded observations depicting violation of CRZ notification.

In the **173rd GCZMA meeting held on 24/04/2018** it was decided to conduct joint site inspection by Expert Member (GCZMA) along with officials from DSLR, Captain of Ports Department and Deputy Collector Margao on 27th April 2018 and the complainant. The said Joint site inspection report dated 27/04/2018 prepared by officials interalia recorded observations depicting violation of CRZ Notification.

The matter was placed in the **174th GCZMA meeting held on 08/05/2018** wherein it was decided as follows:-" *The Authority heard both the parties and after going through the review application and the documents annexed thereto and the written submissions made by both the parties. The authority decided to uphold its earlier demolition order dated 07/04/2017 and reject the application dated 21/04/2017 filed by Mr. Armando Baretto. The Authority noted that even on the Plan submitted by the complainant vide email dated 5/02/2018 prepared by office of Superintendent of Survey and Land Records dated 29/11/2017 depicted large encroachment into the river Zuari. Further the authority after detailed discussion and due deliberation also noted that inspection report conducted by expert members of (GCZMA) along with the officials from the other Departments shows erection of structures in addition to the structure on survey plan and encroachment into the Zuari river and also reclamation of land without permission of Competent Authority. The authority therefore decided with regard to reclamation of land and restoration direct Directorate of Settlement and Land Records quantify the area of land filling and further direct the respondent to restore the land to its original."*

That vide letter /representation dated 2/06/2018 Mrs.Judith Almeida interalia requested inclusion of Survey no.567/29 in the directions dated 15/06/2018 issued by GCZMA. The complainant interalia stated that her original complaint included three Survey Numbers ie. 568/1, 2 and 567/29 and even the joint site inspection report dated 27/04/2018 have at point (ix) and (x) contain finding that there is filling done and structure in Syno.567/29 village Curtorim.

The matter was taken up for further hearing during the **179th GCZMA meeting held on 19/07/2018** wherein the authority has decided to issue a show cause notice to Mr. Armando Barreto in respect of illegalities in Syno.567/29, Village Curtorim, Salcete, Goa. Accordingly show cause notice bearing no. GCZMA/ S/ILLE/ COMPL/15-

16/20/714 dated 24/07/2018 was issued to the violator. Mr. Armando Barreto filed a reply dated 07/08/2018 to the said show cause notice.

The said matter was taken up for hearing in the **182nd GCZMA meeting held on 28/08/2018** wherein it was decided as follows: **"***The Authority after hearing both the parties and considering the written and oral submissions made by both the parties decided to direct DSLR to conduct survey and superimpose the NDZ line on the Survey No. in question".*

In this regard site inspection and mapping was done by Expert Member GCZMA and DSLR.

The matter was taken up for hearing in the **237th GCZMA meeting held on 19/11/2020**. In the said meeting the complainant was present in person, Adv appeared on behalf of respondent. The both parties directed to collect the Expert report from the office of the GCZMA. The complainant sought time to take the expert opinion and then file reply. The matter is posted for reply and arguments on 10/12/2020 at 3.30 pm.

The authority after considering the report of the Expert Member and after hearing the parties in its **239th meeting held on 10/12/2020** decided as follows "*The Authority decided to direct the DSLR, panaji to carry the inspection to quantify the encroachment done in the river and filing of the land. The report of the quantify the encroachment done in the river and filing of the land. Expert Member is to be shared with DSLR. The next date of hearing is 28/01/2021 at 3.30pm for report of DSLR."*

The matter was taken for hearing in the **245th GCZMA meeting held on 28/01/2021**. The proceedings in the said meeting can be seen as follows: *"The Complainant Mrs Judith Almeida present in person. Ld Adv John Lobo appeared for the Respondent. This authority could not seek the report from the DSLR as directed in the last hearing". In the said meeting the Authority decided to call report from the Inspector, Settlement and Land Records, Margao in the said matter. The matter is adjourned and fixed on 25/02/2021 at 3.30pm.*

The matter was fixed for personal hearing in the **251st GCZMA meeting held on 25/02/2021.** The proceedings in the said meeting can be seen as follows: *"The Complainant present. Ld Adv for the Respondent present. The Report of ISLR is awaited. In the said meeting the Authority decided to issue fresh notices of hearing on the parties on receipt of the report from the ISLR, Margao."*

The authority is in receipt of a report from the Office of ISLR, Margao dated 23/03/2021.

The Authority decided to call report from the Inspector, Settlement and Land Records, Margao in the said matter. The matter is adjourned and fixed on 25/02/2021 at 3.30pm.

During 262nd GCZMA meeting held on 24/06/2021The Authority heard both the parties, considering the plea to file additional reply of Respondent decided to adjourn the matter. The Authority directed the Respondent to serve the copy of the reply in advance. The matter is posted on 22/07/2021 for further hearing.

**PROCEEDINGS:** Mrs Judith Alemida Complainant present. None for Respondent though the Respondent was directed to file reply.

**DECISION:** The matter is adjourned, fresh notices for personal hearing to be issued to all the parties in this matter.

**Case No. 1.11**

**To discuss deliberate and decide upon show cause notice issued to Royal Orchid Resort,**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time. Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Shivan Dessai was present on behalf of Respondent and filed the reply on behalf of Respondent. He argued that the authorities had granted all the approvals in the year 2000 and the project is completed in

the year 2005.The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The authority after hearing the matter decided to keep on 01/07/2021 at 3.30 pm along with such similar matter pertaining to resorts along Utorda beach.

During 263rd GCZMA meeting held on 01/7/2021. In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No.1.12**

**To discuss deliberate and decide upon show cause notice issued to Kenilworth Resort.**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021. During 250th GCZMA meeting held on 18/02/2021Adv Shivan Dessai was present on behalf of Respondent and filed the reply. Placed on record the approval granted in the year 1991. He argued that all approvals are prior to 1991 before the CRZ notification came into force.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 263rd GCZMA meeting held on 01/7/2021. In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No.1.13**

**To discuss deliberate and decide upon show cause notice issued to Planet Hollywood Resort.**

**Background:** Goa ParyavaranSavrakshanSangarshSamittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against

unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regardasite inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

The Ld Adv for the Respondent present for Royal orchid Resort, and filed an application intimating that Adv Shivan Desai tested positive for COVID-19 and prayed for the time.

Authority decided to direct Respondent to present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021 Adv Shivan Desai was present on behalf of Respondent and filed the reply.

The Authority heard the party and taken on record the reply filed by Respondent. Further the matter is posted on 04/03/20201 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 263rd GCZMA meeting held on 01/7/2021. In this matter Adv Shivan Desai who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No.1.14**

**To discuss deliberate and decide upon show cause notice issued to M/s Park Hyatt Resort (ITC Hotel).**

**Background:** Goa Paryavaran Savrakshan Sangarsh Samittee had filed 4 applications bearing nos.174/2015, 165/2015, 169/2015, 170/2015 interalia seeking action against unauthorized construction in NDZ area of the beaches before Hon'ble National Green Tribunal (Pune). Further the applicant sought damages for the said illegalities.

In this regard a site inspection was carried out was carried out by GCZMA along with DSLR official thereby mapping the structures on a plan. The DSLR has indicated all the structures belonging to the Respondent which are mapped in using alphabets in a plan. The Supervisor, Office of Secretary Revenue also submitted a comparative comments with reference to DSLR plans and approvals issued by GCZMA.

Based on findings of the DSLR report and a comparative comments with reference to DSLR plans and approvals issued by GCZMA show cause notices were issued to the said four resorts directing them to file reply along with documents in support of their case and further remain present for personal hearing.

None remained present for the Respondent However the Authority is in receipt of letter at the entry seeking time to file the reply.
Issue fresh notice of the Respondent to remain present before this Authority on 18/02/2021.

During 250th GCZMA meeting held on 18/02/2021. Adv Talaulikar was present for Respondent. Adv for Respondent sought liberty to file interim reply today and final reply on the next date of hearing.

Authority heard the party and decided to give last opportunity to file reply to the Show Cause Notice. Matter is posted on 04/03/2021 at 3.30 pm.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. Further the matter was adjourned. Now the Authority decided to issue fresh hearing notice.

During 262nd meeting held on 24/06/2021 The Authority after hearing the matter decided to keep the matter for further clarification. The matter was on posted on 01/07/2021 3.30 pm for clarification and further hearing.

During 263rd meeting held on 01/07/2021 In this matter Adv Preetam Talaulikar who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

The Authority directed that Respondent will file factual reply on DSLR report. Matter is further adjourned for 22/07/2021 at 3.30 pm.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No. 1.15**

**To decide on complaint from Villagers of Nuvem, Khola Canacona regarding illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (had received a complaint letter dated 11/11/2020 from Villagers of Nuvem, Khola Canacona, Goa and was inwarded in the office of GCZMA on the 12/11/2019, with respect to the illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/20-21/33/1071dated 20/11/2020 a site Inspection was carried out on 25/11/2020 at 11/30.a.m.

In the said Site Inspection of the Expert Member dated 25/11/2020 the Expert Member stated the illegalities carried out by the alleged violators.

The Complainants present in person. Ld Adv for the Respondent No.2 to 6 and sought the time to file reply. None remained present for the Respondent No.1.

The Authority decided to grant the time for the Respondents No. 2 to 6 to file reply. The Authority decided to issue fresh notice on the Respondent No.1. The matter is adjourned and fixed on 18/02/20121 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021. The Complainants present. Adv for Respondents No.2 to 6 present. The Respondents sought time to file their reply. The Authority noted that A.D Card by which notice is served on Respondent No.1 is received, hence it is clear that the Respondent No 1 was served, but failed to remain present.

The Authority directed to issue fresh notice to Respondent no 1. M/s V.S.Dempo. The matter is further posted on 11/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now Authority decided to issue fresh hearing notices to both the parties.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No. 1.16**

**To decide on complaint dated 23/10/2020 from Mr. Oswald Dsouza ,Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa.**

**Background:** This office is in receipt of complaint dated 23/10/2020 from Mr. Oswald Dsouza, Arambol Goa regarding illegal construction of structure in property bearing survey No. 176/4 of Arambol, Pernem, Goa without prior approval of the Authority.
After receipt of the complaint this office had issued show cause notice dated 26/10/2020 and decided to call the parties for personal hearing before the GCZMA.
The Authority decided to grant additional time to Respondent and adjourned the matter.

Complainant Oswald D'Souza remained present. Respondent Uday Vaigankar appeared along with Adv. Gosavi and filed reply. So also the Complainant filed reply. Partly heard Adv for the Respondent.

The Authority during 242nd meeting held on 07/01/2021 after hearing both the parties decided to grant time for Respondent on a principal of natural justice and decided to keep the matter for further hearing on 21/01/2021 at 3.30.p.m with direction to come with clear documents and lead arguments. However the Meeting is postponed to 25/01/2021.During 244th GCZMA meeting held on 25/01/2021. Ld Adv for the Complainant and Ld Adv for the Respondent present. Ld Adv for the Respondent filed the reply to show cause notice along with the documents. The Authority decided to post the matter for further arguments on 04/02/2021 at 3.30 pm.

During 246th GCZMA meeting held on 04/02/2021.Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021cat 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for the Complainant. Advocate Athain Naik appeared for the Respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021. The Authority heard both the parties the Authority decides to post the matter on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021. In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th meeting held on 06/07/2021. The Authority heard the parties and has taken the reply on record. The matter is now posted for hearing on 22/07/2021 at 3.30p.m for arguments.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No. 1.17**

**To decide on complaint against Chandravati B Vaigankar and others for carrying out illegal construction of RCC structure for commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.**

**Background:**

the Office of the Goa Coastal Zone Management Authority had received a report from the Deputy Collector (Revenue) DLC wherein it has been submitted that Chandravati B Vaigankar and others have carried out illegal construction of RCC structure for

commercial purpose (Guest House) in the property bearing survey no 172/9, of Village Arambol, Pernem, Goa.

The GCZMA issued a Show Cause Notice bearing No.GCZMA/N/Ille-Compl/19-20/134/2714, dated 19/03/2020;issued to Chandravati B. Vaigankar, VatsalaVaigankar, Mr. Uday B. Vaigankar, Uttara Vaigankar, however, one of the Respondent filed his reply to the notice.

During 238th GCZMA meeting held on 26/11/2020. The Complainant and the Respondent present. The Respondent filed the reply. The copy reply is given to the Complainant. Both parties are directed to collect the inspection report from office record.

The Authority adjourned the matter with direction to both parties to file reply and lead arguments. The matter is adjourned and fixed on 17/12/2020 at 3.30pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. A Naik was present on behalf of Complainant. Adv. Godinho was present for Respondent and filed the reply.

The Authority after detailed discussion directed the Respondent to bring the legible copy and also original documents relied by them for verification. The matter is fixed on 14/01/2021 at 3.30pm.

Ld Advocates for both parties present. Ld. Advocate for the Complainant moved an application seeking the directions to the Respondent to furnish the legible copies. Ld Adv for the Respondent undertakes to furnish copies.

The Authority after hearing both the parties directed the Respondent to furnish the legible copies of documents and file reply if any with the advance copy to shared among both parties with clear directions no more time will be granted and the matter is posted for further hearing on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021. Adv. Gosavi appeared on behalf of Respondent. Adv. Kakodkar appeared for Complainant. Complainant sought additional time to file rejoinder.

The Authority after hearing both the parties decided to allow additional time on principal of natural justice. The said matter is posted on 04/03/2021 at 3.30 pm.

During 253rd GCZMA meeting held on 04/03/2021 issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the said matter was posted to 22/04/2021at 3.30 pm.

During 260th GCZMA meeting held on 10/06/2021 Adv. Kakodkar appeared for Complainant. Advocate Athain Naik appeared for respondent.

The authority hearing both the parties directed them to exchange the reply with each other and posted the matter on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 Heard both the parties, the Authority decides to keep the matter on 01/07/2021 at 3.30 pm.

During 263rd GCZMA meeting held on 01/07/2021 In this matter Adv A.Gosavi who is appearing for the Respondent communicated his adjournment application via Email.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th meeting held on 06/07/2021. The Authority heard the parties. The matter is now posted for filing reply on 22/07/2021 at 3.30p.m

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No1.18**

**To decide on a complaint from Mr. Jack Fernades, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated 12/04/2021 from Mr. Jack Fernades, and was inwarded in the office of on the 12/04/2021, with respect to Illegal construction of pre-fabricated structures in CRZ area and further encroachment in Tourism area in Sy No 245/1 carried out by Mr Amit Kumar Shasodia, resident of House no 7/59, Saunta vaddo. Calangute Bardez Goa. This office has issued SCN to the violator.

During 260th meeting held on 10/06/2021. The Authority after hearing both the parties decided to grant additional time of two weeks to file reply and matter is posted on 24/06/2021 at 3.30 pm.

During 262nd meeting held on 24/06/2021 The Authority heard the Respondent and, in view of Principle of Natural Justice granted time to file reply with a direction to serve the copy of the reply in advance. The matter is posted for hearing on 01/07/2021.

The matter was called out through VC Adv Pankaj Vernekar appeared on behalf of the Respondent and submitted that that he wishes to file his additional reply and sought time for the same , none present for complainant.

The Authority after considering the submissions of the Respondent decided to grant the time to file the additional reply in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. The Authority decided to issue fresh notice of hearing to the Complainant. The matter stands posted for hearing on the 22/07/2021 at 3.30 p.m

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No1.19**

**To decide on complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.**

**Background:** The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 03/07/2019 from Clare Marchon De Souza regarding the illegal construction of Ground Plus one floor structure carried out in property bearing Sy. No. 61/1 of Reis Magos Village, on the bank of the River Mandovi by Pandurang Community Hall, Betim.

A Show Cause Notice was issued to the President, M/s Pandurang Community Hall, resident of Betim Bardez Goa and the Village Panchayat of Reis Magos, resident of P.O Reis Magos, Bardez Goa. dated 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1045.

The Complaint was forwarded to the Chairman, District Level Committee, Office of the Collector (North), Collectorate Building, Panaji Goa on 15/07/2019 vide letter no GCZMA/N/ILLE-COMPL/19-20/54/1042 for conducting an inquiry and submitting a report.

The President, M/s Pandurang Community Hall, filed his reply to the Show Cause Notice on the 25/07/2019 and the Village Panchayat of Reis Magos also filed their reply to the Show Cause Notice on the 25/07/2019.

During 238th GCZMA meeting The complainant present in person and prayed for time as her adv is unable to attend the hearing. The Ld. Adv for Respondents present. The Authority decided to grant the time to the Complainant. The matter stands adjourned for final arguments on 17/12/2020 3.30pm.

During 240th GCMZA meeting held on 17/12/2020 Adv. R Noronha appeared for complainant and Adv. C Angle appeared on behalf of respondent. Complainant filed reply which was taken on record.

The Authority decided to post the matter for further proceedings on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021the advocate on behalf of respondent filed reply before authority. Complainant sought time to peruse the reply filed by respondent. Authority after taking on records the documents filed by the respondent and request made by complainant. The matter is posted on 28/01/2021 for arguments.

Ld adv for both the parties present. The Ld Adv for the Complainant partly argued the matter.

The Authority adjourned the matter on 25/02/2021 at 3.30pm due to shortage of time. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate Noronha appeared for complainant. Ld advocate N. Chopdekar and Adv Bhobe Remained present for respondent. The Ld Adv for the Complainant argued the matter at length. The Authority adjourned the matter for the arguments of the Respondent on 11/03/2021 at 3.30pm for want of time. During 11/03/2021 the meeting got postponed to 25/03/2021. Now the authority has decided to fresh hearing notices.

During 261st GCZMA meeting held on17/06/2021 The Authority considered the request of the Sarpanch Village Panchayat of Reis Magos. Time granted. Matter fixed on 22nd July 2021 at 3.30 p.m. Personal Hearing Notices stand waived.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case No1.20**

**To decide on a Complaint from Karishma Krishna Ingle wherein Mr. Krishna Virnodkar, has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a Complaint from Karishma Krishna Ingle, dated 19/03/2021; wherein Krishna Virnodkar,

has carried out illegal construction of Structure for residential purpose in the property bearing survey no 65/10, of Village Arambol, Pernem, Goa.

the Office of the Mamlatdar and Executive Magistrate of Pernem Taluka Pernem vide no MAM/PER/CI-I./III-CONV/152/2018/1380 dated 22/06/2018 has carried out a report along with Panchanama and Plan of the newly constructed structure, etc; in Sy. No. 65/10 at Arambol Village, Pernem, Goa. This office has issued SCN to the violator .

During 260th GCZMA meeting held on 10/06/2021 The Authority heard both the parties. Matter is posted for arguments on 22/07/2021 at 3.30 pm.

**DECISION:** Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Case 1.21**

**To decide on complaint dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa.** ***(High Court Matter)***

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as the GCZMA, in short) is in receipt of a complaint letter dated 15/01/2019 jointly from Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, all residents of Verem, Bardez-Goa regarding illegal constructions being carried out in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa. The complainant further requested immediate action in the matter. Copy of the said complaint dated 15/01/2019.

Based on the said complaint the expert members of the Authority conducted a Site Inspection on 08/04/2019 and submitted a report stating the various illegal constructions are carried out by Mr. Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry in Sy. no. 94/13, of Verem Village, Reis Magos, Bardez Goa.

The said complaint letter dated 15/01/2019 jointly made by Mr. Rajesh V. Dabholkar, Mr. Advino Fernandes and Mr. Sachin Saterdekar, and the Site Inspection Report of the Expert Members of the GCZMA dated 08/04/2019 was placed for discussion and deliberation in the 196th meeting of the authority held on 16/04/2019. In the said 196th meeting it was decided as follows *"The Authority perused the complaint and site inspection report from the Expert members (GCZMA) and the findings therein. Accordingly the Authority after detailed discussion decided to issue Stop Work Order cum Show Cause Notice to Mr. Charanjeet Siddhu and Mrs. Geeta Chowdhry for carrying illegal constructions in the property bearing Sy. no. 94/13 of Reis Magos village, Bardez-Goa".* Interms of decision taken in 196th GCZMA meeting held on

16/04/2019, a Show Cause Notice cum Stop Work Order under section 5 of the Environment (Protection) Act, 1986; was issued to Charanjeet Harbans Siddhu, and Mrs. Geeta Chowdhry, with a direction to file an appropriate reply. {Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/18-19/146/485 dated 14/05/2018.the said notice was duly replied by the Respondent Mrs. Geeta Chowdhry, on 29/05/2019.

The said matter was placed for hearing during its 205th GCZMA meeting held on 25/06/2019 wherein respondent and complainant sought additional time. Accordingly Authority decided to grant another opportunity to both the parties' and asked them to file documents before the Authority. Notice of personal hearing is waived off during the meeting.

The Authority during 208th GCZMA meeting held on 24/07/2019 heard both the parties and taken on record the submissions made by the parties. Further the authority after detailed discussion and deliberation decided to adjourn the matter and give another hearing to the respondent to reply to the contentions raised by the complainants.

The Authority during 222nd GCZMA meeting held on 4/03/2020 heard both the parties wherein Advocate H D Naik appeared along with complainants. Advocate Shivan Dessai appeared on behalf of respondent & pleaded for time. The Authority decided to give time so that the Respondent could file reply & properly defend the case of the Respondent.

The said matter was placed before authority during 229th GCZMA meeting held on 01/10 2020 wherein the Authority noted that_since the Respondent was not present the Authority decided to fix the hearing in the matter on 22/10/2020 at 3.30 pm & in the meanwhile to also seek for documents from the Town & Country Planning Department & the Village Panchayat of Reis Magos as to on what basis the approvals & licenses were given by them to the Respondent.

During 232nd GCZMA meeting held on 22/10/2020 Counsel for the Complainant was present but the Respondent was not present. Matter is posted on 05/11/2020 at 3.30p.m.

During 234th GCZMA meeting held on 05/11/2020. Complainant was present in person Adv. Varun Bhandekar was appeared on behalf of respondent and sought for time on personal ground.

The Authority after hearing both the parties and in view of principle of natural justice decided to grant time for the respondent and the matter is placed for personal hearing on 19/11/2020. Notices were waived off at the time of hearing.

During 237th GCZMA meeting held on 19/11/2020 the Adv. H D Naik appeared along with complainant. Adv Shivan Dessai appeared on behalf of respondent. Ld adv for

Respondent sought time as the respondent is out of station due to demise in family. The Authority decided to place the matter for hearing on 17/12/2020 at 3.30 pm.

During 240th GCZMA meeting held on 17/12/2020. Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants.

Adv. for complainant challenged the Plan approved by GCZMA, complainant placed on record the Expert members report and DSLR plan and brought to the notice that there are deviations in the plan and the structures are not constructed as per the approved plan.

Adv. for the respondent submitted that completion certificate has been issued by TCP and also occupancy certificate by Village Panchayat.

The Authority after hearing both parties and taking on records the submission made by both the parties decided to conduct site inspection of the site in question by expert member (GCZMA) along with officials from DSLR and Water Resources Department. Now this office is in receipt of DSLR plan dated 05/01/2021.

During 257th Meeting the Authority after hearing both the parties, directed respondent to collect the copy of report dated 04/02/2021 from the office and further posted the matter on 17/06/2021 at 3.30 pm through VC and filing reply of respondent.

During 261st GCZMA meeting held on 17/06/2021 Adv. H D Naik appeared for complainant. Adv Shivan Dessai appeared on behalf of respondent through VC. Adv for Respondent argued on survey plan prepared by DSLR and filed detailed written submission before the authority.

Complainant sought 2 weeks time to go through written submissions filed by respondent.

The authority after hearing both the parties decided to post the matter on 22/07/2021 at 3.30 pm.

As it is a High Court matter and the Authority has decided the case within 3 months of time . Therefore the authority decided to issue fresh hearing notice.

**Proceedings:** The matter is called out through video Conference. The Complainant is duly represented by Adv. H. D. Naik. The Respondent represented by Adv. S. Dessai.

The Advocate for Complainant pointed out to inspection report and plan prepared. The Complainant stated that part of structure is in river Mandovi. Further the advocate for Complainant submitted that instead of 5 structures, 3 Bungalows have been constructed by the Respondent.

The advocate for Respondent stated that he has preliminary objections against maintainability of the complaint. The advocate for Respondent submitted that

Respondent has obtained all the approvals from the concerned authority. The advocate for Respondent obtained permissions from the Town and Country Planning Department and the Village Panchayat has granted completion and occupancy for the said construction. The advocate for Respondent stated that permissions granted to Respondent have become final. The advocate for Respondent submitted that that present complaint is an attempt to question the permissions granted to Respondent through backdoor. The advocate for Respondent submitted that permission granted to him cannot be re-looked at this stage and legal recourse available to Complainants is also time barred. The advocate for Respondent submitted that survey plan is faulty/flawed as the same doesn't consider the approval granted to the Respondent. The advocate for Respondent submitted that riverine portion of the property is leased to the Respondent prior to 1991. The advocate for Respondent relied upon additional reply filed in the matter. The advocate for Respondent submitted that a report is submitted by him prepared by recognized agency and relied upon conclusion in the said report. The advocate for Respondent submitted that compound wall is in existence prior to 1991. The survey plan / report has been discarded and cannot be considered. The advocate for Respondent submitted that the riverine land was in his possession of his predecessor's i.e it was leased to the Respondent's predecessors prior to year 1991. The advocate for Respondent submitted that structures are across the road and has approval. The advocate for Respondent submitted that the temporary structures in the property have been removed. The Advocate for the Respondent stated that the DSLR and the GCZMA report should by discarded as they do not look into the permissions obtained by the Respondent.

**Decision in 265th Meeting held on 15/07/2021:** The Authority heard both the parties at length matter posted the matter for Orders.

**The Authority analysed the documents and the argument advanced by both the parties and has decided as under:**

The Complainants had filed a complainant against the Respondent alleging therein that the Respondent has carried out illegal constructions in No Development Zone within 100mts of HTL in the property bearing survey No.94/13 of village Reis Magos of Bardez Taluka which is in close proximity of Reis Magos Fort which is archaeological monument. The main grievance of the Complainants is that Goa Coastal Management Zone Authority had issued NOC/Permission dated 23/10/2017 for the purpose of reconstruction of the existing house. It appears that similar permission have been granted for construction of two bungalows. The approved plan shows that there were total five structures but GCZMA has permitted three structures by way of permissions. The Respondent had carried out the construction in violations of approved plan. It is further stated in the complaint that the said property is purchased by the Respondent who is non-

Goan. That the construction touches the river Mandovi and is in complete CRZ violations which is a climatically sensitive area. An inspection report was prepared in pursuant to the said complaint, wherein some observations were made with regard to the existing permissions and the existence of permanent and temporary structures within the NDZ area across the Verem, Reis Magos road.

Based on the said complaint a Show Cause Notice cum personal hearing notice dated 14/05/2019 was issued by GCZMA to the Respondent.

In response to the said Show Cause Notice the Respondent has filed a reply dated 24/05/2019 stating that there were five structures standing on the property prior to 1991 and the predecessor in title of the Respondent intended to reconstruct the existing structures and therefore further obtained approval dated 28/11/1990 from the Village Panchayat of Reis Magos for reconstruction of existing houses. It is further stated that the said approval establishes the existence of the structures prior to 19/02/1991. The Respondent had also relied on order dated 9/07/1991 of the Northern Planning And Development Authority, Alto Porvorim Goa wherein all these structures existing in the property bearing survey No.94/13 (part) of Village Reis Magos were regularized. It is further stated that prior to the purchase of the said property by the Respondent, a restaurant named and styled as "River Rays" was being operated in the said structures. It is further stated that the NOC dated 22/03/2017 was granted by GCZMA to carry repairs and subsequent NOC dated 23/10/2017, GCZMA granted permission to reconstruct the said structures. It is further stated that vide permission dated 23/10/2017, permission was granted for three permanent structures in place of the original in terms of the applicable parameters. The Respondent has relied upon NOC's and the approvals from the various Departments such as GCZMA, Town and Country Planning Department, Village Panchayat of Reis Magos, Directorate of Health Services including the completion order dated 20/10/2018 from Town and Country Planning Department and the Occupancy Certificate dated 11/09/2018 from the Village Panchayat of Reis Magos. The Respondent had disputed the inspection report as the said inspection was conducted without the proper notice to the Respondent as required under the law. The Respondent had denied of carrying any illegal construction or mud filling undertaken. It is further stated that the temporary structures referred to in the report were erected for the purpose of storing construction material and have been removed.

An additional reply dated 07/05/2019 is filed by the Respondent wherein it is stated the structures existing on the other side of the road have been in existence prior to 19/02/1991. In this respect the Respondent has placed the reliance on the NOC dated 26/04/1985 issued by the village Panchayat and the letter cum NOC dated 12/02/1993 for repairs and renovations of the staff rooms for reconstruction of the roof in the said

property. Relying on the said letters, it is stated that the existence of the two structures on the other side of the road 19/02/1991 stands established. It is further stated in the said reply that there is riverine land of area 1124sqmts which forms part of the said property and that in respect of the same necessary rental charges towards usage are paid to the Captain of Ports and placed letter dated 23/02/2021 issued by the Captain of Ports along with plan showing the said riverine land. In the said additional reply reliance is also placed on an expert report wherein it is stated that the retaining wall was in existence much prior to 1991.

The Complainant had filed a rejoinder to the approvals granted stating that the approvals granted by the authorities are illegal and that the Respondent had constructed in violations of the approvals. The approvals dated 28/11/1990 and the NOC dated 26/04/1985 granted by the Village Panchayat of Reis Magos read with the approval dated 09/07/1991 issued by the North Goa Planning and Development Authority indicates existence of structures in the property prior to 19/02/1991.

Additional Reply was filed by the Respondent raising objection to the DSLR Survey stating that DSLR Survey has to be discarded since it has not considered the approved plan and the fact that the riverrine land is allotted to the respondent and that the retaining wall was constructed prior to 1991.

The NOC dated 23/02/2017 was issued by GCZMA for the repairs of the existing structures. However subsequently instead of repairs an NOC for the reconstruction bearing No.GCZMA/N/15-16/168/1169 dated 23/10/2017 was issued. Along with the NOC the proposed plan was duly endorsed by the GCZMA. In pursuance to the said permission, a Technical Clearance Order No.TPB/3962/RM/TCP-17/3891 dated 22/12/2017 was issued by the TCP Department, Mapusa -Goa and the Construction License No.VP/RM/F-Const/2017-18/1462 dated 03/01/2018 was issued by the village Panchayat of Reis Magos. On the completion of the construction in terms of the approved plans, the Completion Order No.TBP/3662/RM/TCP-18/3546 dated 28/08/2018 was issued by the TCP Department, Mapusa Goa and the Occupancy Certificate bearing No. VP/RM/F-65/18-19/747 dated 11/09/2018 was issued by the Village Panchayat of Reis Magos. The completion approvals establishes that the construction was completed in the said property in terms of the approved plans. Neither construction approvals nor the completion certificate have been challenged by the complainant or any other person till date. It is therefore not permissible for the Complainant to now seek to indirectly challenge all the approvals in these proceedings. The existing construction of the three structures, swimming pool and the amenities are in terms of the approvals granted by the Authorities under the Law. The additional riverine land of 1124 sqmts used by the Respondent for which the Captain of Ports has granted necessary permission for usage

for which necessary rentals are been duly paid. The compound walls were existing in the said property. As far as retaining wall is concerned the Respondent had placed on record the Expert Report stating that the retaining wall had been in existence prior to 19/02/1991.

In view of the above, there is no illegality of any nature which can be attributed in respect of the three structures, swimming pool and the amenities as shown in the plan submitted by the DSLR bearing No.19/DSLR/Re-Cell/CRZ-Mapping/21/01/446 dated 04/02/2021 as they are constructed in terms of the approved plans and are in terms of the parameters of the CRZ regulations except the temporary structures.

As far as the structure on the other side of the road are concerned as shown in the plan submitted by the DSLR bearing No.19/DSLR/Re-Cell/CRZ-. Mapping/21/01/446 dated 04/02/2021 are constructed with the NOC dated 26/04/1985 read with the NOC dated 12/12/1983 issued by the Village Panchayat of Reis Magos establishes that the structures are in existence prior to 19/02/1991. The Regularization dated 09/07/1991 by the NGPDA refers to the rooms in the said property which is referable to the said structures and hence the Respondents needs to be discharged of Show Cause Notice cum Notice of Personal hearing as there is no substance in the complaint filed by the Complainant and hence the complaint deserves and needs to be dismissed.

**However, the temporary structures shown in the plan submitted by the DSLR bearing No.19/DSLR/Re-Cell/CRZ-Mapping/21/01/446 dated 04/02/2021 needs to demolished. The same shall be removed within 30 days from receipt of this Order and land restored to its original condition failing which** the concerned Deputy Collector/ S.D.O shall demolish the **structure** and restoration of land to its original state within 15 days and recover the expenses incurred the violator, as the arrears of land revenue. Further, Dy. Collector & S.D.O is required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA within next 3 days of expiry of the aforementioned 30 days time period.

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF THE 267th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 26/07/2021 at 02.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 267th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 26/07/2021_at 2.00 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 26/07/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Representative on behalf of Director, Department of Tourism (online)
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No1.1**

**To decide on complaint dated 27/09/2019 from Caetana Juliana Fernandes e Rebelo & ors with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa. (LAQ matter).**

**Background:** This office is in receipt of complaint copy forwarded from GSPCB dated 25/07/2019 from Caetana Juliana Fernandes e Rebelo & ors dated 27/05/2021 with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193 dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. Ld Adv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

The Authority after hearing both the parties decided to grant additional time to respondent and the matter is further posted on 18/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now the Authority decided to issue fresh hearing notices. The said matter is placed for hearing on 24/06/2021.

During 262nd meeting held on 24/06/2021. The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. The Authority noted that since both the parties were absent and in the interest of natural justice matter is posted for hearing on 22/07/2021 at 3.30 p.m. Fresh Hearing Notices to be issued to all the parties. The said mater is posted on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021 the Adv Parag Rao on behalf of respondent sought time on medical grounds. The Authority decided to post the said matter on 26/07/2021.

**PROCEEDINGS:** Adv Shailesh Redkar present on behalf of the Complainant. Adv Parag Rao present on behalf of the Respondent. Adv Rao stated that Sy No 48/1 does not belong to him and stated that he has complied with the demolition.

**DECISION:** The Authority after hearing both the parties directed the Respondent to file an affidavit giving details on compliance before the next date of hearing. Further, the Authority decided to conduct a Site Inspection on 28/07/2021 by the Expert members of the GCZMA to verify the compliance and further the matter is posted on 05/08/2021.

**Case No1.2**

**To decide on email Complaint from Colva Civic & Consumer Forum and Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.**

**Background:** The Office of the GCZMA is in receipt of email complaint letter dated11/01/2021 from Colva civic & consumer Forum and a letter from Suvarn Bandekar with regards to illegal putting up A-1 fencing of permanent nature using concrete in survey no.16/4, 16/4A and 16/6A in village Sernabatim by Hermitage Builders.

From the complaint it was brought to the notice that Respondent has violated the approvals granted by this authority.

The Authority issued show Cause Notice to the party on 15/01/2021 cum personal hearing to the parties.

During 244th GCZMA meeting held on 25/01/2021. The complainant remained present in person and stated that the Respondent is using the foreign material and erecting the cement pole fencing for which the Respondent is not given the permission. The Respondent had dumped the mud and using cement concreting to erect the fencing. The Complainant produced the photographs before this authority.

Respondent representative present and informed that in order to protect the property being encroached and to stay from the menace of stray cattle she is doing the fencing to her property and stated that she will abide by the directions of this authority.

The Authority asked the Expert Members to carry the site inspection and place the site inspection report before this authority before the next date of hearing fixed on 04/02/2021 at 3.30pm. The Authority warned the Respondent if violation is found on site then the penalty will be imposed.

During 246th GCZMA meeting held on 04/02/2021Complainant Judith Almeida appeared in person. Ld advocate appeared for Respondent and filed the reply copy of the same is given to the complainant. The Copy of the Inspection report of the Expert members is also given to both the parties.

The Authority directed both the parties to go through the expert members report and lead arguments. The matter is posted on 18/02/2021 at 3.30pm.However the chairman had to leave for some urgent work, the said matter is posted on 25/02/2021.

During 251st GCZMA meeting held on 25/02/2021The Complainant remained present and filed the written statement and also objection to the inspection report dated 02/02/2021 of the Expert Members. The Ld Adv Shivan Desai for the Respondent present and filed the additional reply. The Expert Members brought to the notice that the Respondent had dug the concrete bore well and over head tank with RCC/concrete. The Respondent agreed of digging of well with the permission of WRD and said well is beyond 200mts. The Respondent agrees to remove the concrete structures of her own.

The Authority directed the Respondent to remove all the Concrete structures from the property and file the compliance report before this authority. The Matter is posted on 11/03/2021 at 3.30pm. The Authority postponed the said matter to 25/03/2021. The authority decided to issue fresh hearing notices.

Proceeding at the 260th Meeting: Adv. Shivan Dessai appeared for respondent. Complainant did not appear. However complainant sent email stating her unavailability to appear for the matter due to short notice.

Decision at the 260th Meeting: The authority after taking note of the email from the complainant decided to postpone the matter to 17/06/2021 at 3.30 pm.

The said matter was taken for discussion during 261st GCZMA meeting held on 17/06/2021.

During 262nd GCZMA meeting held on 24/06/2021. The Authority after hearing both parties decided to carry out fresh inspection and matter will be heard after issuing fresh hearing notice upon receipt of report. Accordingly the site inspection has been conducted on 21st July 2021 and matter was placed before the Authority on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021 the Authority decided to share the site inspection report with Complainant and respondent and the matter is posted to 26/07/2021 for grant of personal hearing to the parties.

**PROCEEDINGS:** Complainant Judith Almeida appeared in person. Adv. Shivan Dessai appeared for Respondent. The Complainant filed reply to the Site inspection report dated 21/07/2021 and further objected to the Site Inspection report prepared by the Expert Member. She pointed out to point no 3 of the report and stated that the contents mentioned therein does not appear to be the case at loco. She stated that the Expert Member conducted the Site Inspection without notice to the Complainants and the date on which inspection was carried out was a Public Holiday (21/07/2021) . This Complainant reiterates all her earlier submissions dated 25.01.2021, 18.02.2021, 25.02.2021, 17.06.2021 & 24.07.2021, 25.02.2021, 17.06.2021 & 24.07.2021. The

Complainant stated that the report has been prepared either sitting in the office of the Expert Member or that of the office of the Respondent without any visit to the site.

She further stated that the report states, the cement platform of the borewell pump has been removed and yet the photograph attached shows the existence of the concrete base to the pump.

The Complainant stated that at point no. 2 the Expert member has failed to mention that the poles with wire mesh are concrete in nature and continue to be stabilized with concrete on a sand dune and further suggests that the fencing may be removed after the trees have grown to a height of three metres thus making out a case for retaining the illegal concrete fencing which even threatens the collapse of the sand dunes and is in violation of the Environment Protection Act 1986 and the CRZ Notification 1991/2011 to continue.

The Complainant stated that the Expert Member has spoken about the revision application filed by the Respondent. The Complainant further states that the Photographs attached by the Expert Member to his report is dated 30/06/2021. The Complainant states that during the Site Inspection conducted on 2/2/2021; the party had stated that they removed 5000 lts of water from the bore well. She stated that bore well cannot be allowed in NDZ. The Complainant stated that the Area is CRZ I Area. She refused to accept this Site Inspection report and demanded for a fresh Site Inspection and thorough investigation.

The Respondent stated that the Complainant need not remain present for the Site Inspection; he stated that the inspection report is very clearly documented by photographs. Adv for respondent stated that the compliance report is on records and the same has clearly mentioned that the Respondent has complied with all directions and has removed even the temporary structure. The Adv stated that there is not pump attached to the bore well; he undertakes to use hand pump if required. The respondent said that the red mud is soil and will be used in the pit for plantation. He stated that the bore well is sunk with the permission from WRD. The Adv stated that the observations made by the expert Member in the Site Inspection report will be complied with and will submit a compliance report to this authority;

**DECISION:** The Authority heard the parties at length and kept the matter for orders.

**Case No 1.3**

**To discuss and decide on Hon'ble National Green Tribunal order dated 20/12/2018 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka.**

**Background:** The original complainant Mr. Suvarn Bandekar had filed an application bearing no.23/2013 (renumbered to 480/2018) before the Hon'ble Green Tribunal, Pune interalia seeking restitution of damaged sand dunes and removal of structures belonging to the violator in property bearing survey No.16/7 of Sernabatim Village, SalceteTaluka.

the office of GCZMA after holding inquiry in the matter had issued a demolition order dated 05/12/2014 to heirs of Mr.Armando Cardozo i.e a) Leticia Cardozo,b) Jovek Cardozo c)Maria Sunifer Cardozo d)Maria Sweta Cardozo e)Audrey Cardozo Fernandes f)James Sebastiao Fernandes for all the structures( except one structure) identified in property bearing survey No.16/7 of Sernabatim Village, Salcete Taluka.

The said demolition order dated 05/12/2014 was challenged by the respondent in appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) before the Hon'ble National Green Tribunal.

vide order dated 19/03/2016 both the appeals bearing no.126/2018 (earlier appeal no.39/2014) and Appeal no.128/2018 (earlier appealno.43/2014) and application bearing no.23/2013 (renumbered to 480/2018) were tagged together heard before the Hon'ble NGT, Pune. The said the application and appeals were detached vide order dated 16/11/2018 by the Hon'ble NGT, New Delhi. The Hon'ble NGT, New Delhi vide order dated 13/12/2018 in Application no.23/2013 decided as follows " *after making submission for some time, the learned counsel for the applicant submits that he may be permitted to withdraw this original application with liberty to seek redress before the appropriate forum.*

*Consequently, the original application (480/2018) is dismissed as withdrawn".*

vide representation dated 14/01/2019 the original complainant is interalia seeking recovery of the cost of removal of illegal (new) road from the heirs of Armando Cardozo, directions towards execution of order dated 24/05/2012 regarding restoration of land in property bearing survey No.16/4A of Sernabatim Village, SalceteTaluka and recovery of cost of restoration of land from the heirs of Armando Cardozo.

The Hon'ble National Green Tribunal has vide order dated 20/12/2018 in said appeals interalia directed as follows : *"In these circumstances and the contentions raised by the learned counsel for the parties we are of the considered opinion that it would be appropriate and is a fit case which be remanded to the GCZMA for considering it afresh, after taking into consideration the material on record and considering the contentions of these parties.*

*Consequently, we allow the appeals and set aside the order dated 5 th December, 2014 and remind the case to Goa Coastal Zone Management Authority to reconsider the same and pass a reasoned order, after hearing both the parties and material on record". The said matter was deliberated during 202nd GCZMA meeting held on 29/05/2019.Respondnet sought additional time to argue the matter. Accordingly the Authority decided to place the said matter on 11/06/2019. Personal hearing notices were waived off.*

Authority during its 204th meeting heard both the parties and took on record the submissions made by both the parties. The Authority decided to defer the matter prior to take any decision in the matter.

The matter was placed before the Authority for personal hearing to the parties during 219th GCZMA meeting held on 29/01/2020 wherein the respondent sought additional time for arguments. The authority decided to give final opportunity to both the parties and adjourned the matter on 5th February 2020.

**Proceedings (1) for 219th GCZMA meeting held on 29/01/2020**

Two aspects which are primarily to be decided in the current case is on the aspect of the application dt.11/06/2019 filed by the Complainant seeking for execution of the directions passed by the Authority in ensuring that the sand dune is restored AND the second aspect is on the issue of proceedings being remanded back by the Hon'ble NGT in relation to the offending structures located in property bearing Sy. No. 16/7 of Village Sernabatim in SalceteTaluka.

Ld. Adv. For the Respondent submitted that the complainant has in the first place not replied his application dated & what the Complainant seeks to do is re-write the order of demolition that has been passed by this Authority on 24/05/12 which has already attained finality. He stated that when the orders have been executed the question of modifying the same by making an application on 11/6/2019 does not arise. Ld. Adv. for the Respondent thereafter requested the Authority to go through the prayers made by the Complainant which is seeking for a direction to restore the area/property as directed in orders dt.24/8/11 & 24/05/12. He also stated that apart from this the other prayer of the Complainant is that while upholding the orders dated.05/12/2014 & modifying the same to demolish structure 'B' as the Respondents have failed to produce any license/permissions/approvals for any structure admeasuring 80 sq.mts or thereabout. According to the Respondent the reliefs prayed for cannot be granted because all that the Complainant was left to do was to file an appeal before the NGT & obtain the reliefs & not at least before this Authority. He further stated that the principles of Res Judicata would be applicable to the current case because when the Authority has already decided

on the subject matter in finality, it cannot re-decide the same be sitting in review because neither the NGT nor any other appellate forum has given any directions to this Authority to do so. He stated that the order passed by this Authority on 24/05/12 has also already been complied with.

Ld. Adv. for the Respondent thereafter adverted to Section 14 of the NGT Act & stated that it is only the NGT that has the jurisdiction to decide upon substantial question relating to environment & in terms of section 15(1) (b) it also has the powers for restitution of damaged property. He strenuously argued to say that this Authority does not have the jurisdiction to decide disputes between two parties. He also questioned as to how the Authority would be in a position to decide upon recovery of costs from the heirs of Armando & that too after 8 years. He thus stated that the Authority should not go back & revisit its orders that had been passed & executed in the past.

The Counsel for the Complainant through his arguments bought to the notice of this Authority the contents of the order dt.24/05/12 whereby it has been categorically directed to restore the land to its original condition & if that be the case mere removal of the road is not enough but restoration of the destroyed sand dune shall also form a part of it. This order of 24/05/12 makes a mention of an earlier order dt.24/08/11 whereby Armando Cardozo was directed to demolish the illegal road which in other words indicted him of having done the road & that the legal hairs today cannot get themselves absolved. He further stated that if the Respondent hadn't developed the road, then why had he to go the Hon'ble High Court of Bombay at Goa in W.P. 606/2011. He submitted that even the Hon'ble High Court in WP. 606/2011 has reiterated the fact that the land should be restored to its original condition which means restoration of the sand dune.

The Counsel of the Respondent thereafter pointed out to the order passed by the NGT(WZ) dt.15/01/14 whereby the Authority was directed to examine the issue regarding existence of sand dune & if so to place on record relevant material pertaining to the same in order to fix liability for the restoration, compensation etc... & that in furtherance to that the Expert Members have given their report dt.17/02/14 confirming the existence of sand dune & steps to be taken for restoration. He thereafter stated that when the proceedings were pending before the NGT, the Hon'ble NGT itself directed the Complainant to point out this aspect before to this Authority & hence he sought liberty of the Hon'ble NGT to seek redress before the appropriate forum which was granted on 13/12/18 in OA No.480/2018 & hence the question of review as propounded by the Respondent does not arise. He further stated that there are two reports of the experts which has suggested as to how & in what manner the sand dunes could be restored. The report placed before the NGT clearly established the existence of sand dune &all what the

Complainant is seeking is only for enforcement of the directions which has been passed by this Authority.

In reply to these arguments the respondent submitted that the order passed by this Authority was not as against the Respondent per se but it has directed the Dy. Collector of Salcete to undo the Kuccha road & hence the liability to restore the land does not vest on him. He pointed out to the order passed by the Hon'ble NGT on 13/12/18 which doesn't speak about giving any leverage to the Complainant to approach this Authority for seeking reliefs as claimed for by him for which purpose there was a need to seek for specific relief from the NGT. The withdrawal of petition before the Hon'ble NGT is made unconditionally & he questioned as to under what provision of law that he has made an application before this Authority. The Respondent denied of having constructed the said road. He thereafter pointed out to the complaints made by the Complainant himself on 29/11/2000 where he alleges that the Panchayat has done the construction & subsequently the Complainant in his complaint dt.6/9/2010 has not named any individual as having constructed the road. Under these circumstances, the Respondent stated that there is no cause to attribute the damages to be recovered from him.

The Authority during previous (220th) meeting held on 05/02/2020after hearing the arguments of the parties & upon going through the records have decided on two factors i.e. whether the Authority becomes functus officio after implementation/execution of the orders & secondly whether the Respondent should have been penalized for the act of construction of a road in the property bearing Sy. No. 16/4A of Village Sernabatim. As per Rule 5 of the Environment Protection Rules 1986 it clearly mentions that any direction issued under section 5 of the EP Act shall be in writing & the direction shall specify the nature of action to be taken & the time within which it should be complied with by the person, officer of the authority to whom such direction is given. The CRZ Notification of 1991 & 2011 has to be read in consonance with the provisions of E.P. Act 1986, as it has been issued in terms of sub-section(1) and clause (v) of sub-section(2) of section 3 of the said Act. The preamble of the Notification also seeks to conserve & protect coastal stretches, its unique environment & its marine area. In short it only means to say that if there has been any damage/destruction than restoration would be part of the conservation ethos of the CRZ Notification.

In the current case, there is no doubt to the fact that a road was constructed through properties bearing Sy. Nos. 16/4 & 16/4A of Village Sernabatim. Although the Respondent has denied that he has done the same, during the proceedings conducted earlier which culminated into passing of orders dated 24/08/2011 & 24/05/2012 have unravelled the fact that the said road was a new road. To add to it, the Respondent whilst replying to our Show Cause notice dt.20/10/2010 has categorically mentioned that the

Kaccha road of rubble stones & red mud is being repaired from time to time by them by dumping red mud to fill up the potholes which develop during the monsoons. It is this very road that was ordered to be demolished as it was freshly/newly done & the admission on the part of the Respondent goes to the root of the case that it was indeed he who had done the road.

Coming to the first aspect as to whether the Authority becomes functus officio once the orders are executed of demolition, we are of the opinion that the mandate of the Authority is to ensure compliance to directives which means it is not limited only to demolition but it also has mandate to ensure conservation & that is what was directed to be done in the orders passed on 24/08/2011 & 24/05/2012 whereby the land was supposed to be restored back to its original condition. If that be the case, mere removal of the kuccha road would not be the end of the directives but restoration of the damaged portion would also be a part of it. The Authority cannot be a mute spectator to the damage done & hence the principle of functus officio would not be applicable.

As regards the second aspect, the discussions made supra have clearly indicted the Respondent of having constructed the road as there has been a categorical admission & he cannot shy off & raise his hands saying that he is not the one who has done the road work. Para 8 of the judgment passed in W.P .No.606/2011 also makes a mention that if any new road is constructed by the Petitioner in breach of the provisions of CRZ Notification it can be ordered to be removed. This re-affirms the position taken by this Authority in the deliberations that are mentioned supra. Merely because the second order dt.24/05/12 has given directives to the Dy. Collector of Salcete to remove the kaccha road that by itself doesn't mean that the Dy. Collector has to pay for the sins committed by the Respondent. Finally because the original Respondent Mr. Armando Cardozo has expired the legal heirs would not stand to get exonerated.

The Authority thus decided to obtain report from the Goa State Bio Diversity Board to know the costs of restoration of the sand dune & upon receipt of the same the Respondent shall be responsible to deposit the costs of restoration with the GSBB which will be communicated to the Respondent.

**Proceedings (2) for 219th GCZMA meeting held on 29/01/2020:**

The other issue that was canvassed across before the members of the Authority was on the aspect of remand to rehear the parties & to pass a speaking order. The Authority has issued orders of demolition on 05/12/14 against the Respondent which demolition was to be done against all structures (except one) identified in property bearing Sy.No.16/7 of Village Sernabatim. The said order was challenged by the Respondent before the Hon'ble

NGT & vide order dt.20/12/18 directions have been given to us to reconsider the case. It is on this factor that part arguments were heard by the Authority.

Ld. Adv. for the complainant commenced arguments by first relying upon Form I & XIV of property bearing Sy. No.76/1 of Village Sernabatim by saying that the name of the property is AmbeaShir and in the other rights column of the said property the name of Armando Cardozo is figuring who is the predecessor in title of the Respondents. He thereafter stated that the offending structures are located in property bearing Sy.No.16/7 & the name of the property is Praya. He stressed on these two aspects of names of properties because the documents which the Respondent is relying upon to prove that the offending structures were of a place named AmbeaShir& not of Praya. He thereafter pointed out to the survey plan of property 16/7 which shows two structures & a well but as per the plan prepared by the Authority a number of structures are plotted in this property which according to him are new structures built much after the CRZ Notification of 1991. He emphasized on this aspect of the structures being built much after 1991 by relying upon an order passed by the Dy. Collector of Salcete in Case No.LRC/COR/29/2000 dated 5/7/2001. This order has been passed in terms of section 103 of the Land Revenue Code to correct the area of the property including these structures located in property bearing Sy.no.16/7. The area of the house is shown to be just 25 sq.mts as late as in the year 2001 & if at all the structures as shown in the plan prepared by DSLR were in existence than the same would have reflected in the correction order passed by the Dy. Collector.

Ld. Counsel for the Complainant thereafter pointed out to an application made by the Respondent on 29/03/1985 to the Excise Department seeking for sale of liquor license & in reply to this letter the Excise Department has stated that the place where the license is sought is located at a distance of 400 mts away from the beach. In other words the said premises were located in property bearing Sy.No.76/1 & not 16/7. The documents as relied upon by the Respondent to prove the existence of structures in property bearing Sy.No.16/7 gets belittled is what the Counsel of the Complainant said. The certificates which the Respondent seeks to rely upon are in respect of the structure located at AmbeaShir& not Praya& this structure at AmbeaShir is far away from the offending structures located at Praya. The documents such as license of the Excise dept. dt .25/08/1986, License from the FDA dt. 27/03/1996, sale deed dt.03/01/1977, NOC issued by V.P. of Sernabatim for repairs dt. 22/10/1986, electricity bill dt.12/12/1986, trade tax receipt dt.09/05/1988 are of the structures located at AmbeaShir which are in Sy.no.76/1 & not of the illegal & unauthorized structures located at Praya in Sy.No.16/7. He also submitted that there has been a categorical admission made by the Respondent during the course of personal hearing held on 06/10/04 & 22/04/05 that the structures have exceeded

the plinth. He hence prayed that all of the offending structures located in property bearing Sy.No.16/7 should be ordered to be demolished as they are of the period post 1991.

Ld. Adv for the Respondent seeks time to file reply & to argue the matter.

The Authority after hearing the Counsel of the complainant decided to give time to the Respondent to reply & to argue the matter on merits.

During 230th GCZNMA meeting held on 09/10/2020The Counsel for the Complainant is present. One of the Respondents namely Maria Sunifer Cardoz is present in person & she stated that her counsel being a senior citizen is unable to come before this Authority because of the prevailing Covid-19 pandemic. None of the other Respondents were present. The Respondent who is present today sought for time of 2 months.

The Authority after deliberations came to a conclusion that all the cases have been regularly heard by different forums & the pandemic of Covid-19 cannot be an excuse to defer the matters. The Counsel for the complainant shall issue a private notice on the Respondents informing the next date of hearing as 29/10/2020 at 3.30 pm to either argue the matter orally or to file written arguments.

During 233rd meeting held on 29/10/2020 The Counsel for the Complainant Adv N. Vaze was present who briefed the Authority about the background of this case whereby the limited issue is in relation to restoration of the Sand Dunes at the cost of the respondents for which a Decision has already been taken in the 219th Meeting to obtain a report from the Goa State Bio Diversity Board to know the cost of restoration. As regards to the other issue it is stated that the respondents are trying to take shield of some structures which were not existing prior to 1991. The respondent No. 2 who is present in person moved an application for revisiting the decision taken in the 219th Meeting pertaining to the restoration of sand dunes stating that it is not he or his predecessor in title who was instrumental in destroying the Sand dunes. He also pleaded for time as his counsel is unable to appear for today's hearing. The Respondent No 7 is present in person who is also appearing for and on behalf of Respondent No. 5. She has placed her written arguments and has also pleaded time to orally argue the matter.

The Authority observed that in spite of clear cut directives that were issued on the last occasion the some of the Respondent has preferred not to appear. In so far as this Respondent who have abstained to appear and defend their interest, the proceedings shall be exparte. The matter is posted for final arguments on 26/11/2020 at 3.30p.m.

During 238th GCZMA meeting held on 26/11/2020 Adv Prag Rao and Adv R. Gracias present on behalf of respondents. Complainant present through S Henriques and Adv. N. Vaze.

Adv. Parag Rao insisted on decision filed by respondent. Adv S Henriques filed reply to the application and pointed out and reiterated minutes of the meeting held on 05/02/2020. He further stated that the Authority directed GSBB to do necessary interms of its decision taken. Adv P. Rao disputes present of sand dunes. Adv Vaze has also pointed out that there are two expert reports prepare by the Expert members and read out the suggestion and recommendation therein. Report submitted by Expert member is given to both the parties regarding sand dune. GSBB report is awaited.

The Authority heard both the parties and directed both parties to collect the report submitted by Expert Member and decided to allow the area to reclaim naturally. Further as regards to the structure the matter is kept for final arguments on 14/01/2020.

During 243rd meeting held on 14/01/2021. Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for respondents.

Ld. Adv for Complainant stated that the road is removed and now the sand dunes are needs to be restored and the Respondent may be asked to restore the sand dunes at his cost.

Ld Adv Parag for Respondent stated that admittedly road is removed by the authority. The matter is went to NGT which is subsequently withdrawn by the Complainant without any specific leave to go to CRZ.

The Authority after hearing both the parties directed to file written arguments on the point of liability to restore the sand dunes. The matter is posted on 04/02/2021 at 3.30pm for further hearing.

During 246th GCZMA meeting held on 04/02/2021. Adv N Vaze and Adv S Henriques appeared on behalf of complainant. Adv Parag Rao appeared for Respondents. Ld Adv for complainant pointed out to order dated 24/08/2011 passed by GCZMA with a clear direction to remove the illegal road. Further pointed out that a Writ Petition bearing no. 606/2011.

Against the said order which was disposed by the Hon'ble High Court of Bombay at Goa with a direction contained in Para 9 of the judgment. The complainant further submitted that pursuant to the said judgement and a site inspection was carried out and illegal road was demolished.

At this juncture Ld adv for Respondent argued that the issue of the said illegal road is being unnecessarily re-opened by the complainant. The Respondents pointed out that complainant themselves had complaint in the year 2010 that the said illegal road was actually done by the local Village Panchayat. Respondent further submitted that the order dated 24/08/2011 was only to remove the said illegal road and directions to restore were

issued to the concerned Collector. The respondent further submitted that the present proceedings are unwarranted.

Respondent submitted that the complainant herein had unconditionally withdrawn his application bearing no. 23/2013 before the Hon'ble NGT, Pune and no specific liberty was granted. As no liberty was granted by Hon'ble NGT, Pune the complainant cannot be allowed to do forum hunting. The respondent pointed out to the pleadings/prayers in the application bearing no. 23/2013 filed by the complainant before the Hon'ble NGT, Pune and the representation made before this Authority. The Respondent submitted that if such liberty is granted to the complainant the issue of review of order will arise. The Respondent further pointed out that this authority does not have power to review its order on merits. Respondent pointed out that authority is on oath before the Hon'ble High Court of Bombay at Goa that review of order is only possible in case of procedural lapses attributable to the authority. The Respondent further pointed out that Hon'ble High Court of Bombay at Goa has infact taken a view that the Authority does not have any power to review its own order.

Complainant rejoined stating that the present proceedings is not a review of the earlier order passed by the GCZMA. The application is only for execution of restitution of sand dunes pursuant to the order of GCZMA. The complainant submitted that the liberty was granted only to effectively to decide the aspect of restitution of sand dunes. Further pointed out to report prepared by then expert members Shri. Raghunath Dhume and Dr. Antonio Mascaranhas which clearly indicates existing of sand dunes and the said report was filed on record before Hon'ble NGT, Pune in the application bearing no. 23/2013.

The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties decided to keep the matter for order on the point of penalty. As regards to illegal construction the same will be taken up for hearing separately.

During 264$^{th}$ GCZMA meeting held on 06/07/2021 The Authority granted time on the request made by Adv Parag. Matter is now posted for deciding the question of penalty to be imposed on Respondent and further for arguments on 22/07/2021 at 3.30 p. m on the illegal structures constructed by the Respondent. Further during 266$^{th}$ meeting held on 22/07/2021 due to paucity of time the matter is posted to 26/07/2021.

**PROCEEDINGS:** Adv Parag Rao present on behalf of Respondents and Adv R. Gracias present on behalf of Respondents 5 to 7. Complainant present through Adv S Henriques. Adv. Henriques stated that the matter was posted for deciding on the penalty to be imposed for the destruction caused to the Environment by construction the road. Adv

Henriques stated that the report of the Goa State Biodiversity Board (GSBB) stated that the cost was amounting to Rs. 5,00,000/- hence accordingly the Authority may decide.

Adv Parag Rao objected to the penalty to be imposed. He further stated that as per the report there are no factual finding that the road was constructed by the Respondent. He further stated that penalty would not arise as it was accepted by the Authority that the dunes are being restored naturally so there is no cost of restoration as the nature has taken its course. Adv Rao stated that additional reply has been filed and the Judgment has been taken on record and the same may be relied when deciding the penalty.

**DECISION:** The Authority heard the parties at length and posted the matter for orders on penalty.

**Case No 1.4**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter).**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The

authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq. mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

the office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

the Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira,*

*since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 advocate on behalf of Brigida Fernandes requested for additional time for arguments the meeting is postponed to 15/07/2021 at 3.30 pm. During 265th GCZMA meeting , due to paucity of time the matter is posted on 22/07/2021. During 267th GCZMA meeting held on 22/07/20121 . advocate Parag Rao sought time on medical grounds. Accordingly the said matter is posted on 26/07/20121.

**PROCEEDINGS:** Adv Sweta appeared for Prasad Naik Gaonkar and Adv Parag Rao appeared for Brigida Fernandes. Adv Rao stated that the Respondent appealed before the Hon'ble High Court against the order of the GCZMA, however, the Hon'ble High Court in W.P.No 220/2020 and vide order dated 03/02/2020; has remanded the matter back to the GCZMA for fresh hearing. Adv Rao submitted that no SCN was issued to him. He stated that he is not aware as to which part of the complaint the Authority has taken cognisance. In view of the absence of the SCN and DLC report he is not in a position to file his reply. Adv Rao insisted that the copy of the DLC report dated 16/10/2019 may be furnished to him. However Adv Sweta intervened and stated that the DLC report was provided to the Respondent along with the Sketch of the plan. Adv Sweta stated that the Respondent was a mundkar having a mundkarial house and now has extended the mundkarial house and there is encroachment. Adv Sweta stated that the structures is used for commercial purposes. The structure falls in the NDZ area. She relied upon the plan of the field surveyor which shows encroachment. Adv Parag Rao stated that he would make a formal application to the GCZMA asking for the copy of the DLC report.

**DECISION:** The Authority heard both the parties and directed the Respondent to collect the copy of the DLC report from the Office of the GCZMA. Fresh hearing notice will be issued.

**Item No. 2**

**Case No.2.1**

**Request for renewal of recommendation/approval for proposed erection of temporary wooden floating pontoon jetty in the area adjacent to the plot bearing Sy.No.20/9 and/or 21/41 Agarwada Village, Pernem-Taluka.**

**Background:**

This office is in receipt of a letter dated 18/06/2021 from Mahendra K. Prabhu Desai, Flat No.202, "Shalom" Apartment, A-Wing, Caranzalem, Near Kamat Kinara, Miramar, Panaji-Goa regarding request for renewal of recommendation/approval for proposed erection of temporary wooden floating pontoon jetty in the area adjacent to the plot bearing Sy.No.20/9 and/or 21/41 Agarwada Village, Pernem-Taluka.

The applicant also informed that the said approved jetty was not constructed due to Covid-19 Pandemic.

**DECISION:** The Authority decided to call the parties for presentation before the Authority.

**Case No.2.2**

**Proposed repair and renovation of existing house in Sy.No.146/10 of Calangute Village, Bardez Taluka**

The Office of the GCZMA is in receipt of application dated 31/05/2021 from Luciano Fernandes & Mrs. Vailankani Juliana Fernandes, H.No.1/164, Gaura Vaddo, Calangute, Bardez-Goa with regards repair and renovation of existing house in Sy.No.146/10 of Calangute Village, Bardez Taluka.

**Site Inspection Report:** The said site was inspected by Mahesh Patil, Expert Member (GCZMA) & Satish Kumar Naik (Field Surveyor, GCZMA).

i) **Name of the Applicant:** Luciano Fernandes & Mrs. Vailankani Juliana Fernandes
ii) **Date of the Application:** 31/05/2021
iii) **Application for:** repair and renovation of existing house
iv) **Date of construction based on the documents:** After NOC
v) **Date of Inspection:** 11/06/2021
vi) **Name of the Official / Expert Member, GCZMA:** Mahesh Patil (Expert Member GCZMA) & Satish Kumar Naik (Field Surveyor, GCZMA)
vii) **Location of the alleged violation:**

**Sy. No.** : 146/10 **Village** :Calangute **Taluka:** Bardez

iv) **Accessibility:** Tar Road

v) **Distance from the HTL of River / Sea:** 7200 meters

vi) **Classification of CRZ Area:** c) CRZ – III

vii) **Existence of Sand dunes and its Height:** NIL- Residential Property

viii) **Whether any lagoons, backwaters or other water bodies exist in the plot:** No, Many houses, adjacent to each other

ix) **Existence of Vegetation, if any:** Nil- big trees at the boundary

x) **Plinth area of the structure / alleged violation:** NIL

xi) **Nature of the structure:** Load Bearing/Masonry Structure

xii) **Height of the structure:** Detailed in the attached plan

xiii) **Details of extension to the existing structure:** Structure is shown on survey plan, copy attached

xiv) **Approvals / NOC's issued by any other Department's / Authorities:**

- Registration number from village panchayat
- Copy attached

**xv)Nature of violation if any, with regard to provisions of CRZ Notification 2011:** NIL

**xvi) Whether the proposed construction meet the CZMP Guidelines:**

- Yes, house is very old and need immediate repair. House owner is from fishing community

**xvii) Conclusion / Recommendation:** Recommended for repair/and renovation on the existing plinth as per the submitted plan.

**DECISION:** The authority after detailed discussion decided to approve repair and renovation of existing house in Sy.No.146/10 of Calangute Village, Bardez Taluka.

**Case No.2.3**

**To decide on revised plan of proposed resort in survey no. 129/1, 130/1,2,3,4,5 &7,131/1,136/1, 137/3 & 132/2 of Arossim village , Mormugao by Daffodils Hotels Pvt Ltd.**

**Background:** The office of GCZMA received application dated 31/03/20121 from Daffodils Hotels Pvt Ltd. With regards to revised plans for proposed resort in survey no. 129/1, 130/1,2,3,4,5 &7,131/1,136/1, 137/3 & 132/2 of Arossim village.

Accordingly site inspection was conducted by Expert Member (GCZMA) along with field surveyor and submitted report .

**Brief Proceeding:**

1. The project located at survey no. 129/1, 130/1,2,3,4,5 &7,131/1,136/1, 137/3 & 132/2 of Arossim village, Mormugao taluka, Goa.
2. The MOEF& CC granted composite Environmental and CRZ clearance to the project (Hotel Beach Resort) vide F.No. 16-1/2009-IA-III dated 28/07/2017 in the name of M/s Competent Automobiles.
3. Daffodils hotels Pvt Ltd purchased this project from M/s Competent Automobiles and transfer of EC was issued in the name of M/s Daffodils hotels Pvt Ltd vide F.No. 16-1/2009-IIA-III dated 12/04/2019.
4. Now Daffodils hotels Pvt Ltd has applied for amendment in EC & CRZ clearance for change in the configuration.

5. The total plot area of the project is 78,506.80 square meters and the total built up area of the project will be 20,547.33 sq mt. The project is under CRZ III category as per the CRZ Notification 2011. Details of the proposed structures and development are detailed in attached plan.
6. Proposed development is outside 200 mts HTL line with in 200-500 mt.
7. MOEF CC has recommended for change in EC vide its meeting held on 12th April 2021. (Minutes are attached) and suggested to seek CRZ and other applicable permission) SEIAU letter to process EC at MOEFF CC is also attached.
8. Proposed changes are to build 116 rooms compared to earlier approve 160 rooms. Therefore , this proposal will lead to lesser number of rooms and thereby reducing the environmental impact.

   Recommendation : MOEF CC has approved revised proposal for grant of EC. As CRZ clearance is already issued after scrutiny at multiple levels and amendment is for change in building configuration only with reduced number of rooms , recommended for proposed change in CRZ plan in line with Environmental Clearance granted b y MOEFFCC.

**DECISION:** The authority after detailed discussion decided to approve revised plan of proposed resort in survey no. 129/1, 130/1,2,3,4,5 &7,131/1,136/1, 137/3 & 132/2 of Arossim village , Mormugao by Daffodils Hotels Pvt Ltd.

**Item No.3:**

**To decide on applications for erection of temporary structures shacks/tents/cottages and huts) in private beach property Details as enclosed as (Annexure 1).**

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc .**

**Siolim Village:** **Taluka: Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 20% of plot area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 21/04/2021 | Ludovico Goveia | 318<br>319<br>320 | 2 & 3<br>2<br>2 | 12500.00 | 2500.00 (20%) | 6 Cottages, | 1 Restaurant | 742.80 | Recommended Beach Carrying Capacity Not Applicable | **Approved** |

**Village: Mandrem (Sea)** **Taluka: Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 17/06/2021 | Shikhar Kumar | 214 | 3 | 9033.00 | 2980.89 | Cottages/Huts Type A- 11, Type B- 24, Type C- 8, Type D-1 | 1Shack / Restaurant | 1943.66 | Recommended Subject to Beach Carrying Capacity Report | Deferred |

Village: Morjim (Sea)

Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 13/10/2020 | Shantanu Suryavanshi | 181 | 2 | 4949.00 | 1633.17 | 22 -Cottages | 1Shack | 1130.00 | Recommended Subject to Beach Carrying Capacity Report | Deferred |
| 2. | 23/03/2021 | Kuldeep Singh Dalal | 182<br>182 | 10<br>11 | 6381.00 | 2105.73 | 23-Cottages, Kitchen & Bar Counter - 1, Reception-1 | Resturent-1, | 1206.95 | Recommended Subject to Beach Carrying Capacity Report | Deferred |
| 3. | 22/07/2021 | Kuldeep Singh Dalal | 181/ | 1 | 6294 | 2077.02 | 33 huts one reception | 1 restaurant | 1638.2 | Recommended Subject to Beach Carrying Capacity Report | Deferred |

**Village: Betal Batim** **Taluka: Salcete**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% of plot area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 08/01/2021 | Roy Antao | 109 | 1C | 6300.00 | 2079.00 | Cottage Atype-8, cottage B type -16, Cottage C type -4, Admin block-1, porch-1, store-1, staff Quarters-1, security cabin-1, Gazebo-1, Gazebo-2 | Restaurant 1 | 1265.40 | Recommended subject to compliance of document and beach carrying capacity | Deferred, Call for presentation |

Village:Anjuna- Caisua (Sea)

Taluka:Bardez

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 13/05/2021 | Mrs. Sindhu Ramdas Dabholkar & Mr. Ramdas Dabholkar | 224<br>226<br>226 | 6<br>5<br>6 | 3575.00 | 1179.75 | Rooms, Kitchen, Toilet Block, (Counter Shed, Stage, -3) | - | 835.23 | Recommended Subject to Beach Carrying Capacity Report | Deferred , Call for presentation |
| 2. | 08/03/2021 | Ivan Fernandes | 218 | 13 | 1300.00 | 429.00 | Huts -5 & 1 Reception | 1 | 259.79 | Recommended proposal beyond 200 mt from HTL hence the beach Carrying Capacity Report is not applicable | Deferred, Call for presentation |

**MINUTES 268th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 19/08/2021 at 02.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 268th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 19/08/2021at 2.00 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 19/08/2021 through VC:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Directorate of Panchayat.
- Representative on behalf of Director, Department of Tourism.
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. SavioJoquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Shri. ShrirangJambhale, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Item No.:1**

**To decide on Taluka wise reply received from various Departments/Authorities regarding Suggestions and objections with respect to the draft CZMP for the State of Goa.**

**DECISION:** The Authority directed the Committees constituted in this regard to dispose the objections and suggestions from public and other authorities by doing ground truthing wherever required. The objections and suggestions which does not require ground truthing will be disposed by citing reasons for individual objections & suggestions.

**Item No.2 (Personal hearing on Court/NGT Matters)**

**Case No1.1**

**To decide on complaint dated 27/09/2019 from Caetana Juliana Fernandes e Rebelo&orswith regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa.(LAQ matter).**

**Background:** This office is in receipt of complaint copy forwarded from GSPCB dated 25/07/2019 from Caetana Juliana Fernandes e Rebelo&ors dated 27/05/2021 with regards to illegal construction of open-air hall, i.e "Velorians by the Sea" located at Varca Salcete

Goa on property bearing Survey No. 48/1 and 6; 47/23, Varca Village Salcete Goa within CRZ area.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-Compl/19-20/42/2193dated 16/01/2020 a site Inspection was carried out on 24/01/2020.

In the said Site Inspection of the Expert Member stated the illegalities carried out by the alleged violators. The ISLR had also mapped the structures.

Upon close perusal of the complaint and report of the Expert Members and the plan drawn by the ISLR, the following alleged illegal activity resulting in blatant and serious violation of CRZ Notification 2011 is noticed.

During 248th GCZMA meeting held on 11/02/2021Adv Shailesh Redkar appeared for complainant. Mr. Bruno Fernandes Respondent present and prayed of 30 days time to file reply and comply with the directives. Complainant sought copy of reply filed by respondent on Show Cause notice and the copy of the Inspection report of the Expert member who had visited the site.

The Authority after hearing the parties directed both the parties to collect the relevant documents from the file from the office of the Authority. The Authority further directed the Respondent not to carry any commercial activities in the offending structures and further directed both parties to remain present for hearing on 25/02/2021 at 3.30 pm. Due to paucity of time the matter is adjourned on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021 Ld Advocate appeared for the Complainant. LdAdv appeared for respondent. Ld advocate for the respondent prayed for time to file reply.

The Authority after hearing both the parties decided to grant additional time to respondent and the matter is further posted on 18/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now the Authority decided to issue fresh hearing notices. The said matter is placed for hearing on 24/06/2021.

During 262nd meeting held on 24/06/2021. The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021

During 263rd meeting held on 01/07/2021 The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 08/07/2021. The Authority noted that since both the parties were absent and in the interest of natural justice matter is posted for hearing on 22/07/2021 at 3.30 p.m. Fresh Hearing Notices to be issued to all the parties. The said mater is posted on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021 the AdvParag Rao on behalf of respondent sought time on medical grounds. The Authority decided to post the said matter on 26/07/2021.

During 267th GCZMA meeting held on 26/07/2021, The Authority after hearing both the parties directed the Respondent to file an affidavit giving details on compliance before the next date of hearing. Further, the Authority decided to conduct a Site Inspection on 28/07/2021 by the Expert members of the GCZMA to verify the compliance and further the matter is posted on 05/08/2021.

Accordingly site inspection is conducted on 28/07/2021 and report is submitted by the Expert members.

**Proceedings:**The Complainant not present for hearing. Respondents are not present for the hearing.

**Decision:**The Authority decided to grant an opportunity to both the parties and issue fresh notice for hearing.

**Case No 1.2**

**To decide on complaint from Adv. Rohit Bras De Sa (Alex J Fernandes) for conducting illegal business by encroaching the Government tar road and construction activity . (High Court matter)**

**Background:** The Office of GCZMA was earlier in receipt of legal notice/complaint from Advocate Rohit Bras De sa on behalf of his client Mr.Alex J. Fernandes interalia stating that one Mrs. Rita Rodrigues is conducting illegal business by encroaching the government tar road and further has undertaken construction activity in Survey no.200/13 Umtavaddo, Calangute, Bardez-Goa. the Complainant being aggrieved by the said construction activity and encroachment filed an Writ Petition bearing no LD-VC-CW 93-2020 before the Hon'ble High Court of Bombay at Goa. The Hon'ble High Court of Bombay at Goa vide order dated 17/07/2020 directed this Authority to conduct the site inspection and submit its report. The Expert member GCZMA conducted the site inspection and interalia observed that the construction activity in CRZ area was carried without permission from this Authority.

the said report was placed before the Hon'ble High Court of Bombay at Goa in the abovementioned matter. The Hon'ble High Court of Bombay at Goa in order dated 21/07/2020 has observed as follows:"*We direct accordingly. The GCZMA as well as the Panchayat to ensure that no construction proceeds at the site until further orders in this Petition*".

Pursuant to directions of the Hon'ble High Court of Bombay at Goa in order dated 21/07/2020 the Authority had issued a show cause cum stop work order GCZMA/ H.C.M/Wpno.93/2020/2021/02/385 dated 23/07/2020 to Mrs. Rita Rodrigues however the said notice returned to the office with postal remark "*Add left RTS*".

The Hon'ble High Court of Bombay at Goa vide order dated 18/08/2020 has interalia directed as follows "*Therefore, the authorities, who are enjoined to look into this matter, will dispose off the show cause notices on their own merits and in accordance with law*".

Another show cause cum stop work order dated 20/08/2020 was issued to the Respondent. The Respondent has filed a reply dated 07/09/2020 to said show cause notice.

During 230th meeting held on 09/10/2020 .The Complainant submitted that the illegal construction is carried out within 20 mts of the NDZ area which is totally illegal in nature without any prior approvals of the Authority. He stated that there was no structure existing in the property prior to 1991 & the sale deed which is of the year 1999 doesn't make a mention about the existence of the said structure. He also pointed out to a report of the NGPDA which has been placed before the Hon'ble High Court in PIL WP.LD/VC/CW/93-2020 which report indicates that the Respondent has encroached upon road area. He stated that the reply filed by the Respondent doesn't make any mention of any denial that the construction was prior to 1991. He also relied upon the report of the Expert Member which points out that the construction is very close to a road which has been done without obtaining prior approval of the Authority. Finally he stated that the existence of structure needs to be proved & merely by placing a certificate issued by the V.P. of Calangute would not in any way establish that the structure was prior to 1991.

The counsel for the Respondent stated that the schedule of the Sale Deed dt.31/08/1999 clearly makes a mention that whilst purchasing the said plot of land, there stood to exist a structure & the contention raised by the Complainant about there being no structure & for that matter the previous owner of the land filing an affidavit is ruled out because of the categorical admission contained in the sale deed itself. He further stated that the Respondent has produced documents in the nature of a certificate issued by the V.P. of Calangute clearly specifying that the offending structure was of an era prior to 1991 which was assessed for the purpose of tax under No.5/168C/1 in the name of

Joaquim Xavier Silveira who was the erstwhile owner of the property. He also relied upon the Form I & XIV & the survey plan which shows existence of structures. He refuted that no extensions has been done by him on the road as reported by the NGPDA as no notice of site inspection was given to him at the time when the officials had visited the site. He also stated that the Respondent has made an application for repairs of the structure which may also be considered expeditiously.

The Authority after hearing the parties decided to carry out an inspection of the site along with PWD (Roads) NGPDA, V.P. of Calangute & Expert Member. All relevant documents to be produced by the parties. The notice of inspection should also be given to the Complainant & Respondent.

Accordingly site inspection was carried out by concerned officials and submitted the report.

As issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 11/03/2021 at 3.30pm.

**Proceedings :**Adv. Rohit Braz along with Complainant Alex J Fernandes present for the hearing. Respondent along with her advocate present.

Adv Braz states that no notice was issued to the Complainant when the Site Inspection was conducted by the PWD. He stated that NGPDA had given a finding that there is construction going on. The Adv for Complainant also pointed out that the PWD says that there was also no encroachment on the road. The Complainant states that the construction falls within 200 mts from the HTL. Adv for the Respondent states that the allegations before the GCZMA and the Hon'ble High Court were on encroachment on PWD road. The Respondent states that the NGPDA had carried out site Inspection in the absence of the Respondent. The Respondent states that the Complainant had given wrong address of the Respondent before the Hon'ble High Court. The NGPDA site inspection records the absence of respondent and the wrong address given by the complainant. The respondent further stated that there was an old house existing in the property and the same reflects on the Form I and XIV. The respondent further states that he had obtained permission from the Village Panchayat Calangute for repairs and reconstruction and now seeks regularisation from the GCZMA.

**Decision;** The Authority after hearing both parties decided to drop the Show Cause Notice with regards to encroachment on the road based on the report prepared by the PWD , Mapusa. With regards to application for reconstruction of the old structure the Authority decided to keep it in abeyance till the CZMP for Goa is finalised, then it will be examined on merits.

**Case No. 1.3**

**To discuss and decide on the reports submitted by the Inquiry committee of the GCZMA after completing its inquiry interalia stating its recommendations.**

In furtherance to the Meeting No 253rd dated 04/03/2021 in respect of Hotel Silver Sand, Colva, Salcete, Goa.

The Authority deliberated that the Authority during its 225th Meeting held on 04.06.2020 had decided to call upon the parties afresh to hear arguments on the aspect of procedural review and as to how and in what manner the review would lie for the Authority to revisit its decision taken in the 187th Meeting held on 30.10.2018.

After hearing the parties, it was realized that certain intricate facts pertaining to the matter may not have been brought forth before the Authority in its 187th Meeting held on 30.10.2018. The Respondent brought on record the requisite permissions and approvals to prove that the commercial structure in question is legal and authorized. The Respondent also raised doubts as to the procedures followed by the Authority before passing the final decision in its 187th Meeting. Therefore, it was decided that the order of demolition passed in the 187th Meeting should be rescinded in view of vital facts and documents coming to light subsequently.

However, the question as to whether the Authority has power to review its decision taken in the 187th Meeting is yet to be decided by this Authority finally, considering that the matter has been decided by Hon'ble Supreme Court in its appellate jurisdiction.

During 254th GCZMA meeting held on 18/03/2021 decided to issue fresh notices to both parties to appear before this Authority on 08.04.2021 at 3.30pm to hear on maintainability of the review application dated 29.01.2019 along with their written submissions.

**Proceedings :**Complainant absent for hearing but sends written submission via email.She contended that she reiterates all her earlier submission dated 07/08/2019; 24/08/2019; 2/10/2019; 4/6/2020; 17/09/2020; written arguments heard ept for orders, 29/10/2020; and 26/11/2020 heard kept for orders and that the same may be reproduced herein; the Complainant further stated that the Order of the GCZMA dated 05/12/2018 has attained finality consequent to the dismissal of the Respondent's appeal filed in the Hon'ble Supreme Court and has merged with the order of the Hon'ble Supreme Court under doctrine of merger.

The Respondent files his written submission contending that he has again received notice for personal hearing dated 26/03/21 and 17/08/21. He stated that on 7/8/2019 and on 26/11/2020 he had filed his submissions to the notice dated 29/7/2019 and 20/11/2020 wherein he had raised various grounds and submitted documents along with other documents. The Respondent seeks to rely on the earlier submissions and documents. The Respondent stated that the Authority in its 253rd Meeting held on 4/3/21 had deliberated and passed an order and the proceedings were disposed off. The Respondent states that despite disposing the proceedings the Authority has again issued notice dated 26/3/21 for personal hearing. The Respondent states that once the matter has been disposed off by the Authority by partly rescinding the decision of 187th meeting on merits of the case, there is no further powers vested under the statue to revive the matter and revisit the decision taken on any grounds. That the notice dated 26/3/21 and 17/8/21 is wholly misconceived in law and liable to be withdrawn

**Decision:** The Authority heard the Respondent and directed the Respondent to come clear on the maintainability of the review application. The written submission submitted by the Respondent does not speak about the maintainability of the review application. The matter is fixed on 26/08/2021 for arguments and submissions on the maintainability of the review application of the Respondent.

**Case No. 1.4**

**To decide on Application NGT O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa. (NGT matter)**

**Background:**

Mrs. Nalini Da Rosa Fernandes had filed application before the National Green Tribunal bearing O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa.

This matter was listed for hearing on the 24/08/2020 and the Hon'ble National Green Tribunal has passed the order thereby directing the Goa Coastal Zone Management Authority (GCZMA), to take action against structures constructed, without specific permission from GCZMA in No Development Zone (NDZ).

the Hon'ble Tribunal vide order dated 24/08/2020, interalia appointed a Committee comprising of (i) Goa Coastal Zone Management Authority, (ii) Goa Pollution Control Board and to direct to submit a factual and action taken report with regard to allegations made in the present application. The Hon'ble Tribunal had made the Goa Pollution Control Board the nodal agency for compliance". Accordingly a report was to be furnished to the Tribunal within six weeks.

The Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area on the 14/10/2020. The Committee submitted a report with regard to the joint Site Inspection of Zinhos Guest House at Calangute Bardez Goa. The Reports were submitted on the giving details of the violations.

**Site inspection report**

Ms.NaliniFernades , complainant showed the Zinhos guest house. The structure is Ground +2 RCC structure . It has reception at the ground floor with swimming pool. It is used as guest house/ hotel.

2. Mr Agnelo Fernandes owner of the Zinhoshotel, confirmed the structure is used as guest house/hotel. However refused to give any approval/ NOC from GCZMA and other authorities, claiming, all the documents are with his legal counsel

3, He was explained that the inspection was in respect of complain against his illegal construction of guest house in the No development Zone

4. The photograph attached by the complainant are of the Zinhos guest house , which clearly indicate RCC structure of Ground +2 floor.

5. As per GCZMA record, no CRZ permission is given to ZInhos guest house located in survey number 243/13 & 243/14 in Calangute village, BardezTakuka

Recommendations

1. Land Survey Department to demarcate the NDZ line of 100, 200 and 500 meters on survey plan. Along with the NDZ lines, the demarcate any old structure shown on plan as well as the existing building

2. This demarcation will establish the status of the Zinhos guest house with reference to NDZ line as well as existence of old structure if any.

3. The complainant and respondent should be served site survey notice well in advance so that both the parties are present on the site during the survey

4, The decision of the structure in relation to NDZ and illegality can be arrived after the field survey plans are submitted by the land survey Department.

During 238th GCZMA meeting held on 26/11/2020. The Complainant present in person. Ld. Adv for the Respondent present and filed the Vakalatnama and prayed that the copy of inspection report be furnished to him so that he can file the detailed reply to the Show Cause Notice.

The Authority after perusing the site inspection report decided to direct the DSLR to carry the survey in respect of the structures in properties bearing survey No.243/13 and 243/14 of Village Calangute of Bardez Taluka and submit the report to this Authority on or before next date of hearing fixed on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021. The matter is posted on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The Complainant present in person. Ldadv for the Respondent present.

On request of parties the Authority decided to adjourned the matter on 18/02/02021at 3.30pm. Issue fresh notices on the parties.

During 251st GCZMA meeting held on 25/02/2021.The Authority decided to refer the matter to DSLR to also demarcate the HTL, 200mt line and offending structures on the plan. On receipt of the report from the DSLR issue fresh notices for hearing in the matter. Now this office is in receipt of DSLR

**Proceedings** :The representative of the Complainant present for hearing. Respondent absent though served. Adv. Fromthe Chamber of Adv. Shivan Dessai present for the hearing and states that he has no instructions from the Respondent.

**Decision:** The Authority granted time and fixed the matter for reply/arguments on 02/09/2021 at 3.30 pm.

**Case No. 1.5**

**To decide on Complaint letter dated 01/03/2021 from Calangute Constituency Forum with respect to Illegal concrete construction of a structure by digging pits for foundation in the property bearing survey no 158/1 of Calangute Village Bardez Goa carried out by Mr. Lloyd St Jude Joachim Fernandes.**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated01/03/2021 from Calangute Constituency Forum through its PRO and Gen Secretary and was inwarded in the office on 01/03/2021. With respect to illegal concrete construction by digging pits for foundation in the property bearing survey no 158/1 of Calangute Village Bardez Goa being carried out by Mr. Lloyd St Jude Joachim Fernandes resident of Tivai Vaddo, Calangute Bardez Goa; within the NDZ.

Vide Show Cause Notice cum Stop Work Order bearing reference No. GCZMA/N/ Shack-Hutt-Cott-Tent/19-20/08/3040 Dated 22/03/2021 issued to Mr. Llyod St Jude Joachim Fernandes, resident of Tivai Vaddo Calangute Bardez Goa; this Authority has

directed the Deputy Collector and SDM Mapusa, including the Police Inspector. Calangute Police Station to stop ongoing illegal construction work in the property bearing Survey No 158/1 of village Calangute at Tivai Vaddo,.

Vide Inspection Notice bearing ref No. GCZMA/N/ Shack-Hutt-Cott-Tent/19-20/08/3051 dated 22/03/2021; the Expert Members were requested to conduct a site Inspection of the said property to ascertain the environmental damage caused to the property.

The Expert members conducted the Site Inspection on 25/03/2021at around 3.30 to 5.00 pm.

During 255th GCZMA meeting held on 25/03/2021The Expert Members informed the Authority that approx 36 RCC footing with M.S Base Plate is being constructed in the property under question. The Authority was of the opinion that major environmental damage is being caused in the property under consideration. In order to avoid further Environmental damage, the property needs to be sealed. The Authority decided to direct the Deputy Collector and SDM of Bardez to immediately seal the property bearing survey no 158/1 of Village Calangute, Bardez Goa within 48 hours and send the Compliance report to this Authority.

**Proceedings:** The Complainant Calangute Constituency Forumpresent; the Respondent Mr. Llyod St Jude Joachim Fernandes present along with his advocate. The Complainant states that he has photographs and Google image to prove that the construction is a new construction. The Complainant states that the place where the pits were dug was on sand dunes. The Complainant states that the Respondent had erected 34 RCC columns in the property. The Respondent states that he had taken permission for erecting shacks. He stated that his forefathers were running the business of shack. The respondent states that when he was digging the pits he found the RCC footing. The Respondent undertakes to remove the RCC footings within 10 days

**Decision:**The Authority considered the request of the Respondent and granted him 10 days to remove the RCC columns and restore the land to its original condition. The Authority also decided to de-seal the property for 10 days. The Authority also intimated the Respondent that failure to comply the direction of removing the RCC columns and restore the land would attract a penalty of Rs.10 lakhs and the Authority would sub-delegate the work of restoring the land at the cost and expenses of the Respondent.

**Case No. 1.6**

**To decide on a Complaint for Illegal Construction Carried out by Mrs. Goretti Fernandes - the Proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Bardez-Goa. (High Court matter)**

The Office of GCZMA received an application letter dated 18/04/2019 from Mrs. Judyline D'Souza of Calangute with regard to the illegal construction carried out by Mrs. Goretti Fernandes - the proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Goa. So, a site inspection was fixed to see the site, verify the illegal construction of structure/s done at site and the documents.

**Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. PrabhakarShirodkar and Eng. AudhootBhonsule on 25/07/2019 along with Mr. MandarPhadte and Mr. RupeshShirgaonkar of DSLR, Panaji. At site, the complainant Mrs. Judyline D'Souza was present along with her accomplice Mr. Vishal Lobo who showed the site and explained about the illegal construction done at site. From the respondent's side, the members present were Mrs. Maria Goretti Lobo e Fernandes along with her representative Mr. Joel Fernandes. The details of site inspection are as follows;

- The site is lying towards the west of Calangute-Baga main tar road in Calangute.
- The plot is a rectangular one, starting from the main road in the east and extending straight towards west.
- As per the Sy. Map brought by DSLR representatives, the full plot with Sy. No. 199/10 of the respondent is falling within 200 – 500m of CRZ area and beyond.
- There existed one old, elongated ground floor house in the plot, which is used as a bakery by the respondent.
- At site, the respondent has demolished the backside (west side) portion of his old elongated house and attaching to the old house, in continuation of it has constructed a new G+2 building.
- Thereafter, by leaving a gap of just over 1m, another full new building has been constructed in E-W direction, which is a G+3 structure.
- The complainant told that on the terrace of the third floor of this building there is a swimming pool constructed by the respondent and it is being used for commercial purpose. The sides of the open terrace on top are seen to be provided with metallic grills.
- Behind the G+3 building there is also one shed constructed by the respondent.
- The complainant says that the construction done is the recent one, which is without obtaining any permission from GCZMA.
- When the respondent was asked to show the permissions, she could not produce any document, except the NOC issued by the V. P. of Calangute for the said construction.
- No permission from any other Authority has been by the respondent for doing the new constructions at site.
- So, the DSLR Surveyors were told to take the measurements of the newly constructed structures at site and do the mapping to be submitted to GCZMA.

- The DSLR has now submitted the mapping done of the structures at site in Sy. No. 199/10 of Calangute Village, wherein the 500m CRZ line is seen passing halfway through the G+3 building constructed at site by the respondent.

**Conclusion and Recommendation**

- The mapping done of the structures in Sy. No. 199/10 by DSLR and submitted to GCZMA indicates that the shed and half of the western part of the G+3 building constructed is falling within 200-500m of CRZ III area of Calangute.
- Whereas, the old house used as a bakery with a new extension of G+2 structure is falling outside 500m of CRZ III area.
- The constructions done by the respondent of a shed and the G+3 building, of which half of the G+3 building is falling within 200-500m of CRZ area, both are done without obtaining any permission from GCZMA.
- As per CRZ Regulation, within 200-500m of CRZ III area, a new construction of only a G+1 structure is permissible with plot occupancy of 33%, FAR of 33% and height of the structure within 9m, by obtaining proper permission from GCZMA.
- Considering the CRZ Regulation, the respondent has not at all obtained any permission from GCZMA and has done the construction of a shed and a G+3 structure in CRZ area which is not at all permissible.
- As such, the temporary shed and half of the G+3 structure (Building) constructed with a swimming pool on top terrace therefore become illegal structures.
- Such illegal structures cannot remain at site within the CRZ area but need to be removed from site by demolition.
- So, a **Show Cause Notice** cum **Demolition Order** may be issued to the violator.
- This may be deliberated in the Authority meeting for a decision.

The said matter was taken up during 210th GCZMA meeting held on 07/08/2019 wherein the Authority resolved to issue a show cause cum hearing notice to concerned parties. The matter was later placed for personal hearing during 214th GCZMA meeting held on 03/10/2019 wherein the authority directed both the parties to collect DSLR plan from the office.

This office is in receipt of DSLR plan dated 10/10/2019 from Directorate of Settlement and Land Records (DSLR) which shows the demarcation 200mt HTL line.

Thematter was placed in the 215th GCZMA Meeting held on 22/10/2019 for personal hearing wherein the Authority was of the opinion that although the 200mts line is delineated the area between 200mt to 500mt has not been demarcated. The Authority was of the opinion that remote sensing Institute (RSI) has demarcated the 500mts line which can form the base to point out as to whether the suit structure attracts CRZ norms or not.

The authority thus call upon the DSLR to plot the 500mt line by using the base data of RSI and upon receipt of the plan a copy of it be given to parties and a fresh hearing to be given to them.

The DSLR has plotted the 500 mts Line on the survey plan by using the RSI data and has submitted the fresh survey plan showing the illegalities of the structures which fall within 500 mts of HTL.

During 229th GCZMA meeting held on 01/10/2020. The Respondent & Complainant appeared in person. The Respondent stated that besides the notice of personal hearing, he hasn't received the plan which was called upon to be done by the Authority by highlighting the CRZ line of 500mts. The Complainant stated that she has received the same along with the notice of personal hearing & the question of the Respondent having not received the same does not arise.

The Authority handed over a copy of the demarcation plan to the Respondent & decided to hear the parties on merits of the case on 15/10/2020 at 3.30 pm.

The Authority during 231st GCZMA meeting held on 15/10/2020 declined to hear the proceedings through Video Conferencing and insisted for physical hearings because at times it becomes difficult to understand the plans and documents relied upon by the parties. In the event if the counsel for the Respondent is unwell and unable to appear, he can very well file written arguments. The Authority also directed the Respondent to give a copy of the reply along with supporting documents to the Complainant. The proceedings will be taken up for hearing on 29/10/2020 at 3.30 p.m.

During 233rd GCZMA meeting held on 29/10/2020 the Complainant was present in person while the Respondent wasn't present. The Complainant wishes to file a counter reply on the reply given by the Respondent on the last occasion accordingly, the Authority decided to grant time for the purpose of filing the counter reply and fixed the matter on12/11/2020 at 3.30p.m.

During 237th GCZMA meeting held on 12/11/2020 The Complainant was present in person while the Respondent was absent. Complainant sought time for argument in matter as the complainant is waiting for RTI documents in said matter.

The Authority noted the request made by complainant and decided to grant time till 2nd week of January 2021 on the principal of natural justice. Fresh notices will be issued to both the parties.

During 243rd meeting held on 14/01/2021 Complainant present in person. Adv for respondent sought time.

The Authority after hearing both parties decided to grant additional time on a principal of natural justice and posted the matter on 04/02/2021 at 3.30pm for further hearing.

During 246th GCZMA meetingheld on 04/02/2021.The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties kept the matter for orders.

The Directions of demolition was communicated to the parties vide Directions No. GCZMA/N/ILLE-COMPL/19-20/19/962 dated 25/02/2021.

Since the Respondent Goretti Lobo e Fernandes and anr was aggrieved by the order of Demolition approached the Hon'ble High Court in Writ Petition No. 932 of 2021 (F).

The Hon'ble High Court vide order dated 14/07/2021 was pleased to issue direction that the order dated 25/02/2021 stands withdrawn and the GCZMA will now dispose of the proceedings against the Goretti Lobo e Fernandes and another within three months from 14/07/2021 thereby granting an opportunity to the Complainant and the Goretti Lobo e Fernandes and anr.

**Proceedings** :AdvWinnie Coutinho along with Complainant present.Goretti Lobo e Fernandes and Joel Fernandes present in person. The Respondent sought for time to engage a new lawyer.

**Decision:**The Authority considered the request of the Respondent and granted time. Matter posted for say/arguments on 26/08/2021 at 3.30 pm.

**Case No.1.7**

**To decide on application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. (NGT matter)**

**Background:** Goa ParyavaranSavrakshanSangharshSamitee had filed application before the National Green Tribunal seeking enforcement of the order of the Hon'ble Tribunal dated 02.11.2017 in Original Application No. 23/2014. By the order dated 02.11.2017, the Tribunal had directed the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ).

The Hon'ble Tribunal had issued directions to the GCZMA to enforce the recommendations of the Forest Department for preservation of Turtle Nesting sites. The directions are as follows: "i) No beach, beds to be set up in the intertidal zone. The

existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up. ii) The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and provided with opaque shields on sea facing side. iii) Playing of loud music by the shacks beyond 6.00 PM and holding of beach parties to be prohibited. iv) Movement of any automobile on the beach to be prohibited. v) It should be made incumbent upon the shack licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitors the entire coast".

The Hon'ble Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

The Goa ParyavaranSavrakshanSangharshSamitee, filed an application for execution of the order dated 02.11.2017 passed in Original Application No. 23/2014 .

The Hon'ble NGT vide order dated 25/02/2019, interalia appointed a three members Committee comprising of Deputy Conservator of Wildlife, Goa, Member Secretary, Goa State Pollution Control Board and Member Secretary, GCZMA. The nodal agency will be the Deputy Conservator of Wildlife for compliance and coordination. Accordingly a report was to be furnished to this Tribunal within one month.

Vide said order the Hon'ble NGT had further issued directions to the Goa Coastal Zone Management Authority (GCZMA), to take action against temporary structures constructed along the beaches of Morjim, Mandrem, Galgibag and Agonda without specific permission from GCZMA in No Development Zone (NDZ). The Tribunal had also directed that the compensation be recovered by the GCZMA from those violating the above norms, apart from other incidental directions.

infurtherance of all such complaints your attention is specifically invited to the recent orders dated 18/07/2019 passed by the Hon'ble NGT in the matters of Execution Application Nos 1 to 6 of 2019 granting liberty to the Complainant to lodge further Complainant as against the NDZ Violators and more particularly as against the permanent structures, buildings etc in the NDZ area of MorjimMandrem, Galzibag and Agonda beaches.

The Authority issued Show Cause Notice to Charmaine Rosario cum personal hearing to the parties. The matter was posted for hearing on 21/01/2021, .However the Meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The LdAdv for the Respondent present and prayed for time to file the reply.

The Authority decided to grant the time to Respondent and kept the matter on 18/02/2021 at 3.30pm.During 249th GCZMA meeting held on 18/02/2021 the matter is adjourned to 04/03/2021 due to paucity of time.

During 252nd GCZMA meeting held on 04/03/20201 authority decided that issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm.

**Proceedings:** Complainant absent, Respondent absent.

**Decision:**Since the respondent was absent opportunity granted. Fresh notices to be issued to both the parties.

**Case No1.8**

**To decide on Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanentanchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. (High Court matter)**

**Background:**An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies ( Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as

per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZMA meeting held on 1510/2020.The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m.However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the said meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021. The Complainants present in person. LdAdvABhobe present for Salgaonkar Shipyard. LdAdvGirishSardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in

the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021 Ld. AdvAshwinBhobe present for Salgaonkar Shipyard. Adv appeared for other Respondents. The complainant remained present. The letter received from the Directorate of Settlement and Land Records stating that no cadastral survey records are available with the Office. The Report from the Captain of Ports received was placed on record. Advocate Bhobe pointed out the reply and permissions for Salgaonkar shipyard. Further stated that it is the oldest jetty operating from 1968. The authority after hearing both the parties decided to call the official from the Captain of Ports Department to explain the map and posted the matter on 11/02/2021 at 3.30 pm.

During 248th meeting held on 11/02/2021 official from the captain of ports remained present for hearing. LdAdvAshwinBhobe remained present for respondent SalgaonkarShipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021.

During 249th GCZMA meeting held on 18/02/2021. LdAdvAshwinBhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 25/02/2021. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

During 251st meeting held on 25/02/2021 the officials from COP present. LdAdvAshwinBhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

During 252ndGCZMA meeting held on 02/03/2021. The Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. LdAdvAshwinBhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm.

On 11/03/2021. The Authority postponed the said matter to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion on 25/03/2021 as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 The matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021 AdvBalkrishnaSardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. LdAdvBalkrishnaSardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent.

The Authority noted that since the Complainant was absent and in the interest of natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m.

However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

**Proceedings: The** Complainant present in person. Adv for Salgaonkar Shipyard present. Officials from Captain of Ports were present. Adv N. Bhandari holding for AdvB.P. Sardessai present for Respondent 2 to 6. Respondent sought for Copy of the Plan.

**Decision:** The Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The Authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing field inspection and local enquiry.

**Case No.1.9**

**To decide on complaint dated20/03/2021from Alex J. Fernandes, with respect to Illegal construction of a structure in survey no 158/4(part) of Calangute Village Bardez Goa carried out by Mr. Alex Fernandes and Lavita Fernandes, (High Court matter)**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated20/03/2021from AdvRohit Bras De Sa on behalf of his client Alex J. Fernandes, resident of House No. 140, Umta Vaddo, Calangute, Bardez Goa;and was inwarded in the office of on the 22/03/2021, with respect to Illegal construction of a structure inthe property bearing survey no 158/4(part) of Calangute Village Bardez Goacarried out by Mr. Alex Fernandes and Lavita Fernandes,both resident of Umta Vaddo, Calangute, Bardez Goawithin 200 mts from HTL.

TheAuthority issued a Show Cause Notice Cum Stop Work Order bearing ref no GCZMA/N/ILLE-COMPL/20-21/128/40 dated 09/04/2021; the Respondent has failed to file their reply to the Show Cause Notice.

the Deputy Collector vide Letter bearing reference no DC/SDO/MAP/CRZ/Alex&Lavita /2021/4135 dated 23/04/2021 and inwarded in the office of the GCZMA on the 07/05/2021 has submitted a Site inspection report dated 08/04/2021; signed by the Mamlatdar PWD, Talathi of Calangute.

**Proceedings** : Complainant Mr Alex Fernandes present along with his Adv Rohit Bras. Respondent present in person along with her advocate. Adv for the Complainant furnished copies of the objections to the Respondent Adv Bras stated that he filed his written submission. He stated that he objected to the Site Inspection Report prepared by the Mamlatdar. He stated that the Mamlatdar in his report had stated that the property falls outside 200 mts. Adv for Complainant states that he has attached a copy of the Goole plan to show the location of the property. He stated that the sketch is done to protect the illegal structure and that the Mamlatdar has no authority to give such a finding. Adv for the Complainant pointed out that in the inspection report it was clearly mentioned that the HTL plan was not available at the site at the time of the Inspection. . Adv for Respondent sought for time to file reply and argue the matter.

**Decision**: The Authority granted time and fixed the matter for hearing on the 02/09/2021 at 3.30 p .m.

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad PrabhakarNaikGaunkerCanacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad PrabhakarNaikGaunkerCanacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

TheGCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meetingheld on18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted thatduring 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sqmts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sqmts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sqmts to that as 151.89 sqmts and from the distillery are of 50.69 sqmts to that as 60 sqmts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

The office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village NagorcemPalolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

The Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate ParagRao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meetingThe Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 advocate on behalf of Brigida Fernandes requested for additional time for arguments the meeting is postponed to 15/07/2021 at 3.30 pm. During 265th GCZMA meeting, due to paucity of time the matter is posted on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021.The Authority considered the request of the Advfor Respondent and granted time thereby fixing the matter on 26/07/2021 for reply / arguments.

**Proceedings:** Advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira. Adv for respondent stated that the DLC report given to him is not the same as mentioned in the personal hearing notice. Adv for the complaint stated that mundkar declaration order dated 17/02./2006 clearly mentions the dimension of the structure on site at that point of time. Complainant stated that as on date the area of the structure does not match as the respondent has extended the mundkarial house

**Decision:** The authority decided to hold the Mundkarial order as a base as it has a plan wherein the area of the structure is clearly mentioned and further authority directed the respondent to file an affidavit stating what is the area as on date and action plan to remove any extension made on the house as available in Mundkarial Order. The ground sketch should be prepared by an approved Architect and be part of Affidavit. The matter is fixed on 26/08/2021 at 4.30pm.

**Case No.1.11**

**To discuss and deliberate on complaint letter dated19/04/2021 from BhanuShirdokar resident of Nagali Taleigao; and Vainguinim Valley Residents Association dated 20/04/2021 with regards to alleged illegal construction &**

**development within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort.**

**Background:** The Office of the GCZMA had received a complaint letter dated19/04/2021 and inwarded in the office of the GCZMA on the 19/04/2021; from BhanuShirdokar resident of Nagali Taleigao; and the office has also received a Complaint from Vainguinim Valley Residents Association dated 20/04/2021 and inwarded in the office of the GCZMA on 20/04/2021; with regards to alleged illegal construction & development being carried out within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort at the Vainguinim Beach, Dona Paula; without obtaining any proper permission from the Competent Authorities.

Upon receipt of the Complaint the GCZMA carried out a site Inspection, and a report of the Site Inspection is enclosed herewith

in the said Site Inspection dated 20/04/2021; of the Expert Member; it is stated that the representative of Fomento Resorts and Hotels submitted a copy of CRZ approval granted for repairs & that the work is carried out in phases as per the design prepared in consultation with WRD and the work is carried out as per the approval granted.

The complainants alleged that the site inspection carried out on 20/04/2021 was in their absence & hence they pleaded for a fresh site inspection which was carried out on 23/04/2021. It was noted that M/s. Fomento Hotels has violated the conditions imposed by the Authority. Cement concrete has been used as against eco-friendly material.
Moreover, cement concrete structures are prohibited on the beach, that too within the intertidal zone 9CRZ 1B), that is a highly ecologically fragile area.
The ongoing linear wall construction is a new work, and not "repairs" as permitted under the NOC.
And accordingly Show Cause Notice was issued to **Fomento Resorts** on 28/04/2021& directed to appear for personal hearing before the Authority on 06/05/2021 at 3.30 pm. The respondent filed reply to the show cause Notice on 03/05/2021. However the meeting was postponed to 20/05/2021 and later on 27/05/2021at 3.30 pm.

During 257th GCZMA meeting held on 27/05/2021Learned advocate Parag Rao for the respondent M/s Fomento Resorts attended the hearing through VC. Ld Advocate Clinton Fonseca appeared for complainant Vaiguinim Association. Learned advocate Pundalik Raikar appeared for Bhanu Shirodkar attended the hearing.

Learned advocate Parag Rao submitted that he is objecting the SCN issued by GCZMA which is in violation of merit. He submitted that the party did not attend the site inspection dated 23/04/2021 as they did not receive any notice. The learned advocate prayed for fresh site inspection to the authority.

Learned advocate Clinton submitted that they didn't received the notice of inspection dated20/04/2021 hence they requested for 2nd inspection by Authority which was carried out on 23/04/2021. Learned advocate Raikar submitted that the matter is before district court. Further submitted that the respondent has taken NOC in 2017 for repair of linear wall.further the respondent had completed the work as stop work order was not issued. Learned Advocate for complainant prayed for fresh site inspection to verify whether 25 mtgap is maintained or not.

The Authority heard LdAdvShri Clayton Fonseca and LdAdvShriPundalikRaikar on behalf of the complainants and LdAdvShri. ParagRao representing respondent M/s Fomento Hotels on VC.

Permission was granted to Fomento Hotels & Resorts Ltd on 25.07.2017 to carry out repairs to a gadga/retaining wall and a linear wall in its property surveyed under no. 246/1 of Taleigao village. The primary allegation in the complaints is regarding alleged construction of a concrete linear wall on Vainguinim beach. On the other hand, the respondent contends that the construction/repairs are within their private property. After lengthy deliberations, it was decided that the Expert Members (GCZMA) would visit GCZMA office to peruse the documents and replies filed by the parties. Accordingly decision on the matter was deferred.

The matter once again discussed in 259th meeting held on 07/06/2021 and the Authority decided to have a joint inspection of the site under chairmanship of Additional Collector-I, with members comprising Mamlatdar, representative of Water Resources Department and DSLR representative field surveyor of GCZMA with records.

1. To plot the location of linear wall and gadaga/retaining wall constructed by the respondent on plan with reference to survey no. 246/1 of village Taleigao.
2. To plot HTL line on the plan. Reference may be made to HTL marked by NCSCM on draft CZMP 2011 and
3. To record the dimensions of the linear wall.
4. To plot the linear wall existing as per old record.
5. To assess the construction of linear wall in reference to permission issued on 25/07/2017.

Accordingly joint site inspection is conducted on 28/06/2021 and the submitted the report on 29/07/2021. Fresh hearing notices are issued to both the parties.

**Proceedings :** Mr Collen Curry, the President of Vainguinim Valley Residents Association present along with his advocate Adv C Fonseca. Mr. Bhanu Shirdokar present in person, The Owner/ Management of Fomento Resorts represented by Adv Parag Rao, Mr Gawtam Kurtikar persent in person, Mr H Saldanha present in person, The Goa Foundation, Mr Claude Alvares, present in person Kashinath J Shetye, absent, but his representatives present in person.

Adv C Fonseca stated that he had applied for copies of the Site Inspection report and the same is not furnished to him. Adv Claude mentioned about the High Court Order and stated that the Authority should decide on the matter as per directions of the Hon'ble High Court. Adv Fonseca stated that there are contradictions in the Site Inspection Report

even though both the Members who carried out the Site Inspection are Expert Members of the same committee of the GCZMA.

The Authority asked all the Complainants present for the hearing if their complaints are in conformity with the description of the illegalities mentioned in the SCN dated 28/04/2021 or whether they had any additional grievance which beyond the SCN. All the Complainants agreed with the SCN dated 28/04/2021 and clearly stated that there are no additional grievance beyond the SCN issued by the GCZMA.

**Decision:** The Authority furnished the coloured copies of the Site Inspection report along with the plan. The Authority also directed the Respondent to inspect the file and collect the copies of the various complainants and other relevant documents and posted the matter for hearing on the 24/08/2021 4.00 p.m for arguments. All the parties waive the personal hearing notice.

**Case No.1.12**

**To decide on complaint from Villagers of Nuvem, Khola Canacona regarding illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.**

**Background:** The Office of the Goa Coastal Zone Management Authority (had received a complaint letter dated 11/11/2020 from Villagers of Nuvem, KholaCanacona, Goa and was inwarded in the office of GCZMA on the 12/11/2019, with respect to the illegal construction of a new private jetty at Nuvem Khola; illegally dumping / dropping of rock boulders road in the property bearing survey no 289/1, of Cola Village Canacona Goa.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/20-21/33/1071dated 20/11/2020 a site Inspection was carried out on 25/11/2020 at 11/30.a.m.

In the said Site Inspection of the Expert Member dated 25/11/2020 the Expert Member stated the illegalities carried out by the alleged violators.

The Complainants present in person. LdAdv for the Respondent No.2 to 6 and sought the time to file reply. None remained present for the Respondent No.1.

The Authority decided to grant the time for the Respondents No. 2 to 6 to file reply. The Authority decided to issue fresh notice on the Respondent No.1. The matter is adjourned and fixed on 18/02/20121 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021. The Complainants present. Adv for Respondents No.2 to 6 present. The Respondents sought time to file their reply. The Authority noted that A.D Card by which notice is served on Respondent No.1 is received, hence it is clear that the Respondent No 1 was served, but failed to remain present.

The Authority directed to issue fresh notice to Respondent no 1. M/s V.S.Dempo. The matter is further posted on 11/03/2021 at 3.30 pm. The Authority postponed the said matter to 25/03/2021. Now Authority decided to issue fresh hearing notices to both the parties.

During 266th meeting held on 22/07/2021.Due to paucity of time the matter is adjourned. Fresh Notices for personal hearing to be issued to all the parties in this matter.

**Proceedings** : Complainant Mr. Roque Fernandes present in person. Respondent No.1 M/s V.S.Dempo, absent. Adv from the chamber of Adv Shivan Dessai appearing for Jayram Pagi, Gaurav Pagi, Nikhil Pagi, Anil Pagi, Manguesh Pagi states that his parties have not carried out any illegal construction as alleged in the Show Cause Notice. The Complainant states that the situation on site poses danger to the resident living in the vicinity.

**Decision:** Since the notices remain unserved on Respondent No. 1, Dasti Service should be made.

**Case No.1.13**

**To decide on Complaint from Ernesto Reis Alvares dated 20/10/2020; regarding illegal cutting of Sand Dunes and landscaping using heavy machinery like earthmovers; laying foundation of permanent structures,in the property bearing survey no 65/0, of Village Arambol, Pernem, Goa by Mr Edwin D'Souza .**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a Complaint from Ernesto Reis Alvares dated 20/10/2020; wherein he has alleged that Mr Edwin D'Souza and his family has carried out illegal cutting of Sand Dunes and landscaping using heavy machinery like earthmovers; they have also dug up trenches for laying foundation of permanent structures,in the property bearing survey no 65/0, of Village Arambol, Pernem, Goa.

The Office of the Mamlatdar and Executive Magistrate of Pernem Taluka Pernem vide no MAM/PER/A.K./78/2020/1802 dated 17/11/2020 has submitted a report along with Panchanama and Plan of the newly constructed structure, etc; in Sy. No. 65/0 at Arambol Village, Pernem, Goa.

The Authority issued show Cause Notice to the party on 31/12/2020 and this office is in receipt of reply to the show cause notice on 06/01/2021.

During 243rd GCZMA meeting held on 14/01/2021.The Ld. Adv for the Complainant and Respondent present. The Respondent had filed the reply. The copy of reply along with the documents is given to the Complainant. The Authority after hearing both the parties decided to issue common date to all the matters with NitinKudav with respect of property belonging to Bakia.

**Proceedings :**Complainant present along with his advocate. Respondent present in peron. Respondent sought for time stating that his lawyer is unable to remain present for today's hearing

**Decision:**Time granted matter posted for hearing on the 26/08/2021

**Item 3**

**Case. 3.1**

**To decide on the renewal of two Data Entry Operators working in GCZMA on Contract basis Hired from Inet Computer Services.**

**Decision:** The Authority decided to renew the Contract for a period from 01/05/2021 till 30/09/2021.

*Meeting ended with thanks to the chair.*

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF 269th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 31/08/2021 at 04.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 269th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 31/08/2021 at 4.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 31/08/2021:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative of Chief Engineer, Water Resources Department (WRD).
- Representative of Principal Chief Engineer, Public Works Department (PWD).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).
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**Case No.1.1**

**To discuss and deliberate on complaint letter dated 19/04/2021 from Bhanu Shirodkar resident of Nagali Taleigao; and Vainguinim Valley Residents Association dated 20/04/2021 with regards to alleged illegal construction & development within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort.**

**Background:** The Office of the GCZMA had received a complaint letter dated 19/04/2021 and inwarded in the office of the GCZMA on the 19/04/2021; from Bhanu Shirodkar resident of Nagali Taleigao; and the office has also received a Complaint from Vainguinim Valley Residents Association dated 20/04/2021 and inwarded in the office of the GCZMA on 20/04/2021; with regards to alleged illegal construction & development being carried out within the CRZ & NDZ by the Owners / management of Fomento Resorts, Cidade de Goa Resort at the Vainguinim Beach, Dona Paula; without obtaining any proper permission from the Competent Authorities.

Upon receipt of the Complaint the GCZMA carried out a site Inspection, and a report of the Site Inspection is enclosed herewith

in the said Site Inspection dated 20/04/2021; of the Expert Member; it is stated that the representative of Fomento Resorts and Hotels submitted a copy of CRZ approval granted for repairs & that the work is carried out in phases as per the design prepared in consultation with WRD and the work is carried out as per the approval granted.

The complainants alleged that the site inspection carried out on 20/04/2021 was in their absence & hence they pleaded for a fresh site inspection which was carried out on 23/04/2021. It was noted that M/s. Fomento Hotels has violated the conditions imposed by the Authority. Cement concrete has been used as against eco-friendly material.
Moreover, cement concrete structures are prohibited on the beach, that too within the intertidal zone 9CRZ 1B), that is a highly ecologically fragile area.
The ongoing linear wall construction is a new work, and not "repairs" as permitted under the NOC.
And accordingly Show Cause Notice was issued to **Fomento Resorts** on 28/04/2021& directed to appear for personal hearing before the Authority on 06/05/2021 at 3.30 pm. The respondent filed reply to the show cause Notice on 03/05/2021. However the meeting was postponed to 20/05/2021 and later on 27/05/2021at 3.30 pm.

During 257th GCZMA meeting held on 27/05/2021 Learned advocate Parag Rao for the respondent M/s Fomento Resorts attended the hearing through VC. Ld Advocate Clinton Fonseca appeared for complainant Vaiguinim Association. Learned advocate Pundalik Raikar appeared for Bhanu Shirodkar attended the hearing.

Learned advocate Parag Rao submitted that he is objecting the SCN issued by GCZMA which is in violation of merit. He submitted that the party did not attend the site inspection dated 23/04/2021 as they did not receive any notice. The learned advocate prayed for fresh site inspection to the authority.

Learned advocate Clinton submitted that they didn't received the notice of inspection dated 20/04/2021 hence they requested for 2nd inspection by Authority which was carried out on 23/04/2021. Learned advocate Raikar submitted that the matter is before district court. Further submitted that the respondent has taken NOC in 2017 for repair of linear wall. further the respondent had completed the work as stop work order was not issued. Learned Advocate for complainant prayed for fresh site inspection to verify whether 25 mt gap is maintained or not.

The Authority heard Ld Adv Shri Clayton Fonseca and Ld Adv Shri Pundalik Raikar on behalf of the complainants and Ld Adv Shri. Parag Rao representing respondent M/s Fomento Hotels on VC.

Permission was granted to Fomento Hotels & Resorts Ltd on 25.07.2017 to carry out repairs to a gadga/retaining wall and a linear wall in its property surveyed under no. 246/1 of Taleigao village. The primary allegation in the complaints is regarding alleged construction of a concrete linear wall on Vainguinim beach. On the other hand, the respondent contends that the construction/repairs are within their private property. After lengthy deliberations, it was decided that the Expert Members (GCZMA) would visit

GCZMA office to peruse the documents and replies filed by the parties. Accordingly decision on the matter was deferred.

The matter once again discussed in 259th meeting held on 07/06/2021 and the Authority decided to have a joint inspection of the site under chairmanship of Additional Collector-I, with members comprising Mamlatdar, representative of Water Resources Department and DSLR representative field surveyor of GCZMA with records.

1. To plot the location of linear wall and gadaga/retaining wall constructed by the respondent on plan with reference to survey no. 246/1 of village Taleigao.
2. To plot HTL line on the plan. Reference may be made to HTL marked by NCSCM on draft CZMP 2011 and
3. To record the dimensions of the linear wall.
4. To plot the linear wall existing as per old record.
5. To assess the construction of linear wall in reference to permission issued on 25/07/2017.

Accordingly joint site inspection is conducted on 28/06/2021 and the submitted the report on 29/07/2021. Fresh hearing notices are issued to both the parties.

During 268th GCZMA meeting held on 19 /08/2021, the authority after hearing both the parties directed the complainant to collect the copy of the joint site inspection report dated 28/06/2021 and also directed the respondent to collect the relevant documents from the O/o GCZMA and further placed the matter for personal hearing to both the parties on 24/08/2021 at 4.30pm. However the said meeting is postponed to 31/08/2021.

**Proceeding:** Matter called out, Mr Collen Curry, the President of Vainguinim Valley Residents Association present along with Mr. Akash Madgaonkar and his advocate Adv C Fonseca. Mr. Bhanu Shirdokar present in person, The Owner/ Management of Fomento Resorts represented by Adv Parag Rao, , The Goa Foundation, Mr Claude Alvares, present in person Kashinath J Shetye, absent, but his representatives present Mr. Inacio Pereira present in person.

Adv. C. Fonseca sought for the report from WRD. Further he submitted the brief chronology of the case before the authority and how the NOC for linear wall was granted by GCZMA. Further Adv C. Fonseca submitted that they do not have report dated 6.5.2021 and 24/5/2021. It was further submitted that the issue is construction of concrete wall on the Vaiguinim beach and it is very serious in nature as it violates the permission. He stated that the permission is only for the repairs by using eco friendly material and rejected the RCC cantilever wall. Fomento had not applied for reconstruction. The Adv C. Fonseca further submitted that the inspection was carried on 13/5/2017 and he highlighted the certain points by reading the said report which is attached to the written

arguments. The application was made before this Authority for the wall which is subject matter of the case as it was collapsing but the Respondents have constructed a wall right into the sand. Further, Adv C. Fonseca highlighted the 1st inspection report, and further submitted that Expert Member of the Authority headed the inspection team and what was granted was for repair and the work that was carried out accordingly in consultation with WRD. It was further pointed out under what provision WRD issued the permissions to Fomento as WRD do not have rights to give any permission for construction as the WRD is a resource Department and not the construction Department to grant any permission. It was further argued that work is been carried out as per the approval but who gave the approval the inspection was suppose to be based on the documents which are on record but that has not been done beside the CRZ rule. There is no document on record to show communication with the WRD Department. Adv Fonseca pointed out that the Permission for repairs was not placed in any GCZMA Meeting. Further Adv C. Fonseca highlighted the relevant photographs which placed on record. It was further pointed by the Adv Fonseca that no Field surveyor was present on the site beside WRD officials and other officials. The Plan of the DSLR shows only one wall and it overlaps the orange portion which is the boundary wall. Adv Fonseca stated that the Photographs of the 1st site inspection tally with the photographs of the 2nd inspection. Adv Fonseca stated that the Concrete wall is constructed in the intertidal Zone. It was further submitted that construction of the wall was in 3rd inspection report and this is complete in violation of law and the wall which is constructed has to be demolished.

Mr Claude Alvares argued that the survey plan given by the Expert Committee DSLR and the plan submitted before this Authority and requested to compare both the plans that the structure in question is not shown. Further submitted that as per the Additional Collector report it clearly indicates that there is nothing on record, there is no Legend on the plan. Gadga wall is shown in orange but linear wall shown in green on the plan. He further submitted that written submission is on record and he is relying on the same.

Further Adv C Fonseca Rebutted to the arguments advanced by Mr Claude Alvares and submitted that the Authority has granted permissions in consultation with the WRD. He further submitted that there is a linear wall and distinct gadga wall, this is the case of Fomento that there are two distinct walls and affidavit is given to the court. The representative who was present on behalf of Mr. Kashinath Shetye submitted that he has put everything in writing and the same may be considered.

Adv Rao submitted that as per plan submitted there are 2 walls one is Gadga wall and the other is linear wall. All the plans are produced before the Water Resource Department and there is no suppression of facts at all. Adv Rao seeks to rely on his written replies submitted to the Authority. The construction of the swimming pool was rejected by the

Authority. Adv Rao states that the concrete wall which is in question is not a concrete wall but it is a pile cap. Adv Rao stated that this pile cap hangs in air and controls the erosion. Adv Rao stated that all his written replies and the documents are on records. He prayed that the Complaint may kindly be rejected.

Adv Fonseca rebutted by requesting the Respondent to produce documents to prove that the wall was prior to 1991.Adv Rao requested the Authority to keep the matter for clarifications as he wanted to produce coloured photographs.

**DECISION:** The Authority after hearing arguments from both the parties states that they would peruse the replies and documents submitted by all the parties and if required would keep the matter for clarification but as of now the matter is posted for orders.

**Case No.1.2**

**For Approval of the Authority for utilization of the 25% of the amount for the purpose of payment of sitting /inspection fees of the Expert Members, their vehicle charges, stationary, Advocate Fees, other administrative expenditure from the funds collected from the Violators in the matter Goa Paryavaran Savrakshan Sangharsh Samittee V/s The State of Goa & ors in Application No. 23/2014 in M.A. 235/2017.**

**DECISION:** The authority after deliberation decided to approve the utilization of the 25% of the amount for the purpose of payment of sitting /inspection fees of the Expert Members, their vehicle charges, stationary, Advocate Fees, other administrative expenditure from the funds collected from the Violators in the matter Goa Paryavaran Savrakshan Sangharsh Samittee V/s The State of Goa.

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF 269th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 31/08/2021 at 04.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 269th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 31/08/2021 at 4.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 31/08/2021:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative of Chief Engineer, Water Resources Department (WRD).
- Representative of Principal Chief Engineer, Public Works Department (PWD).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Member Secretary (GCZMA).
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**Case No.2**

**NOC for flood control measures/Ganapati Visarjan platform at Survey No.385/9 at Bandirwaddo in V.P. Anjuna, Siolim Assembly Constituency.**

During 239th GCZMA meeting The Authority after long discussion deferred the matter and directed the WRD to present the PPT on 17/12/2020 at 3.30pm.

During the 240th GCZMA Meeting held on 17/12/2020; the Officials from WRD remained present and explained the said proposal of proposed construction of platform.

The Authority after detailed discussion decided to approve the flood control measures/ construction of Ganapati Visarjan platform at Survey No.385/9 at Bandirwaddo in V.P. Anjuna.

Shree Sakhaleshwar and Vithoba Rukmai Trust represented by its Chairman Sargardeep Sirsaikar filed a Writ Petition No 1453 of 2021 (Filing No) before the Hon'ble High Court. Subsequently, this authority is in receipt of letter from the Executive engineer-I bearing no. MI/WDI/ADM/WRD/F-15/21-22/282 dated 28/07/2021 informing that application dated 12/03/2019 in advertently monitored the location of the proposed work in survey No 358/9 of village Anjuna however same actually in riverine land adjacent to the property bearing survey no.358/9. Also there is an error in the approval to the extent it maintain about thereby not exceeding existing plinth area the Executive Engineer –I WRD, had requested to issue necessary Corrigendum/revised NOC.

The Member Secretary process on the file and with on the approval of the Chairman issued the Corrigendum letter to the original NOC dated 30/12/2020 vide letter No. GCZMA/N/17-18/61/608 dated 11/08/2021.

The Member Secretary placed the same corrigendum for the rectification before the authority and explains the Authority that by in advertly the words "Thereby not exceeding the plinth area" mentioned in the original NOC dated 30/12/2020 is corrected and Corrigendum is issued and same needs to be corrected. So also the Member Secretary brought to the notice of the authority that the WRD had wrongly mentioned that the work will work be carried in survey no.358/9 of village Anjuna however the same is a riverine land abutting the survey no.358/9.

**Decision:** The authority after discussion and deliberation the decided to approve/ ratify corrigendum dated 11/08/2021 issued by Member Secretary (GCZMA) to NOC /permission dated 30/12/2020 issued to water Resources Department(WRD) Porvorim, Goa.

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

**MINUTES OF THE 270th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 02/09/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 270th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 02/09/2021 at 3.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 02/09/2021:**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
- Representative of Principal Chief Engineer, Public Works Department (PWD).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Correia, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Shri. Shrirang Jambhale, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No. 1.1**

**To discuss and decide on the reports submitted by the Inquiry committee of the GCZMA after completing its inquiry interalia stating its recommendations.**

**Background:** In furtherance to the Meeting No 253rd dated 04/03/2021 in respect of Hotel Silver Sand, Colva, Salcete, Goa.

The Authority deliberated that the Authority during its 225th Meeting held on 04.06.2020 had decided to call upon the parties afresh to hear arguments on the aspect of procedural review and as to how and in what manner the review would lie for the Authority to revisit its decision taken in the 187th Meeting held on 30.10.2018.

After hearing the parties, it was realized that certain intricate facts pertaining to the matter may not have been brought forth before the Authority in its 187th Meeting held on 30.10.2018. The Respondent brought on record the requisite permissions and approvals to prove that the commercial structure in question is legal and authorized. The Respondent also raised doubts as to the procedures followed by the Authority before passing the final decision in its 187th Meeting. Therefore, it was decided that the order of demolition passed in the 187th Meeting should be rescinded in view of vital facts and documents coming to light subsequently.

However, the question as to whether the Authority has power to review its decision taken in the 187th Meeting is yet to be decided by this Authority finally, considering that the matter has been decided by Hon'ble Supreme Court in its appellate jurisdiction.

During 254th GCZMA meeting held on 18/03/2021 decided to issue fresh notices to both parties to appear before this Authority on 08.04.2021 at 3.30pm to hear on maintainability of the review application dated 29.01.2019 along with their written submissions.

The Authority during 268th meeting held on 19/08/2021, heard the Respondent and directed the Respondent to come clear on the maintainability of the review application. The written submission submitted by the Respondent does not speak about the maintainability of the review application. The matter is fixed on 26/08/2021 for arguments on the maintainability of the review application of the Respondent. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

**Proceeding:** None remain present.

**Decision:** The authority decided to adjourn the matter and issue fresh hearing notices to the parties to remain present for hearing. The Member Secretary brought to the notice of Authority that the next date of hearing before Hon'ble NGT (Pune) in said matter is 22/10/2021.

**Case No. 1.2**

**To decide on a Complaint for Illegal Construction Carried out by Mrs. Goretti Fernandes - the Proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Bardez-Goa. (High Court matter)**

**Background**

The Office of GCZMA received an application letter dated 18/04/2019 from Mrs. Judyline D'Souza of Calangute with regard to the illegal construction carried out by Mrs. Goretti Fernandes - the proprietor of Infantaria Bakery in Sy. No. 199/10 of Calangute Village, Goa. So, a site inspection was fixed to see the site, verify the illegal construction of structure/s done at site and the documents.

**Inspection and Observation**

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar Shirodkar and Eng. Audhoot Bhonsule on 25/07/2019 along with Mr. Mandar Phadte and Mr. Rupesh Shirgaonkar of DSLR, Panaji. At site, the complainant Mrs. Judyline D'Souza was present along with her accomplice Mr. Vishal Lobo who showed the site and explained about the illegal construction done at site. From the respondent's side, the members present were Mrs. Maria Goretti Lobo e Fernandes along with her representative Mr. Joel Fernandes. The details of site inspection are as follows;

- The site is lying towards the west of Calangute-Baga main tar road in Calangute.
- The plot is a rectangular one, starting from the main road in the east and extending straight towards west.
- As per the Sy. Map brought by DSLR representatives, the full plot with Sy. No. 199/10 of the respondent is falling within 200 – 500m of CRZ area and beyond.
- There existed one old, elongated ground floor house in the plot, which is used as a bakery by the respondent.
- At site, the respondent has demolished the backside (west side) portion of his old elongated house and attaching to the old house, in continuation of it has constructed a new G+2 building.
- Thereafter, by leaving a gap of just over 1m, another full new building has been constructed in E-W direction, which is a G+3 structure.
- The complainant told that on the terrace of the third floor of this building there is a swimming pool constructed by the respondent and it is being used for commercial purpose. The sides of the open terrace on top are seen to be provided with metallic grills.
- Behind the G+3 building there is also one shed constructed by the respondent.
- The complainant says that the construction done is the recent one, which is without obtaining any permission from GCZMA.
- When the respondent was asked to show the permissions, she could not produce any document, except the NOC issued by the V. P. of Calangute for the said construction.
- No permission from any other Authority has been by the respondent for doing the new constructions at site.
- So, the DSLR Surveyors were told to take the measurements of the newly constructed structures at site and do the mapping to be submitted to GCZMA.
- The DSLR has now submitted the mapping done of the structures at site in Sy. No. 199/10 of Calangute Village, wherein the 500m CRZ line is seen passing halfway through the G+3 building constructed at site by the respondent.

**Conclusion and Recommendation**

- The mapping done of the structures in Sy. No. 199/10 by DSLR and submitted to GCZMA indicates that the shed and half of the western part of the G+3 building constructed is falling within 200-500m of CRZ III area of Calangute.
- Whereas, the old house used as a bakery with a new extension of G+2 structure is falling outside 500m of CRZ III area.
- The constructions done by the respondent of a shed and the G+3 building, of which half of the G+3 building is falling within 200-500m of CRZ area, both are done without obtaining any permission from GCZMA.

- As per CRZ Regulation, within 200-500m of CRZ III area, a new construction of only a G+1 structure is permissible with plot occupancy of 33%, FAR of 33% and height of the structure within 9m, by obtaining proper permission from GCZMA.
- Considering the CRZ Regulation, the respondent has not at all obtained any permission from GCZMA and has done the construction of a shed and a G+3 structure in CRZ area which is not at all permissible.
- As such, the temporary shed and half of the G+3 structure (Building) constructed with a swimming pool on top terrace therefore become illegal structures.
- Such illegal structures cannot remain at site within the CRZ area but need to be removed from site by demolition.
- So, a **Show Cause Notice** cum **Demolition Order** may be issued to the violator.
- This may be deliberated in the Authority meeting for a decision.

The said matter was taken up during 210th GCZMA meeting held on 07/08/2019 wherein the Authority resolved to issue a show cause cum hearing notice to concerned parties. The matter was later placed for personal hearing during 214th GCZMA meeting held on 03/10/2019 wherein the authority directed both the parties to collect DSLR plan from the office.

This office is in receipt of DSLR plan dated 10/10/2019 from Directorate of Settlement and Land Records (DSLR) which shows the demarcation 200mt HTL line.

The matter was placed in the 215th GCZMA Meeting held on 22/10/2019 for personal hearing wherein the Authority was of the opinion that although the 200mts line is delineated the area between 200mt to 500mt has not been demarcated. The Authority was of the opinion that remote sensing Institute (RSI) has demarcated the 500mts line which can form the base to point out as to whether the suit structure attracts CRZ norms or not. The authority thus call upon the DSLR to plot the 500mt line by using the base data of RSI and upon receipt of the plan a copy of it be given to parties and a fresh hearing to be given to them.

The DSLR has plotted the 500 mts Line on the survey plan by using the RSI data and has submitted the fresh survey plan showing the illegalities of the structures which fall within 500 mts of HTL.

During 229th GCZMA meeting held on 01/10/2020. The Respondent & Complainant appeared in person. The Respondent stated that besides the notice of personal hearing, he hasn't received the plan which was called upon to be done by the Authority by highlighting the CRZ line of 500mts. The Complainant stated that she has received the

same along with the notice of personal hearing & the question of the Respondent having not received the same does not arise.

The Authority handed over a copy of the demarcation plan to the Respondent & decided to hear the parties on merits of the case on 15/10/2020 at 3.30 pm.

The Authority during 231st GCZMA meeting held on 15/10/2020 declined to hear the proceedings through Video Conferencing and insisted for physical hearings because at times it becomes difficult to understand the plans and documents relied upon by the parties. In the event if the counsel for the Respondent is unwell and unable to appear, he can very well file written arguments. The Authority also directed the Respondent to give a copy of the reply along with supporting documents to the Complainant. The proceedings will be taken up for hearing on 29/10/2020 at 3.30 p.m.

During 233rd GCZMA meeting held on 29/10/2020 the Complainant was present in person while the Respondent wasn't present. The Complainant wishes to file a counter reply on the reply given by the Respondent on the last occasion accordingly, the Authority decided to grant time for the purpose of filing the counter reply and fixed the matter on12/11/2020 at 3.30p.m.

During 237th GCZMA meeting held on 12/11/2020 The Complainant was present in person while the Respondent was absent. Complainant sought time for argument in matter as the complainant is waiting for RTI documents in said matter.

The Authority noted the request made by complainant and decided to grant time till 2nd week of January 2021 on the principal of natural justice. Fresh notices will be issued to both the parties.

During 243rd meeting held on 14/01/2021 Complainant present in person. Adv for respondent sought time.

The Authority after hearing both parties decided to grant additional time on a principal of natural justice and posted the matter on 04/02/2021 at 3.30pm for further hearing.

During 246th GCZMA meeting held on 04/02/2021. The Authority after hearing both the parties and taking into consideration the written and oral submissions made by both the parties kept the matter for orders.

The Directions of demolition was communicated to the parties vide Directions No. GCZMA/N/ILLE-COMPL/19-20/19/962 dated 25/02/2021.

Since the Respondent Goretti Lobo e Fernandes and anr was aggrieved by the order of Demolition approached the Hon'ble High Court in Writ Petition No. 932 of 2021 (F).

The Hon'ble High Court vide order dated 14/07/2021 was pleased to issue direction that the order dated 25/02/2021 stands withdrawn and the GCZMA will now dispose of the proceedings against the Goretti Lobo e Fernandes and another within three months from 14/07/2021 thereby granting an opportunity to the Complainant and the Goretti Lobo e Fernandes and anr.

During 268th meeting held on 19/08/2021 the Authority considered the request of the Respondent and granted time. Matter posted for say/arguments on 26/08/2021 at 3.30 pm. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

**Proceeding:** Adv. Winnie Coutinho appeared along with Mrs. Judyline D'Souza. Adv Ashwin Bhobe appeared for Mrs Goretti Lobo e Fernandes. Advocate Bhobe relied upon NGT order and submitted the same before Authority which states that draft CZMP is considered. Further he submitted that DSLR is not a statutory body to demarcate HTL as it does not reflect in 7 agencies as proposed by MoEF in its memorandum. Adv. Bhobe submitted that his property falls beyond 500mt as per draft CZMP and does not attract CRZ law.

Adv. Winnie Coutinho submitted that the as on today the CZMP is not finalised by GCZMA and it is still draft plan. Further Complainant relied on the inquiry report which is attached to her reply. Complaint further stated that appeal was filed regarding manipulation of records. Complainant questioned on title documents of the respondent. Complainant submitted that the permission of Panchayat was given for repairs of bakery and Respondent has expanded the premises without any permission thereby constructing ground plus two storey building.

**Decision:** The Authority after hearing both the parties and taking into consideration the submissions made by both the parties. The Authority after discussion decided to keep the matter for hearing on 30/09/2021 at 3.30 pm with a direction to both parties to clarify on the point whether the offending structure falls beyond 500mts of HTL as alleged by the violator.

**Case No1.3**

**To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. (High Court matter)**

**Background:** An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies ( Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZMA meeting held on 1510/2020.The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification

2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say. however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m.However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the time and adjourned the matter on 07/01/2021 at 3.30pm. However the said meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021 Ld. Adv Ashwin Bhobe present for Salgaonkar Shipyard. Adv appeared for other Respondents. The complainant remained present. The letter received from the Directorate of Settlement and Land Records stating that no cadastral survey records are available with the Office. The Report from the Captain of Ports received was placed on record. Advocate Bhobe pointed out the reply and permissions for Salgaonkar shipyard. Further stated that it is the oldest jetty operating from 1968. The authority after hearing both the parties decided to call the official from the Captain of Ports Department to explain the map and posted the matter on 11/02/2021 at 3.30 pm.

During 248th meeting held on 11/02/2021 official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021.

During 249th GCZMA meeting held on 18/02/2021. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 25/02/2021. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

During 251st meeting held on 25/02/2021 the officials from COP present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021. The Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm.

On 11/03/2021. The Authority postponed the said matter to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion on 25/03/2021 as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent.

The Authority noted that since the Complainant was absent and in the interest of natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m.

However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

During 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

**Proceeding:** Complainant Salu Dsouza was present in person. Adv. Ashwin Bhobe appeared on behalf of VM Salgaonkar. Officials from Department of Captain of Ports were present. Officials from Captain of Ports explained the plan to the Authority. The copy of the plan to be furnished to the complainant for his perusal and for say if any. None remained present for other parties.

**Decision: The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.**

**Case No1.4**

**To discuss and decide on complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem. (High Court Matter)**

**Background:** the Office of the GCZMA has received email /complaint letter dated 31/05/2019 from Prasad Prabhakar Naik Gaunker Canacona, Goa with regard to the illegal construction in survey No. 103/10 of village Nagarcem-Palolem.

Upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/S/ILLE-COMPL/19-20/06/832 dated 07/06/2019 forwarded to District level committee (South Goa).

The GCZMA is in receipt of report from the chairman DLC, South Goa on 16/10/2019.

The Authority during 216th meeting held on 19/11/2019 heard both the parties and directed respondent to file a reply to the show cause notice within a period of 15 days. Further matter will be taken up after receipt of a reply from the respondent. However no reply has been received from the respondent till date.

During 218th GCZMA meeting held on 18/12/2021. Advocate Shweta Pereira appeared on behalf of Complainant. Respondent was present in person. Respondent sought time to file a reply. Respondent stated that the complaint along with documents be considered to be part and parcel of her arguments.

The Authority noted that during 216th meeting held on 19/11/2019 it has directed respondent to file a reply to the show cause notice within a period of 15 days. However respondent failed to submit reply and moreover sought additional time for the same. The authority observed that the respondent is an inhabitant of municipal area and as per the provisions of the Mundkar Act, she was eligible only for 200 sq mts of landed area but she has been given an area of 300 sq mts. As per the plan whereby the mundakarial area of 300 sq. mts has been allotted to the respondents the quasi-judicial Authority i.e. the Mamlatdar of Canacona has clearly mentioned the area of the house and distillery being that as 104.96 sq mts and 50.69 sq, mts respectively. This order was passed by the mamlatdar of Canacona on 17/12/2006 which has not been challenged till date. Extensions are not permissible in NDZ areas and in this particular case it is evidently clear that after the year 2006 the respondent has carried out extension for the original area of 104.96 sq mts to that as 151.89 sq mts and from the distillery are of 50.69 sq mts to that as 60 sq mts . It thus decided to issue directions to the respondent to demolish the extended portion of both these houses which bears No. 52 & 53 and the mundkarial plan shall form the base of identification of the old and new construction.

The office of the GCZMA earlier pursuant to exhaustive hearing and inquiry was pleased to pass an order dated 03/02/2020 directing demolition of extended portion of houses bearing no.52 and 53 in Sy. No.103/10 village Nagorcem Palolem constructed by Mrs.Brigida Fernandes in violation CRZ notification.

The said order dated 03/02/2020 was challenged before the Hon'ble High Court of Bombay at Goa in Writ petition bearing no.220/2020.

The Hon'ble High Court of Bombay at Goa has vide 08/03/2021 interalia observed as follows: "5. *We are satisfied that an adjournment should have been granted to the Petitioner on 18.02.2019 because the Petitioner was 76 years of age and remained present before the authority and applied for a short adjournment. Again, there is some dispute about the Petitioner being furnished with a copy of the DLC report. The impugned order relies on 4 9 WP 220 of 2020 the DLC report and therefore, the copy of the same should have been furnished to the Petitioner.*

*6. Therefore, for want of grant of sufficient opportunity to the Petitioner, we set aside the impugned order dated 03.02.2020 issued by Respondent No.1.*

*7. Mr. Munj states that the copy of the DLC report will be furnished to the Petitioner latest by tomorrow, without prejudice to the contention that the same was already furnished to the Petitioner. Thereafter, Respondent No.1 i.e. the GCZMA to hear the parties afresh and take a final decision on the show cause notice dated 19.11.2019 as expeditiously as possible and in any case within one month from today. Both the Petitioner and the private Respondents to cooperate with the GCZMA and this time none of the parties will seek any unnecessary adjournments. The parties have to remember that the authority comprises several members and therefore, it is quite difficult to organize the hearings.*

*8. Mr. Rao assures this Court that the Petitioner will not seek any adjournment and will attend hearings on the date scheduled. Similarly, assurance is given by Ms. S. Pereira, since, she has also requested that the proceedings before Respondent No.1 be disposed of expeditiously.*

*9. The Petitioner to attend the office of Respondent No.1 on 09.03.2021 at 10:30 a.m. and contact the Member Secretary of GCZMA. Mr. Munj states that the Member Secretary will furnish the copy to the Petitioner without prejudice.*

*10. The Petitioner has filed complaints about some structures put up by the private Respondents i.e. Respondents No. 4 to 9. Mr. Munj on instructions points out that an order for demolition of the compound wall has already been made. Mr. Rao states that the construction of the compound wall was only one of the illegalities and there are other illegalities in the construction of the cottages as well.*

*11. Mr. Munj now points out and this is even admitted by Mr. Rao that there was no formal complaint as far as cottages are concerned. If there was no formal complaint, then, obviously there was no requirement of looking into this decision. Mr. Rao states that a formal complaint will be filed within one week from today. If such a complaint is filed, then, GCZMA to look into such a complaint and dispose of the same within a maximum period of three months from today. No doubt the GCZMA will have to comply with principles of natural justice if any parties are to be affected.*

*12. The Rule is made absolute to the aforesaid extent. There shall be no order as to costs.*

*13. We make it clear that we have not adverted to the merits of the matter and therefore, all contentions of all parties are left to the Respondent No.1 to decide."*

The authority decided to call both the parties on 17/06/2021 for personal; hearing. During 261st GCZMA meeting held on 17/06/2021 advocate Parag Rao present for respondent. The complainant represented by advocate S.Pereira.

The advocate for respondent submitted that in the present case a show cause notice has not been issued to the respondent. The issuance of show cause notice is required under law as it forms basis for inquiry.

The authority decided to post the matter for further hearing on 24/06/2021.

During 262nd meeting The Authority heard the parties and directed the Respondent to furnish copy of the reply to the Complainant. Time granted, matter is now posted on 01/07/2021.

During 263rd meeting The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 advocate on behalf of Brigida Fernandes requested for additional time for arguments the meeting is postponed to 15/07/2021 at 3.30 pm. During 265th GCZMA meeting, due to paucity of time the matter is posted on 22/07/2021.

During 266th GCZMA meeting held on 22/07/2021. The Authority considered the request of the Adv for Respondent and granted time thereby fixing the matter on 26/07/2021 for reply / arguments.

During 268th meeting held on 19/08/2021 The authority decided to hold the Mundarial order as a base as it has a plan wherein the area of the structure is clearly mentioned and further authority directed the respondent to file an affidavit stating what is the area as on date and action plan to remove any extension made on the house as available in Mundkarial Order. The ground sketch should be prepared by an approved architect and be part of Affidavit. Further matter is fixed on 26/08/2021 at 4.30 pm. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

**Proceeding:** Advocate Parag Rao present for Respondent. The complainant represented by Advocate S. Pereira.

Complainant relied on DLC report and the site plan attached to the said report and also on Mundakarial order passed by Mamlatdar of Canacona. Respondent disputed the DLC report and submitted that it is not valid report. Further Adv. S Pereira submitted that Respondent has done extension for the original area of 104.96 sq mts thereby extending the same 151.89 sq mts. Adv. Parag Rao submitted draft plan for demolition of extensions. The said plan was perused by the complainant and rejected the same. Parag Rao submitted that his new complaint with regard to construction of temporary cottages has to be acted upon and further requested inspection of the same be carried out at the earliest.

**Decision:** The authority after hearing both parties at length decided to conduct site inspection of the site in question by the Expert Members of GCZMA the matter will be heard o receipt of inspection reports from the Expert Members.

**Case No.1.5**

**To decide on Complaint from Ernesto Reis Alvares dated 20/10/2020; regarding illegal cutting of Sand Dunes and landscaping using heavy machinery like earthmovers; laying foundation of permanent structures, in the property bearing survey no 65/0, of Village Arambol, Pernem, Goa by Mr Edwin D'Souza .**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a Complaint from Ernesto Reis Alvares dated 20/10/2020; wherein he has alleged that Mr Edwin D'Souza and his family has carried out illegal cutting of Sand Dunes and landscaping using heavy machinery like earthmovers; they have also dug up trenches for laying foundation of permanent structures, in the property bearing survey no 65/0, of Village Arambol, Pernem, Goa.

The Office of the Mamlatdar and Executive Magistrate of Pernem Taluka Pernem vide no MAM/PER/A.K./78/2020/1802 dated 17/11/2020 has submitted a report along with Panchanama and Plan of the newly constructed structure, etc; in Sy. No. 65/0 at Arambol Village, Pernem, Goa.

The Authority issued show Cause Notice to the party on 31/12/2020 and this office is in receipt of reply to the show cause notice on 06/01/2021.

During 243rd GCZMA meeting held on 14/01/2021. The Ld. Adv for the Complainant and Respondent present. The Respondent had filed the reply. The copy of reply along with the documents is given to the Complainant. The Authority after hearing both the parties decided to issue common date to all the matters with Nitin Kudav with respect of property belonging to Bakia.

During 268th meeting held on 19/08/2021 respondent sought time, time granted matter posted for hearing on the 26/08/2021. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

**Proceeding:** Ld. Advocate appeared for complainant. Adv. Amey Phadte appeared for respondent. The complainant submitted that the complaint was made regarding the new construction being done by the respondent without any permission. Adv. for respondent submitted that all the structures are prior to CRZ Notification. Respondent stated that all 10 structures are temporary structures and there is no additional construction. All the documents like sanad and occupancy are placed on record. Complainant requested for site inspection to be carried out in order to ascertain the violations done by respondent. The respondent also agreed for the same.

**Decision:** The Authority after hearing both parties at length decided to conduct site inspection along with photography and videography of the site in question by the Expert Members of GCZMA. The matter will be heard by authority on receipt of the report from the Expert Members.

**Case No. 1.6**

**To decide on Application NGT O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa. (NGT matter)**

**Background:**

Mrs. Nalini Da Rosa Fernandes had filed application before the National Green Tribunal bearing O.A No. 18/2020 (WZ); seeking direction to inquiry into the legality of the structures and to stay the commercial operation being carried out by the Respondent in survey no 242/13A and 243/4 comprising of a ground plus two structures and a swimming pool, situated at Saunta Vaddo, Calangute, Bardez Goa.

This matter was listed for hearing on the 24/08/2020 and the Hon'ble National Green Tribunal has passed the order thereby directing the Goa Coastal Zone Management Authority (GCZMA), to take action against structures constructed, without specific permission from GCZMA in No Development Zone (NDZ).

the Hon'ble Tribunal vide order dated 24/08/2020, interalia appointed a Committee comprising of (i) Goa Coastal Zone Management Authority, (ii) Goa Pollution Control Board and to direct to submit a factual and action taken report with regard to allegations made in the present application. The Hon'ble Tribunal had made the Goa Pollution Control Board the nodal agency for compliance". Accordingly a report was to be furnished to the Tribunal within six weeks.

The Committee as constituted by the Hon'ble NGT carried out site inspection. The Said Committee carried out the site inspection for the area on the 14/10/2020. The Committee submitted a report with regard to the joint Site Inspection of Zinhos Guest House at Calangute Bardez Goa. The Reports were submitted on the giving details of the violations.

**Site inspection report**

Ms.NaliniFernades , complainant showed the Zinhos guest house. The structure is Ground +2 RCC structure . It has reception at the ground floor with swimming pool. It is used as guest house/ hotel.

2. Mr Agnelo Fernandes owner of the Zinhoshotel, confirmed the structure is used as guest house/hotel. However refused to give any approval/ NOC from GCZMA and other authorities, claiming, all the documents are with his legal counsel

3, He was explained that the inspection was in respect of complain against his illegal construction of guest house in the No development Zone

4. The photograph attached by the complainant are of the Zinhos guest house , which clearly indicate RCC structure of Ground +2 floor.

5. As per GCZMA record, no CRZ permission is given to ZInhos guest house located in survey number 243/13 & 243/14 in Calangute village, BardezTakuka

Recommendations

1. Land Survey Department to demarcate the NDZ line of 100, 200 and 500 meters on survey plan. Along with the NDZ lines, the demarcate any old structure shown on plan as well as the existing building

2. This demarcation will establish the status of the Zinhos guest house with reference to NDZ line as well as existence of old structure if any.

3. The complainant and respondent should be served site survey notice well in advance so that both the parties are present on the site during the survey

4, The decision of the structure in relation to NDZ and illegality can be arrived after the field survey plans are submitted by the land survey Department.

During 238th GCZMA meeting held on 26/11/2020. The Complainant present in person. Ld. Adv for the Respondent present and filed the Vakalatnama and prayed that the copy of inspection report be furnished to him so that he can file the detailed reply to the Show Cause Notice.

The Authority after perusing the site inspection report decided to direct the DSLR to carry the survey in respect of the structures in properties bearing survey No.243/13 and 243/14 of Village Calangute of Bardez Taluka and submit the report to this Authority on or before next date of hearing fixed on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021. The matter is posted on 21/01/2021 at 3.30pm. However the meeting is postponed to 25/01/2021 as the Member Secretary had proceeded half day casual leave.

The Complainant present in person. Ld adv for the Respondent present.

On request of parties the Authority decided to adjourned the matter on 18/02/02021at 3.30pm. Issue fresh notices on the parties.

During 251st GCZMA meeting held on 25/02/2021.The Authority decided to refer the matter to DSLR to also demarcate the HTL, 200mt line and offending structures on the plan. On receipt of the report from the DSLR issue fresh notices for hearing in the matter. Now this office is in receipt of DSLR

During 268th GCZMA meeting held on 19/08/2021.Respondent was absent The Authority granted time and fixed the matter for reply/arguments on 02/09/2021 at 3.30 pm.

**Proceeding:** Adv. Shivan Dessai appeared for Respondent and sought time for arguments. Complainant sought time as her advocate was not available for todays hearing.

**Decision:** The Authority after considering the request from complainant and Respondent decided to grant additional time and posted the matter on 16/09/2021 at 3.30 pm.

**Case No.1.7**

**To decide on complaint dated20/03/2021from Alex J. Fernandes, with respect to Illegal construction of a structure in survey no 158/4(part) of Calangute Village Bardez Goa carried out by Mr. Alex Fernandes and Lavita Fernandes, (High Court matter)**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated20/03/2021from AdvRohit Bras De Sa on behalf of his client Alex J. Fernandes, resident of House No. 140, Umta Vaddo, Calangute, Bardez Goa;and was inwarded in the office of on the 22/03/2021, with respect to Illegal construction of a structure inthe property bearing survey no 158/4(part) of Calangute Village Bardez Goacarried out by Mr. Alex Fernandes and Lavita Fernandes,both resident of Umta Vaddo, Calangute, Bardez Goawithin 200 mts from HTL.

The Authority issued a Show Cause Notice Cum Stop Work Order bearing ref no GCZMA/N/ILLE-COMPL/20-21/128/40 dated 09/04/2021; the Respondent has failed to file their reply to the Show Cause Notice.

the Deputy Collector vide Letter bearing reference no DC/SDO/MAP/CRZ/Alex & Lavita /2021/4135 dated 23/04/2021 and inwarded in the office of the GCZMA on the 07/05/2021 has submitted a Site inspection report dated 08/04/2021; signed by the Mamlatdar PWD, Talathi of Calangute.

During 268th GCZMA meeting held on 19/08/2021 Respondent sought time the Authority granted time and fixed the matter for hearing on the 02/09/2021 at 3.30 p .m.

**Proceeding:** Complainant Alex Fernandes appeared in person. Adv. Ashwin Bhobe appeared for Respondent. Adv for Respondent sought time in the matter.

**Decision:** The authority after considering the request from the Respondent decided to grant additional time and the matter is posted on 23/09/2021 at 3.30 pm.

**Item No.2**

**Case No.2.1**

**Permission for construction of compound wall within permissible limits (200-500 mtrs) of the property and to erect a security room in the said limits.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 28/01/2021 from M/s. Yashmark Resorts Pvt Ltd, Pranam Plot No.52, Housing Board, Gogol, Margao-Goa with regard to permission for construction of compound wall within permissible limits(200-500 mtrs) of the property and to erect a security room in the said limits.

**Site Inspection Report:** The said site was inspected by Flaviano Miranda, Expert Member (GCZMA).

1. Applicant proposed wooden and bio-fencing upto 200m from HTL.
2. Beyond 200 to 500m proposed with laterite masonry with gate.
3. DSLR plan to be furnished.
4. Plot partly falls in sand dune area through it is depicted in plan prepared by NCSCM.
5. Earlier permission granted vide GCZMA/S/20-21/16/187 dated 12/06/2020 by the Authority with deliberation and decision.

**Decision:** The Authority after detailed discussion and due deliberation decided to approve the bio fencing within 200 mts and construction of compound wall beyond 200mtrs and erection of a security room in said property.

**Case No.2.2**

**NOC/Permission for proposed Temporary structures for live visual 3D entertainment show and allied services in the property bearing survey No.280/15(Part), 280/21(Part), 280/22 to 280/26, 280/27 (Part), 280/28, 280/29, 281/1 (Part), 282/1 to 281/48, 283/1 to 283/4 of Calangute Village, Bardez-Goa.**

The Office of the GCZMA is in receipt of application dated 18/08/2021 from General Manager (Finance & Properties), Goa Tourism Development Corporation Ltd, 3rd Floor, Paryatan Bhavan, Patto, Panaji-Goa with regards NOC/Permission for proposed Temporary structures for live visual 3D entertainment show and allied services in the property bearing survey No.280/15(Part), 280/21(Part), 280/22 to 280/26, 280/27 (Part), 280/28, 280/29, 281/1 (Part), 282/1 to 281/48, 283/1 to 283/4 of Calangute Village, Bardez-Goa.

**Observations:**

The said proposal for erecting Live visual 3D Entertainment show and allied services has already been approved by the authority with following details:

Ref No. GCZMA/N/Shack-Hut-Cott-tent/19-20/74/915 dated 02/11/2020

Ref No. GCZMA/N/12-13/35/451 dated 13/07/2012

Ref No. GCZMA/N/09-10/13/849 dated 10/03/2010

The parking and few structures such as Stage, projection room, restaurants, retail units, etc has already been partially executed.

The GTDC in order to make efficient utilisation of the space with an eco-friendly approach, following changes in the plan are proposed.

1. Stage
2. 2 Projections room
3. Retail units
4. 4 Restaurants
5. Security and ticketing cabins
6. Site photographs are attached

Architect. Pednekar informed that;

a. The revised plan has a provision of spaces for water percolation, growth of local vegetation etc.
b. The current parking lot which is paved with interlocking pavers shall be redesigned in order to create more open spaces for water percolation and vegetation growth.
c. Shallow water ponds with local vegetations are proposed in the complex which will in song run useful for reducing the overall heat effect within the complex.
d. The revised plan makes a provision for future extension of parking by using mechanical car lift/2 level parking which does not require creating additional space under paver blocks
e. In order to create a pedestrian friendly atmosphere, the plan has proposed various walkways that connects parking space, event space and the retail and food court. The walkways can also be used for jogging etc if desired.
f. To increase the green cover of the complex it is proposed to plant shade giving native plant species at various locations including the periphery of the parking space.
g. The complex shall be well maintained with respect to cleanliness, promoting greenery and proper segregation and disposal of waste generated as per the guidelines

h. For sewage treatment the plan has a provision for Bio-digester system, the treated output shall be reused for plants and vegetation.

**Recommendations**

1. The revised plan contains only changes in the spatial planning and layout of the activities; therefore, the Authority may consider it for approval.

**Decision:** The Authority after detailed discussion and due deliberation decided to approve proposed Temporary structures for live visual 3D entertainment show and allied services in the property bearing survey No.280/15(Part), 280/21(Part), 280/22 to 280/26, 280/27 (Part), 280/28, 280/29, 281/1 (Part), 282/1 to 281/48, 283/1 to 283/4 of Calangute Village, Bardez-Goa.

**Case No.2.3**

**Permission to erect temporary structure at RND Jetty ramp in the plot of land under Chalta No.1, 2, 3 of P.T. Sheet No.37-A of Panaji Town, near Quarter Deck Restaurant, Panaji-Goa.**

The Office of the GCZMA is in receipt of an application dated 07/07/2021 and submission of additional documents letter dated 20/07/2021from Director, Golden Peace Infrastructure Pvt. Ltd, Hotel New Majestic, Plot. No.104/1A, Opp. Azad Bhavan, Porvorim, Bardez-Goa regards permission to erect temporary structure at RND Jetty ramp in the plot of land under Chalta No.1, 2, 3 of P.T. Sheet No.37-A of Panaji Town, near Quarter Deck Restaurant, Panaji-Goa.

**Site Inspection Report:** The said site was inspected by Sujeetkumar Dongre (Expert Member GCZMA) & Satishkumar Naik (Field Surveyor, GCZMA).

As per the notice dated 20/08/2021, the site was inspected on 23/08/2021 at 2.30 pm . Shri. Rigveda Amonkar remained present and explained about various structures that include reception lounge and aisle admeasuring 328.25 sq.mts. The reception lounge is proposed in between chalta no.1 & 3 abutting to chalta no.2 pt sheet no.37A of PAnaji City which falls in revenue zone as per the survey plan. The aisle measuring distance of 35 meters which falls under chalata no.1 of pt sheet no.37A.

It is noted that the reverine area has been reclaimed and lowered with cement pavers. The proponent may be asked to produce a NOC duly approved by the Captain of Ports mentioning the reception lan came up in the said zone. Authority may consider proposal after obtaining the required documents with proper deliberation.

**Decision:** The Authority decided to re inspect the proposed site through Expert Members (GCZMA).

**Case No.2.4**

**Intimation /NOC for construction of temporary jetty adjacent to Captain of Ports Jetty.**

The Office of the GCZMA is in receipt of application dated 26/05/2021 from Goldenglobe Hotels Private Limited, Corp. Off: First Floor, Kamala House, Opp. Magsons Supermart, D.B. Marg, Campal, Panaji-Goa with regards intimation /NOC for construction of temporary jetty adjacent to Captain of Ports Jetty.

**Site Inspection Report:** The said site was inspected by Sujeetkumar Dongre (Expert Member GCZMA), Mahesh Patil(Expert Member GCZMA) & Satishkumar Naik (Field Surveyor, GCZMA).

The site inspection was carried out on 24/08/2021 at 12.00 pm in the presence of Shri. Ravindra. Site supervisor of Big Daddy. They were not in a position to explain the site selection and position of proposed site as there are COP construction in progress. In order to understand and to get exact position of the walkway. It is recommended to have a joint inspection alongwith representative of Caption of Ports and Engineer or proper representative of Big Daddy who can explain the things properly.

**Decision:** The Authority decided to re inspect the proposed site through Expert Members (GCZMA).

**Case No.2.5**

**Proposed Marine Ecology and Ecotourism Centre for M/s. Milestone Resorts in the plot bearing Sy.No.194/1 to 10, 12, 20, 21, 22, 23; 194/18-A, 195/1 to 30, 32;196/1 to 26; 197/1 to 45, 198/1 to 47 situated at Chorao Village, Tiswadi Taluka.**

The Office of the GCZMA is in receipt of application dated 17/08/2021 from M/S. Milestone Resorts, Chorao, Tiswadi-Goa with regards proposed Marine Ecology and Ecotourism Centre for M/s. Milestone Resorts in the plot bearing Sy.No.194/1 to 10, 12,

20, 21, 22, 23; 194/18-A, 195/1 to 30, 32;196/1 to 26; 197/1 to 45, 198/1 to 47 situated at Chorao Village, Tiswadi Taluka.

**Observations:**

1. The proposed site is a Khazan ecosystem abutting the Mapusa river at Chorao village. The damaged bunds led to the ingression of saline water; hence agriculture activities were not undertaken for the last one decade as informed by Mr. Chodankar
2. Arch Pednekar representing the proponent informed the undersigned that;

a. The proposal put up to the authority is aiming to revive the Khazan agricultural system through scientific approach. Education and research play. an important role in reviving/restoring this ecosystem

b. Khazans are low lying reclaimed lands. Traditionally, these lands are being used as agri-pisciculture spaces.

c. Revival of these practices for sustainable utilization of land is a priority. This can be achieved by creating facilities where people come and understand, experience the nature and cultivate skills through hands on training.

d. The proposal addresses the above point by way of establishing coastal ecology information centre, way side signages explaining the uniqueness of khazans, cultivation of traditional agriculture crops along with pisciculture, creating training centres and stay facilities for visitors and eco-tourists on the landward side of the khazan area without crating any adverse environmental impacts on the system.

e. Entire revival and creation of facilities at the site will be done based on science and advise from exert scientists from ICAR, NIO and Universities

f. The project proponent has already discussed the proposal with ICAR and brought them on board as technical and scientific partner in this venture.

g. Dr. Baban Ingole, a retired Scientist from NIO has been advising to document species diversity in and around the area so that the same can be used in developing education and training material.

h. In long term, the aim is to create such a facility that promote sustainable utilization of khazan space by making it a training and awareness hub on traditional practices of Khazan ecosystem

i. Agriculture tourism has become an important area of tourist attraction. Khazans have immense potential, which unfortunately till date, has not been explored in the line of kulagars in the Western Ghats

j. The proponent wishes to explore khazan tourism possibility by erecting 21 temporary cottages on the landward side of the bund without hampering either the khazan land or the riverine area. This facility will be exclusively used only to

enhance tourist satisfaction by providing hand-on experience by being in and working with the local farmers in the field.

k. In order to diversify tourist experience, the proponent plans to coordinate with the Goa Forest Department for Mangrove and bird tourism, with locals on heritage and cultural sites etc.

l. The proposed eco-tourism package includes a visit to the information center, the wildlife sanctuary, the heritage sites of the island, experiencing the local cuisine and puddling in the mud.

m. Consultation with researchers and ICAR scientists suggest to use this area for cultivating traditional rice varieties along with fisheries.

n. The diversity of life in khazan, in the river and in the sanctuary is of utmost conservation importance. The proposed plan of converting this area into an ecological center of learning importance is a step towards ensuring protection, conservation and sustainable utilization of the resources.

o. The structures proposed are purely temporary and ecofriendly material used is only bamboos and local artisanal material including mud.

p. The facility created can also be utilized as a training and capacity building center for locals, students, teachers and any other stake holders interested in revival of khazan.

q. ICAR Goa shall partner with the proponent in this endeavour.

**Recommendations ;**

Looking at the need of Khazan revival and the unique methodology proposed, we are of the opinion that the Authority may consider this proposal as an experiment towards revival and diversifying use oaf khazans with following conditions;

a. The proposed activity shall not change the landuse of the area and can only be utilized for cultivating traditional varieties of crops and fishes

b. The proponent shall work closely with the Goa Forest Department in order to supplement eco-tourism promotion beyond the Wild life sanctuary

c. All agri-pisciculture practices shall be carried out in consultation with ICAR-CCARI.

d. The proposed cottages, information centers shall only be constructed along the bunds using eco-friendly materials such as Bamboo, wood and mud in a phased manner.

e. All cottages and information centers must be fitted with pre-fabricated biodigesters. no concrete/masonry work is allowed for the septic tanks.

f. The proponent shall obtain all necessary permission from GSPCB, Panchayats and any such departments

g. The proponent must promote educational and research activities at the site. The facilities could also be used as a training hub.

h. Visitors/tourist carrying capacity study may be undertaken to ensure that strict compliance of visitors/tourist number is maintained.

**Decision:** The Authority after detailed discussion and due deliberation decided to approve proposed Marine Ecology and Ecotourism Centre for M/s. Milestone Resorts in the plot bearing Sy.No.194/1 to 10, 12, 20, 21, 22, 23; 194/18-A, 195/1 to 30, 32;196/1 to 26; 197/1 to 45, 198/1 to 47 situated at Chorao Village, Tiswadi Taluka.

**Items No. 3**

**To discuss on Inspection report submitted by Expert Member of this Authority in Mandrem and Morjim villages, Pernem taluka.**

**Background:** Expert Member Sujeet Kumar Dongre submitted the report of violations noticed by him and the file surveyor during the ground thruthing of sand Dunes and HTL on 18th, 25th and 30th August 2021 wherein they had reported that they come across various violations of permissions granted by the GCZMA for erection of temporary structures within 200mt HTL in survey no.174, 181,182 of Morjim and 216 of Mandrem villages, Pernem, taluka.

**Decision: The authority after going through the report decided to bring the issue for next meeting for hearing.**

**Items No. 4**

**To decide on applications for Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc. (as annexed as Annexure –I)**

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

## Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc

**Village:Anjuna- Caisua (Sea)** **Taluka:Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 13/05/2021 | Mrs. Sindhu Ramdas Dabholkar & Mr. Ramdas Dabholkar | 224<br>226<br>226 | 6<br>5<br>6 | 3575.00 | 1179.75 | 1 Structure having 6 Rooms, Toilet Block, (Counter Shed, Stage, -3), | - | 835.23 | Recommended Subject to beach Carrying Capacity Report | Approved |
| 2. | 08/03/2021 | Ivan Fernandes | 218 | 13 | 1300.00 | 429.00 | Huts -5 & 1 Reception | 1 | 259.79 | Recommended proposal beyond 200 mt from HTL hence the beach Carrying Capacity Report is not applicable | Approved |

Village: Morjim (Sea) Taluka: Pernem

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 3. | 13/10/2020 | Shantanu Suryavanshi | 181 | 2 | 4949.00 | 1633.17 | 22 -Cottages | 1Shack | 1130.00 | Recommended Subject to Beach Carrying Capacity Report | Differed , call parties for hearing |
| 4. | 23/03/2021 | Kuldeep Singh Dalal | 182<br>182 | 10<br>11 | 6381.00 | 2105.73 | 23-Cottages, Kitchen & Bar Counter - 1, Reception-1 | Resturent-1, | 1206.95 | Recommended Subject to Beach Carrying Capacity Report | Differed , call parties for hearing |
| 5. | 22/07/2021 | Kuldeep Singh Dalal | 181 | 1 | 6294.00 | 2077.02 | 33 huts one reception | 1 restaurant | 1638.2 | Recommended Subject to Beach Carrying Capacity Report | Differed , call parties for hearing |
| 6. | 09/09/2020 | Curti Enterprises LLP (Proposal within 200m from HTL) | 176 | 6-A | 11545.00 | 3809.85 (33%) | Cottages-8 Reception-1 Untility shed- | 1 | 968.97 | The proposal was approved earlier in the 239th GCZMA meeting held on 10/12/2020 and the same was approved wide this office letter No. GCZMA/N/Shack-Hut-Cott-Tent/19-20/78/1358 dated 16/12/2020. Now the | Differed , call parties for hearing |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | applicant has submitted revised drawing / plans for approval having an total build up area 968.80 Sq.mtr | |

**Village: Mandrem (Sea)** **Taluka: Pernem**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 17/06/2021 | Shikhar Kumar | 214 | 3 | 9033.00 | 2980.89 | Cottages/Huts Type A- 11, Type B- 24, Type C- 8, Type D-1 | 1Shack / Restaurant | 1943.66 | Recommended Subject to Beach Carrying Capacity Report | Differed , call parties for hearing |

**MINUTES OF 272nd MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 23/09/2021 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.**

The 272nd Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 23/09/2021at 3.30 p.m.in the conference hall, fourth floor, Dempo Towers, Patto-Panaji – Goa.

**The following members were present for the meeting on 23/09/2021.**

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce.
- Representative on behalf of Director, Department of Tourism.
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. SavioJoquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

**Case No1.1**

**To decide on Application bearing no. 16/ 2016 (WZ) was filed by Salu D'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. (High Court matter)**

**Background:** An Application bearing no. 16/ 2016 (WZ) was filed by SaluD'souza before Hon'ble NGT, Pune interalia aggrieved by permanent / semi permanent anchoring of barges and ships ostensibly brought for repair work to the docks, shipyards & repair companies ( Respondent no.7 to 13 therein) set up along the waters edge which block the Cortalim creek's water channel and disrupt fishing rights. The applicants alleged that there is industrial pollution in the said creek which is caused by dumping of metals, debris, rust, chemicals etc from the ship building and repair activities and so also there are illegal encroachments in the said creek in connection with said activities.

Upon hearing the said matter the Hon'ble Tribunal was pleased to direct the GCZMA to carry out inspection of site/ area as to whether there have been encroachments in contravention of the permissions granted. Accordingly a site inspection was held along with Expert Member of GCZMA on 22/03/2016. The Expert Member of

GCZMA submitted his findings in the report dated 25/03/2016. The said report was placed on record before Hon'ble Tribunal by the GCZMA.

Further pursuant to order dated 03/05/2016 a joint site inspection/survey was carried out by DSLR along with officials concerned authorities including GCZMA. The DSLR submitted a survey report dated 30/06/2016 along with survey map depicting factual position of the extension which are in the water body beyond survey boundary as per records maintained by office of DSLR was prepared and submitted before the Hon'ble Tribunal. The copy of the said report was circulated amongst party respondents.

Based on the application filed before Hon'ble Tribunal, inspection report of the Expert Member of GCZMA and Survey report dated 30/06/2016 of the DSLR an illegal activity resulting in blatant and serious violation of CRZ Notification 2011 was noticed. Accordingly show cause notices were issued.

The office is in receipt of replies from the Respondents on the show cause notices issued by Authority.

During 231st GCZMA meeting held on 1510/2020.The Counsel of the Respondent sought for time to argue the matter. The Authority decided to grant time by fixing the matter on 29/10/2020 at 3.30. pm.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. Counsel of the Respondents8, 9, 11, 12, and 13 is present. The Notice addressed to A. V. Salgaonkar has been returned back with a postal endorsement "Addressee expired Returned to Sender", the Authority directed the Complainants to place on record the names and addresses of the legal heirs. The Counsel for the respondent stated that the activities carried out by them are foreshore which is permitted under the CRZ notification 2011 and that they were in existence prior to 1991. The allegations that the respondents have done encroachment post 1991 are incorrect including the plan prepared by the DSLR which has not superimposed the correct picture. He further stated that the plan does not indicate the extent of area of encroachment done by the Respondent. The Complainant was asked by the Authority as to whether they have got anything to substantiate to which they stated that they have nothing to say, however, the Authority deemed it fit to call upon both the parties to file written arguments by posting the matter on 19/11/2020 at 3.30p.m.However none appeared on 19/11/2020.

Authority decided to issue fresh hearing notices to all the affected parties along with complainant.

On 10/12/2020 in 239th meeting the Complainant namely Antonio and Joaquim present. The Ld. Adv for the Respondent present and prayed for time. The Authority granted the

time and adjourned the matter on 07/01/2021 at 3.30pm. However the said meeting is postponed to 25/01/2021.

During 244th meeting held on 25/01/2021. The Complainants present in person. Ld Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Girish Sardessai Present for four Shipyards and argued the matter stating that the structures are very old and are shown in the survey plan and prayed for time to produce the copy of the affidavit filed by the Captain of Ports before the Hon'ble Supreme Court.

The Authority decided to call the old cadastral plans and reports from the Captain of Ports and Goa State Pollution Control Board to focus on the issue involved in the present matter. The Matter is posted on 04/02/2021 at 3.30pm.

During 246th GCZMA meeting held on 04/02/2021 Ld. Adv Ashwin Bhobe present for Salgaonkar Shipyard. Adv appeared for other Respondents. The complainant remained present. The letter received from the Directorate of Settlement and Land Records stating that no cadastral survey records are available with the Office. The Report from the Captain of Ports received was placed on record. Advocate Bhobe pointed out the reply and permissions for Salgaonkar shipyard. Further stated that it is the oldest jetty operating from 1968. The authority after hearing both the parties decided to call the official from the Captain of Ports Department to explain the map and posted the matter on 11/02/2021 at 3.30 pm.

During 248th meeting held on 11/02/2021 official from the captain of ports remained present for hearing. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. Authority after hearing the parties the matter is posted on 18/02/2021.

During 249th GCZMA meeting held on 18/02/2021. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The officials from Captain of Ports were absent. Authority noted that officials from COP didn't appear before Authority. The authority after hearing the parties the matter is posted on 25/02/2021. The Authority adjourned the matter on 25/02/2021 at 3.30pm and directed that captain of Ports may be asked to depute officials well conversant with matter along with the documents.

During 251st meeting held on 25/02/2021 the officials from COP present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13. The authority after hearing both the parties decide to superimpose the Cadastral map which are in possession of the COP with the maps from DSLR. The matter is further posted on 02/03/2021.

During 252nd GCZMA meeting held on 02/03/2021. The Complainants present in person and stated that the Dry dockyards which are available in private land is not shown in the plan. The officials from Captain of Ports Department were present and produced the area statement of the land leased by the Captain of Ports.. Surveyor from DSLR was also present. Ld Adv Ashwin Bhobe remained present for respondent Salgaonkar Shipyard. Adv Lad appeared for respondent 8,9,11,12 and 13.

The Authority after hearing both parties decided to write to Village Panchayat of Lotulim to furnish the copies of documents produced by the Respondents and the permission granted along with the documents.

The Captain of Ports to prepare the plan showing the area of land granted by them on lease to the Respondents and how much area can be granted under the Indian Port Act. The matter is posted on 11/03/2021 at 3.30pm.

On 11/03/2021. The Authority postponed the said matter to 25/03/2021. However Items as per Agenda from Case No.1.1 to 1.23 could not be taken up for discussion on 25/03/2021 as the Secretary Environment & CC and the Chairman CRZ was busy with administrative work and hence this agenda items from serial No.1.1 to 1.23 stands adjourned and fixed for hearing on 30/03/2021 at 3.30 pm. On 30/03/2021 the matters were postponed and decided to issue fresh hearing notices. Fresh notices are issued to both the parties for personal hearing scheduled on 01/07/2021 at 3.30 pm.

During 263rd meeting held on 01/07/2021 Adv Balkrishna Sardessai who is appearing for Respondent communicated his adjournment application via Email stating his personal difficulty to attend the hearing.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and the matter is accordingly posted on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. The Complainant Mr. Salu Absent.

The Authority noted that since the Complainant was absent and in the interest of natural justice matter is posted for hearing on 29/07/2021 at 3.30 p.m.

However the authority meeting could not be held on 29/07/2021 due to Legislative Assembly session.

During 268th meeting held on 19/08/2021 the Authority decided to furnish a copy of the plan and further posted the matter for arguments on the 26/08/2021 at 3.30 p. m. The authority further directed Captain of Ports to identify the offending structures on the site

which have appeared on survey plan and fix responsibility of constructing those on parties concerned at the ground by doing filed inspection and local enquiry. However, the said meeting is postponed to 02/09/2021 at 3.30 pm.

During 270th meeting held on 02/09/2021. The Authority after detailed discussion posted the matter on 23/09/2021 at 3.30 pm for final arguments with the opportunity to complainant to put up defence upon obtaining plan submitted by COP.

**Proceedings:-** Complainant Mr. Salu Dsouza present in person, 2021 Adv A Bhobe present for Salgaonkar Shipyard. Ld Adv Balkrishna Sardessai Present for four Shipyards. Representatives of Captain of Ports present. As per the Complainant he pointed out regarding the powers varies with Captain of Ports to give permissions. Further it was argued that the Captain of Ports cannot grant any permission for construction but can only give permissions for parking. Further, he also pointed out that he has obtained information under RTI regarding what are the powers vests in COP and requested to produce the same on the next date of hearing. He discussed the plan submitted by COP in presence of officials from COP before Authority. He further highlighted regarding the red line (Encroachment in the river) but questioned on the yellow line reflecting on the plan. Adv. Balkrishna submitted that there are sluice gates which are in existence prior to 1991 and documents along with photographs are produced on record. Further he submitted that it is a private land and there is Sale Deed. The said property was never used for shipping activity.

**Decision:** The Authority pursuant to mapping plan submitted by the office of DSLR, a show cause notice dated 18/09/2020 was issued by authority to the respondents. The respondents have filed their detailed replies to the respective show cause notice.

**M/s A V Salgoancar Ltd:-** With regard this respondent the authority perused detailed reply dated 13/01/2021 filed by the respondent interalia stating that the jetty was existing prior to 1991, produced permission from Captain of Port dated 09/06/1965 for construction of additional slipway adjoining the existing Cortalim Workshop, tax receipts imposed by Village Panchayat of Cortalim and rental charges paid to Captain of Ports. It is the case of the respondent that DSLR report is incorrect as there is basis for claiming that there are extensions in the waterbody.

The matter involves waterfront/forshore usage and hence the authority has sought assistance from the officials of Captain of Ports to effectively decide the matter. The authority further had directed the parties to show further documents vis-à-vis the area possessed by them individually. The Captain of Ports DSLR were also requested to superimpose the plan prepared by DSLR depicting the area of land allotted/granted on lease to respondents to the concerned docks.

A plan was submitted by the Captain of Ports vide letter dated 06/07/2021 showing extent of area covered under N.O.C. of Captain of Ports. The said letter dated 06/07/2021 along with plan was circulated to all the parties before the authority. The Complainant also filed their say vide representation dated 23/09/2021.

The Authority perused the DSLR plan earlier prepared in the year 2016, reply along with documents filed by the respondents, plan prepared by the Captain of Ports and also rejoinder filed by the Complainant in the matter. The Authority noted that M/s A V Salgaoncar Ltd has submitted relevant documents interalia depicting area under their possession and jetty prior to 1991. The Captain of Ports have also indicated in their plan that water frontage area of 7500 sqmtrs has been granted by them. The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1965. In view of the above permissions granted by Captain of Ports and other documents on record the authority decided to discharge showcause notice issued against M/s A V Salgaoncar Ltd.

**M/s Saparia Dock Steel Pvt Ltd:** With regard to this respondent Inquiry has revealed that there is permission issued by the Dy. Captain of Ports Mormugao for use of plot in the year 1964. Also the permission issued by Captain of Ports for utilization of river bank land in the year 1972 along with Registration certificate of establishment issued by office of labor inspector in the year 1984. The unit placed on record consent to operate issued by the GSPCB dated 11-04-2011. The unit has also placed on record order of regularization of existing old ship yard by GCZMA dated 09-02-2011.

Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit M/s. Saparia Dock Steel Pvt. Ltd. amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 2880 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit M/s. Saparia Dock Steel Pvt. Ltd is not in contravention of permissions granted, as such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The authority noted the permission for use water frontage was infact granted in the Captain of Ports in the year 1972. In view of the above permissions granted by Captain

of Ports and other documents on record the authority decided to discharge showcause notice issued against Saparia Dock Steel Pvt ltd.

**M/s Sardesai Engg Works:** With regard to this respondent Inquiry has revealed that there is permission issued by the Captain of Ports for conducting activity of dry dock and detailed permission was placed on record which was issued in the year 1971. Also the permission issued by Health Centre in the year 1968 to undertake barge repair and machine shop work at Cortalim along with Certificate of Registration issued by the Directorate of Industries in the year 1973. The unit placed on record consent to operate issued by the GSPCB dated 19-08-2015 so also permission issued by the GCZMA dated 12-03-2015 to the pre existing unit. Upon hearing the representative of the unit the concerned officials from the Captain of Ports department were required to clarify the extent of area for which permission was issued so as to analyse whether the activities undertaken by the unit Sardessai Engineering Works amounted to encroachments in contravention of permissions granted.

The Captain of Ports have furnished their report along with map and indicated the area of permission that the unit was allotted way back prior to 1991 and in consideration therewith it is advanced that the undertaken activities are within the permissions granted by the competent authority at the relevant time. The Captain of Ports have also indicated in their plan that water frontage area of 9000 sqmtrs has been granted by them.

After hearing the parties and officials at several hearings it has been concluded that the activities of the unit Sardessai Engineering Works is not in contravention of permissions granted, As such the unit Sardessai Engineering Works is discharged from the Show Cause Notice issued by this office.

The Authority decide to continue further hearing with respect of M/s Vipul Engg Works Dock, M/s Ferromar Shipping Pvt ltd and M/s Sachinda Engg. The Authority further decided to initiate fresh proceedings against Inas Caetano D Souza, Anthony Engg Works, Arcanjala DSouza, Aspergeate Desa and Lucy Alvares as per report of the Captain of Ports and copy of notice to be sent to Goa State Pollution Control Board(GSPCB). The next meeting is fixed on 07/10/2021 at 3.30 pm.

**Case No. 1.2**

**To discuss and decide on the Complaints letters dated 24/01/2017 and 27/01/2017 received from Dr. Claude Alvares, Director, The Goa Foundation and Lopinho Xavier pertaining to illegal dumping of mud in the property bearing Sy.No. 170/0 and 171/1 of Quelossim Village, Mormugao Goa by 'M/s. Movaj Enterprises Pvt. Ltd'.**

**Background:** The Office of the GCZMA has received complaint letters dated 24/01/2017 and 27/01/2017 from Dr. Claude Alvares, Director, The Goa Foundation, G-8, St. Britto's Apts, Feira Alta, Mapusa, Goa and Lopinho Xavier, R/o. H.No. 289, Uddo Quelossim, Cortalim-Goa respectively with regard to the alleged illegal dumping of mud in the

property bearing Sy.No. 170/0 and 171/1 of Quelossim Village, Mormugao Goa within the CRZ area being carried out by M/s. Movaj Enterprises Pvt. Ltd., Mishell, Nr. Ribander Police Outpost, Ribander-Goa.

2. Accordingly the office of GCZMA has issued Show Cause Notice cum Stop Work Order to M/s. Movaj Enterprises Pvt. Ltd bearing ref. No. GCZMA/ ILLE-COMPL/16-17/67/2162 dated 09/02/2017.

3. Further, taking into consideration complaints dated 24/01/2017 and 27/01/2017, the site under reference was inspected by the Expert Members of the GCZMA along with Technical Officer GCZMA on 17/02/2017.

4. The Member Secretary, GCZMA informed the members that the Goa State Biodiversity Board (GSBB) has submitted a report in respect of the same. He further informed that M/s. Movaj Enterprises Pvt. Ltd. has filed their reply in view of the Show Cause Notice Cum Stop Work Order dated 09/02/2017 issued by the GCZMA. The said matter was placed in the 141st GCZMA meeting held on 21/02/2017 wherein after detailed discussion and due deliberation and in view of the submissions made by Dr. Claude Alvares representing Goa Foundation, the Authority decided to provide / forward the copy of the reply dated 21/02/2017 filed by M/s. Movaj Enterprises Pvt. Ltd. to the Goa Foundation and further decided to take up the matter for personal hearing on 07/03/2017. Further, with respect to the request made by M/s. Movaj Enterprises Pvt. Ltd. to conduct a fresh inspection in their presence as well as in the presence of the Complainant. Accordingly, in view of the decision taken by the Authority, the site was re-inspected by the Expert members of the GCZMA on 10/05/2017. The observations recorded on site are as follows:

i) Initially, the proponent, Mr. Ram Agarwal showed the filling done by somebody else in Sy. No. 181 and 182which is lying outside between the main road up to his property (Sy. Nos.171/0 and 171/1). He says he does not know who has done the filling in the said Sy. Nos. 181 and 182 and said that GCZMA should find out who has done the filling an d do the necessary.

ii) The Sy. Nos. 170/0 and 171/1, did not show any further work done after the site inspection of 17/2/2017. The proponent told that he did not do any work thereafter due to the saty order imposed by GCZMA.

iii) The proponent told that the extra mud filling which is seen at the corners, adjacent to bunds on the western side of the area is not done by him but by the earlier agency, M/s. GAIL India Ltd. while laying their pipeline along the bund.

i) The extra mud filling done by them was for the trucks to take to the site and for their manufacturing. v) The wet land / khazan land of Sy. No. 170/0 is seen to be completely dry by closing of the sluice gates, to which the proponent says that he could not open the sluice gates due to imposition of stop work order.

**Conclusion and Recommendation:**

i) The dumping of mud in Sy. Nos. 181and 182 as shown by the proponent outside his property is illegal in the NDZ area, however, the filling does not appear to be for the reclamation of land as there are lot of coconut plants within the property. Nevertheless, the owner of the property should be served with a show cause notice for the act without any permission.

ii) Though there is no work done in Sy. Nos. 170/0 and 171/1 after the site inspection dated 17/2/2017, the proponent has not bothered to open the sluice gates by taking permission from the GCZMA despite bringing it to the notice in site inspection report that the biodiversity and the environment is degraded due to closing of sluice gates.

iii) The drying of the wet land due to stopping of natural water from all sides of the wet land area has spoiled the biodiversity and the environment further.

iv) If the project is really for floating pontoons as the proponent claims, then he should have maintained sufficient water level and not allowed it to dry.

v) The excess mud dumped at the corner of the western side may be ordered to be removed immediately under proper supervision.

vi) Similarly, the sluice gates may be ordered to be opened immediately under proper supervision.

vii) The proponent and the complainant may be heard during the Authority meeting before taking any further decision. It is pertinent to note that, a Miscellaneous Civil Application No. 326 of 2017 in M.A. No. 138 of 2017 has been filed by M/s. Movaj Enterprises Pvt. Ltd. before the Hon'ble High Court of Bombay at Goa. The said Application was disposed of vide Order dated 19/04/2017.

The said matter was placed in the 155th GCZMA meeting held on 08/08/2017 wherein the Authority in principle of natural justice decided to grant another opportunity of personal hearing to the parties and fixed the matter for hearing on 22/08/2017 and decided to communicate the same to both the parties. In view of the above, the matter was placed for grant of personal hearing to the concerned parties.

During 156th GCZMA meeting 22/08/2017 the Authority after detailed discussion and due deliberation and on considering the site inspection reports so also the oral as well as written submissions made by the parties decided to carry out proper mapping of the entire area in question alongwith the DSLR. As far as the sluice gates are concerned, the same are to be opened immediately and as such decided to direct the applicant to restore the sluice gate in order to facilitate circulation of water in the area.

Now this office is in receipt of documents pertaining to the proposed mini India park project dated 27/05/2019 from office of MLA, Cortalim Constituency requesting to conduct Site Inspection.

During 202nd GCZMA meeting held on 29/05/2019. The Authority after perusing the agenda note and the representation from office of MLA, Cortalim Constituency decided to issue Stop work Order cum show cause Notice immediately and also decided to conduct site inspection by Expert members (GCZMA).

Accordingly show cause cum stop work order was issued to party on 17/06/2019.

The site under reference was inspected Expert Member GCZMA on 22/05/2020. Vide order dated 31/08/2021 in Petition bearing PIL WP no. 12/2020 the Hon'ble High Court

of Bombay at Goa has directed the authority to decide the said show cause cum stop work order dated 17/06/2019.

**Proceeding:** Adv Kantak appeared on behalf of the Respondent, Hon'ble MLA Smt Alina Saldana Present in person along with the Sarpanch. Hon'ble Minister Smt Alina Saldana advanced her arguments by requested to have fresh site inspection. Further it was submitted that on 18/11/2019 this Authority had issued a notice to remove the floating platform. When the Village Panchayat received Complain site inspection was carried out and after seeing the same Panchayat revoked the approval granted. It was further submitted that every Government body has declared the same that it falls under NDZ infact this Authority had issued a order to open the sluice gate as the Respondent were digging the khazan land so that the water can come in and they can do the boating. It was further submitted that the permissions granted by COP is based on IPB permission has been withdrawn. It was also pointed out by Hon'ble MLA Smt Alina Saldana that there is a report from Biodiversity which says that the area is rich in Biodiversity and migratory bird do nesting there. Further it was also pointed out that Sr no 170 and 171 are NDZ and said property is a tenanted property there are almost 100 tenants. Further Adv Kantak rebutted to the arguments advanced by the Complainant and stated that in the complaint it is nowhere mentioned what illegal work is going on, the said project is to put floating platform and the same is falling outside NDZ, and it is completely a private property and is in possession of respondent for last 10 years without any resistance from any person. The COP had granted the permission to put up the floating platform and said permission of COP is not challenged by the complainant. He further pointed out with the plan issued by DSLR demarcating the HTL and the activities are falling beyond the NDZ.

**Decision** Authority heard both the parties. After hearing the Authority decided that issue to be decided as of now is whether the alleged activity falls beyond NDZ or not, and the land in which activity sought to be carried is khazan land or otherwise. The matter is kept for further arguments on 07/10/2021 at 3.30 pm.

**Case No.1.3**

**To decide on complaint dated20/03/2021from Alex J. Fernandes, with respect to Illegal construction of a structure in survey no 158/4(part) of Calangute Village Bardez Goa carried out by Mr. Alex Fernandes and Lavita Fernandes, (High Court matter)**

**Background:** the Office of the Goa Coastal Zone Management Authority had received a complaint letter dated20/03/2021from AdvRohit Bras De Sa on behalf of his client Alex J. Fernandes, resident of House No. 140, Umta Vaddo, Calangute, Bardez Goa;and was

inwarded in the office of on the 22/03/2021, with respect to Illegal construction of a structure inthe property bearing survey no 158/4(part) of Calangute Village Bardez Goacarried out by Mr. Alex Fernandes and Lavita Fernandes,both resident of Umta Vaddo, Calangute, Bardez Goawithin 200 mts from HTL.

The Authority issued a Show Cause Notice Cum Stop Work Order bearing ref no GCZMA/N/ILLE-COMPL/20-21/128/40 dated 09/04/2021; the Respondent has failed to file their reply to the Show Cause Notice.

the Deputy Collector vide Letter bearing reference no DC/SDO/MAP/CRZ/Alex & Lavita /2021/4135 dated 23/04/2021 and inwarded in the office of the GCZMA on the 07/05/2021 has submitted a Site inspection report dated 08/04/2021; signed by the Mamlatdar PWD, Talathi of Calangute.

During 268th GCZMA meeting held on 19/08/2021 Respondent sought time the Authority granted time and fixed the matter for hearing on the 02/09/2021 at 3.30 p .m.

During 270th GCZMA meeting held on 02/09/2021. The authority after considering the request from the Respondent decided to grant additional time and the matter is posted on 23/09/2021 at 3.30 pm.

**Proceedings:** Adv. Sarmalkar was present for Respondent 1& 2. Complainant Alex Fernandes present in person. Adv. for Respondent filed his Wakalatnama which was taken on record. Ld Advocate for Respondent tried to file the application to adjourned the matter, however the same is been rejected by the Authority on the ground that the Hon'ble High Court had finally disposed the matter and there does not remain any more in matter and any further discussion in the matter will amount to contempt of the Court.

Decision: In view of the judgment passed by the Hon'ble High Court the proceedings before this Authority stands dropped.

**Case No. 1.4**

**To discuss and decide on Honble NGT order, dated 28/11/2019 before NGT New Delhi passed in Appeal No. 41/2019 (NGT matter)**

**Background:**

**1.** On 20/12/2010 the Office of Goa Coastal Zone Management Authority received a Complaint dated 17/12/2010 from Smt. Rohini Mandrekar, R/o 5, Darshan C.H.S, Linking Road Extension, Santa Cruz (W), Mumbai informing that she is the owner of the property bearing Sy. No. 267/1 of Village Mandrem wherein an illegal construction of a building consisting of ground plus two floors has been constructed without any approval /

licenses by Mukund Naik (Deceased) and his family including his son, Shri. Laxmikant Naik, R/o Junaswada, Mandrem-Goa.

**2.** On 21/02/2011 received a Reminder letter dated 15/02/2011 from Smt. Rohini Mandrekar, with a request to process her complaint dated 17/12/2010 and take needful action.

Accordingly the order [passed on 05/12/2014 bearing no. GCZMA/PER/MAN/10-11/26/1647.which was challenged before the Honble NGT, Delhi. Now the Honble NGT, Delhi disposed the matter bearing Order dated 13/02/2019giving opportunity to the appellant to appear before GCZMA on 05/03/2019.

The party appeared on 05/03/2019 and complainant filed written submissions which were taken on record and informed the parties to remain present in its next meeting on 15/03/2019.

The said matter was deliberated during 194th GCZMA meeting wherein_The authority heard both the parties at length. The authority noted that matter has been remanded by Hon'ble National Green Tribunal on a limited extent of consideration of regularisation. The authority noted that CRZ Notification 2011 only provides regularisation in terms of Clause 6 (d). The authority noted in the present case Clause 6 (d) of the CRZ notification cannot be made applicable. The authority noted that the structure in question is within 200mtsi.e within No Development Zone. Further, the structure is reconstructed without renewal of licence from Village Panchayat Mandrem and without prior approval of GCZMA. The authority noted that structure constructed at site is ground plus two which is not permissible in NDZ. Therefore, the authority decided that in the present case no permission/NOC could have been granted to the respondent by this authority even in the year 2004.The authority decided to uphold its order of demolition dated 05/12/2014.

*Order passed by Honble NGT directing both parties to remain present before GCZMA on 05/12/2019.*

During 217th GCZMA meeting held on 04/12/2019. The Authority after going through the arguments that have been submitted by the parties & in view of the limited scope to decide as to whether the same could be regularized in terms of the Rules prevalent in the year 2004, the only aspect left is as to whether such rules exist. As per the CRZ Notification 1991, the Coastal Zone Management Plan was required to be prepared by each State within one year from the date of publication of the notification. In the event of

non finalization of the CZMP the local authorities were duly granting the requisite permissions & that how in the year 1993-94 the local body issued reconstruction of old house in property bearing survey no.267/1. The CZMP of the State of Goa was placed before MoEF, New Delhi only in the year 1996. When the reconstruction had taken place the entire house in its present form which is a ground + 2 storeyed structure was not complete & the entire completion has been complete only in 2004. In that sense of the term the construction of the 2nd floor can by no stretch of imagination be allowed to be regularized as the CRZ Notification of 1991 and 2011 does not permit constructions of ground + 2 storeyed structures except ground + 1 structures. The compliant no doubt is the owner of the land but the Respondent bring the mundkar of the house has got a right to repair & reconstruct the dwelling house in terms of the provisions of the mundkar Act 1975 & only such person can be declared as mundkar of the dwelling house who has been residing in a dwelling house as on the appointed date i.e. 12/03/1976 which makes it more clear that the Respondent was hailing from the traditional coastal community. Going by the fact of the various aspects surrounding the case the Authority deemed it fit to order demolition of the 2nd floor of the house belonging to the Respondent or in the alternative to seal the 2nd floor to make it inhabitable.

However, the Decision taken was not communicated to the parties.

The Complainant had an Execution Application No 07/2021 in O.A. No 41 /2019 before the Hon'ble NGT Pune. The said Application came to be decided on 03/09/2021 with a direction to pass appropriate orders in accordance with law in terms of the decision taken on 217th Meeting held on 04/12/2019 and 05/12/2019 and communicate the same to concerned parties. The said exercise is to be complete within a period of four weeks from the date of receipt of the copy / communication / knowledge of the Order.

In view of the change in the Member Secretary of the GCZMA, the Authority decided to hear the parties again and pass appropriate orders in the matter.

During 271st GCZMA meeting held on 21/09/2021. The Authority had issued hearing notices to all the heirs who are made parties in the Execution Application No. 07/2021(WZ) filed before the Hon'ble NGT. The Authority also mentioned to the parties that since the Member Secretary and the Chairman are not the same who heard the matter in the 217th GCZMA Meeting the orders could not be communicated and the present committee is ready to hear the arguments on merits. Since the heir Late Dattaram expired his legal heirs has to be brought on record and hearing opportunity has to be granted to the heirs. Taking all these legal issues into consideration which have come up prior to communicating the Order the Authority requested the matter to be argued afresh. The

Adv for the Respondent refused to argue on merits and said that if we hear the matter on merits he would file contempt against the Authority. The Authority granted him time to file written synopsis and posted the matter on 23/09/2021 at 3.30 pm.

**Proceeding:** Adv. Abhijit Gosavi appeared for Respondent. Complainant present in Person. Ld advocate for respondent filed his brief written statement stating that the present proceedings is only to comply/ communicate decision taken in 217th GCZMA meeting failing which it will amount to disobedient of the direction of the Hon'ble Order of the NGT and further requested to communicate the order in terms of the decision taken during 217th GCZMA meeting. The Respondent refused to argue on merits. The Complainant stated that she is original owner of the said property and submitted photographs of the Respondents structure showing operation of the structure as a commercial Hotel and the utilization of the Second Floor also as commercial unit. Further the Complainant has also produced copy of the fresh construction carried out by the Respondent which depicts that the work is in progress.

**Decision:** The Authority has taken the written submission of the Respondent on record and decided to communicate the decision taken by the Authority in its 217th GCZMA meeting held on 04/12/2019 to both the parties without going into merits of the case as per the direction of the Hon'ble NGT in Execution Application 07/2021(WZ) in its order dated 03/09/2021..

**Case No.1.5**

**To decide on a complaint from Mr. Rui Manuel and Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis MagosBardez, Goa. (High Court matter)**

**Background:** The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from one Mr. Rui Manuel and now subsequently a complaint from Members of Reis Magos Panchayat Development Committee with regards to constructions carried out in Sy. No. 76/1 of Village Reis Magos, situated within NDZ of River Mandovi, by Mr. Verner Velho and Rachita Velho, r/o, H.No. S-183/2, Near Dessai Saw Mills, Verem, Reis Magos Bardez, Goa. the GCZMA issued a Show Cause Notice bearing No. GCZMA/BAR/R.M/11-12/35/964, dated 18/11/2011; the Respondent did file his reply dated 12/12/2011 to the Show Cause Notice dated 18/11/2011.Based on

the complaint filed by Members of Reis Magos Panchayat Development Committee the site was inspected and the DSLR has also mapped the illegal structures.

The said matter was deliberated during 225th GCZMA meeting held on 04/06/2020 wherein the Authority after perusing the records saw that similar proceedings were initiated at the behest of one person by the name of Rui Pinto who has subsequently made submissions before the Captain of Ports as well as to the Panchayat saying that he hasn't filed any complaint as against the Respondent. No such withdrawal has been made before us & even if such withdrawal had been made to us, than too the Authority cannot accept such a thing as violation if any has to be intricately looked into so as to take the final call as to whether it is a violation in terms of the CRZ norms. Apart from this, although the Dy. Collector of Bardez had given its findings, no decision has been finally taken by the Authority & because a similar type of complaint has been filed by Reis Magos Panchayat Development Committee the proceedings are clubbed together so as to arrive at a common decision. The Expert Member too has to give his report who submitted that he will give the same on 10/06/2020. Both the parties i.e. Complainants & Respondent to obtain copy of the report from the office of GCZMA on 11/06/2020. The Respondent to file reply by 15/06/2020 & arguments on merits to be heard by the Authority on 03/07/2020 @ 10.30 am.

The matter was placed for hearing in 227th GCZMA meeting held on 17/09/2020 wherein the Complainant submitted that the structure of the Respondent is not shown on the survey plan. Likewise the compound wall which has been constructed by the Respondent is in road widening area. Apart from the illegal construction the Complainant also alleged that the Respondent has encroached in the riverine land of Mandovi river.

The Respondent on the contrary stated that there is no swimming pool at all in the property which is evident from the inspection report of the Expert Member. He submitted that much prior to the CRZ Notification 1991 coming into force one of the structure was already existing in the property & much prior to the constitution of the GCZMA the GSCCE had already approved another structure within the same property against which there were no observations of the Expert Member about any extensions carried out beyond the plinth area. If in case there has been deviations in relation to the approved plans then the appropriate Authority to deal & decide upon the same would be the Town & Country Planning Department & not this Authority is what the Respondent stated. He further stated that the Complainant has not raised any objection on the inspection report & hence prayed for quashing aside the show cause notice & the complaint filed by the Complainants.

The Authority directed to carryout inspection of possible riverine encroachment by conducting an inspection by officials of the WRD, Expert Member & officials of the DSLR and submit the report at the earliest.

The Authority during 249th GCZMA meeting held on 18/02/2021 decided that as issue of CZMP required to be discussed in view of public hearing schedule to be held on 07/03/2021 at both District level the matters is posted on 18/03/2021 at 3.30pm. On 18/03/2021 the meeting was cancelled and posted to 1/04/2021. Fresh hearing notices were issued to the parties. Now the fresh hearing notices were issued to both the parties.

During 271st meeting held on 21/09/2021 The Authority after hearing both the parties granted time to the Adv for the Respondent to file his additional reply and directed the Respondent to serve the copy of the reply in advance and posted the matter on 23/9/2021 at 3.30 pm.

**Proceeding:** Adv. HD Naik Present along with Complaints. Respondent remained present in person and filed reply which was taken on record. Respondent sought time as his advocate could not appear before Authority for today's hearing.

**Decision:** The Authority after hearing both the parties decided to grant time to Respondent and the matter is posted on 07/10/2021 at 3.30 pm.

**Case No. 1.6**

**To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mayekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)**

**Background:**

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr Sachin Satardekar, Mr MahabaleshwarMayekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka.

e Authority was also in receipt of a legal notice from AdvH.D.Naik filed on behalf of the earlier complainants Rajesh V. Dabholkar, Mr AdvinoFernandes, Mr.MahabaleshwarMayekar alleging that there is illegal construction carried out in Sy.No. 87/1-C and 87/1(part) of Village Reis Magos Village.

The Authority had issued a Site Inspection Notice on the 10/06/2020 bearing reference no. GCZMA/N/ILLE-COMPL/19-20/73/174 dated 16/06/2020; inorder to verify the illegalities as claimed by the complainants.

The Authority was in receipt of a letter from M/s Reis Europa Developers, stating that they were in receipt of the Site Inspection Notice. They requested for some time on the ground that the owners are stuck in Delhi due to Covid-19. Hence the inspection could not be carried out.

The Authority was in receipt of the Plan showing the structures surveyed as per the Notice of Inspection issued by the office of the Mamlatdar and Member secretary of Taluka Level Committee Mapusa Goa; which clearly shows the illegal structures (A,B,C,D,E,F,G) and the retaining wall carried out in survey No. 87/1-C. The Authority has issued a Show Cause Notice to which the alleged violator filed their reply.

The Authority during 231st GCZMA meeting held on 15/10/2020 brought to the notice of the Respondent about the clarifications given by the office of the DSLR regarding the base survey record filed by the Respondent and what is available with the Department (DSLR). The Respondent sought time to argue the matter on merits and to bring out facts. The matter is now fixed on 29/10/2020 at 3.30p.m.

The matter placed for hearing during 233rd GCZMA meeting held on 29/10/2020. The Complainants have filed a rejoinder to the Reply dated 21/08/2020 as submitted by the Respondent; whereby they have reiterated that a fabricated and manipulated plan of the DSLR has been produced by the respondents by shifting the HTL of 100 mts and that therefore the construction is illegal. On the contrary, the DSLR has carried out an inspection and has prepared a plan clearly highlighting the HTL whereby the offending structures belonged to the Respondents which are numbered as A,B,C,D,E,F,G, are located within 100 mts of the NDZ. Since, all of the offending structures have been erected within the NDZ the Complainants prayed for passing appropriate decision for demolition of the offending structures. Adv Shivam Dessai appearing for the respondent stated that the respondent more particularly Kajaria Infrastructure Pvt Ltd., was not in the know - how as to how the permissions and licenses were obtained by their predecessor in title but after verifying the documents along with all the licenses which were granted by the statutory authorities had purchased the property and thereafter commenced construction in the said land. The aspect of fabrication and manufacturing of a document more precisely the DSLR Plan was in the nature of a shocker for them for which purpose they were trying to get into the bottom of the said document. He stated that after having

constructed the structures they have also been issued with the final occupancy for the said structures. Since the Complainants have alleged that the DSLR Plan, mapping the 100 mts line is fabricated they sought time to properly study the matter and thereafter get back to the Authority to file the comprehensive reply.

The Authority after hearing both the parties decided to grant sufficient time to the Respondent to place on record the reply in defence along with supporting documents and fixed a hearing on 19/11/2020 at 3.30 pm

During 237th GCZMA Meeting held on 19/11/2020 Adv. Naik appeared along with complainants. Adv. J Godinho appeared for Tahir Isani. Adv. Shivan Dessai along with Representative from Reis Magos Developers was also present. Adv. J Godinho sought copy of complaint and other relevant documents pertaining to said matter and also undertaken to file the Vakalatnama in the next date of hearing.

The authority directed the respondent to collect all the necessary documents pertaining to said matter from office of GCZMA. Also Authority decided to conduct detailed survey of the said property in consultation with DSLR and decided to call both the parties for personal hearing on 10/12/2020 at 3.30 pm. Hearing notices were waived off at the time of hearing.

During 239th GCZMA meeting on 10/12/2020 Ld. Adv Hanumant Naik for the Complainants, Ld Adv Shivan Desai for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present and filed the vakalatnama. Adv. Godinho prayed for time to file reply. The authority granted the time and matter is posted on 17/12/2020.

During 240th GCZMA meeting held on 17/12/2020 Adv. Shivan Dessai appeared on behalf of respondent. Adv. HD Naik appeared along with complainants. The Authority decided to call the parties for hearing on 07/01/2021 at 3.30pm.

Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Complainant Advino Fernades was present in person and filed the rejoinder and copies given to both advocates. The complainant sought time as his adv is not able to come for today's hearing.

The Authority after hearing both the parties at length decided to seek report from Directorate of Panchayat, Village Panchayat Reis Magos and TCP, Mapusa and ISLR Mapusa, Goa to submit superimposed survey and demarcation plan. Further, the Authority decided to keep the matter for final hearing on 28/01/2021 at 3.30pm.

None remained present for the Complainant. Ld Adv for the Respondents present. Ld. Adv. Shivan Desai had moved an application through the entry praying for two weeks time on account of him being affected with Covid 19.

The Authority considered the request and adjourned the matter on 18/02/2021 at 3.30pm.

During 250th GCZMA meeting held on 23/02/2021 Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Adv Godhino stated that he is unaware of the survey done by DSLR and requested that the DSLR may be asked to draw demarcation of HTL in the presence of the party. Adv H D Naik submitted that the demarcation of HTL is already done and Respondent should be directed to produce original plan before this authority.

The Authority decided to send reminder to Village Panchayat Reis Magos and Town & Country planning Department for report and further posted the matter on 11/03/2021 from 3.30 pm. The Authority postponed the said matter to 25/03/2021.

Now fresh notice for hearing to both parties to remain present through VC on 03/06/2021. However the advocate for Reis Europa did not appear for the said haring.

Authority decided to issue fresh notice to the parties.

During the 260th GCZMA Meeting the Authority after hearing the parties directed advocate of Tahir Isani to file rejoinder in reply and serve copies to both the parties via email and the matter is posted for arguments on 17/06/2021 at 3.30 pm.

The authority during 261st GCZMA meeting held on 17/06/2021 after hearing both the parties decided to grant additional time and posted the matter on 24/06/2021 at 3.30 pm. During 262nd meeting held on 24/06/2021. The advocate HD nailk who appeared for complainant sought one week time for arguments. The authority after detailed discussion decided to grant one week time and matter is posted on 01/07/2021at 3.30 pm.

On 01/07/2021 Adv Shivan Dessai appeared through VC. He requested for time and stated that he sent an email seeking adjournment on ground of personal difficulty.

The Authority after considering the Email sent by the Respondent requesting for adjournment decided to grant the time in the matter and posted this matter on 06/07/2021.

During 264th GCZMA meeting held on 06/07/2021. Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. The Authority decided to adjourned the matter on 15/07/2021 at 3.30 pm.

During 265th meeting held on 15/07/2021.The Authority after hearing the parties posted the matter on 29/07/2021 at 3.30 pm. However the meeting could not happened on 29/07/2021. Fresh hearing notices were issued to the parties.

**Proceeding:** Adv. Shivan Dessai appeared on behalf of respondent for M/s Reis Euopa Developers and Adv. J. Godinho for Mr. Tahir Isani Present. Adv H D Naik Present on behalf of Complainant. Parties argued the matter rat length. Ld Advocate Godinho prayed for time to further argue the matter.

**Decision:** The matter is adjourned and posted on 07/10/2021 at 3.30 pm

**Case 1.7**

**To discuss on Inspection report submitted by Expert Member of this Authority in Mandrem and Morjim villages, Pernem taluka.**

**Background:** Expert Member Sujeet Kumar Dongre submitted the report of violations noticed by him and the file surveyor during the ground thruthing of sand Dunes and HTL on 18th, 25th and 30th August 2021 wherein they had reported that they come across various violations of permissions granted by the GCZMA for erection of temporary structures within 200mt HTL in survey no.174, 181,182 of Morjim and 216 of Mandrem villages, Pernem, taluka.

During 270th GCZMA meeting held on 02/09/2021. The authority after going through the report decided to discuss the issue for next meeting for hearing.

**Decision:** The matter was discussed at length by the Authority and it was decided that expert members of the Authority will inspect the sites and submit the factual report to the Authority so as to take further recourse in the matter of violations done or taken place in CRZ by the people to whom NOC/permissions are granted by the Authority.

**Case No.2.1**

**Repair for existing rubble compound wall in Sy.No.11/1 of Pale Velaso Village, Mormugao Taluka**

**Background:**

The Office of the GCZMA is in receipt of an application dated 08/02/2021from Jose Maria D'Souza, H.No. 223, Pale, Velaso Mormugao-Goa with regard to repair for existing rubble compound wall in Sy.No.11/1 of Pale Velaso Village, Mormugao Taluka.

**Site inspection report:**

The site was inspected by Flaviano Miranda, Expert Member (GCZMA) & Devendra Gaonkar, Field Surveyor (GCZMA).

Site inspection is carried out in presence of above party for the repair of existing rubble compound wall in sy.no.11/1 of Pale Village of Mormugao Taluka. It is found that the construction is being executed with laterite stone masonry with cement mortar falling within 200m line from HTL& violating CRZ regulation. Applicant has agreed to do the construction with laterite masonry in mud mortar after demolishing the pillar constructed in cement mortar. Hence applicant should give in writing to the Member Secretary (GCZMA) before commencing the work in mud mortar. Form I & XIV shows Mousinho souza as the occupant who is expired. Hence the applicant should produce NOCs from the other legal heirs Mousinho Souza with relevant documents & death certificate.

**Decision: The Authority after detailed discussion decided to approve the repair for existing rubble compound wall in Sy.No.11/1 of Pale Velaso Village, Mormugao Taluka with a condition that rubble stone will be used randomly instead of lateritic stone.**

**Case No.2.2**

**Repair and renovation of existing structure/house & repair and renovation of existing wooden cottages in Sy.No.243/4 of Calangute Village, Bardez Taluka.**

**Background:**

The Office of the GCZMA is in receipt of an application dated 21/04/2021 from Mr. Sanjeev Maheshwari, r/o. J-203, 2nd Floor, Saket, New-Delhi regarding repair and renovation of existing structure/house & repair and renovation of existing wooden cottages in Sy.No.243/4 of Calangute Village, Bardez Taluka. The earlier permission was granted to Shri. Sanjeev Maheshwari by the GCZMA vide this Office letter No. GCZMA/N/13-14/63/1607 dated 04/03/2014 for repair and renovation of existing house/structure in Sy.No.243/4 of Calangute Village, Bardez Taluka.

**Observation and recommendations:** The said site was inspected by Shri Mahesh Patil (Expert Member GCZMA).

i) **Name of the Applicant:** Sanjeev Maheshwari
ii) **Date of the Application:** 28/04/2021
iii) **Application for:** Repair and renovation of existing wooden cottages in Sy.No.243/4
iv) **Date of construction based on the documents:**
v) **Date of Inspection:** 11/06/2021
vi) **Name of the Official / Expert Member, GCZMA:** Mahesh Patil

**Sy. No.** : 243/4 **Village** :Calangute **Taluka:**Bardez

iv) **Accessibility:** Road existing structures

v) **Distance from the HTL of River / Sea:** within 100m

**vi) Classification of CRZ Area:** c) CRZ – III

**vii) Existence of Sand dunes and its Height:** NIL

**viii) Whether any lagoons, backwaters or other water bodies exist in the plot:** NIL

**ix) Existence of Vegetation, if any:** Well developed plot with structures ornamental and fract bearing plan

**x) Plinth area of the structure / alleged violation:** NIL, GCZMA office to verify from record

**xi) Nature of the structure:** - Temporary structure

**xii) Height of the structure:** Detailed in attached plan.

**xiii) Details of extension to the existing structure:** Repair and renovation of existing structure.

**xiv) Approvals / NOC's issued by any other Department's / Authorities:**

1. GCZMA –NOC for repair and renovation of existing structure granted on 04/03/2021
2. Panchayat letter dated 22/06/2019, for existing wooden cottages.

**xv)Nature of violation if any, with regard to provisions of CRZ Notification 2011:----------**

**xvi) Whether the proposed construction meets the CZMP Guidelines:**

- Yes,
- Existing house was granted noc from gczma for repair and renovation in 2014.
- Panchayat has granted permission for wooden cottages in 1990,
- Survey plan of 2018, depicts existing structures and wooden cottages.

**xvii) Conclusion / Recommendation:**

- Photographs of the existing structures to be attached.
- Clarify in ground plus one wooden structures.
- Bio toilets to be installed and depicted in the plan.
- Received panchayat approval of the cottages. However it doesn't state the ground plus one structure.
- Modify the plan and all cottages to repair ' A' type ground structures as it within 200 mts.

**Decision: The Authority after detailed discussion decided to approve subject to condition that the existing plinth should be maintained.**

**Case No.2.3**

**Proposed Repair of Existing Bandh and sluice gate for M/s Milestone Resorts situated at Chorao village of Tiswadi taluka.**

**Background**

The proposal for repair of existing bandh and sluice gate was submitted by Milestone resorts vide letter dated 29/06/2021. The site inspection was conducted on 5/07/2021.

Mr. Deepesh Chodankar and Architect Yogesh A Teli Pednekar represented the applicant and explained all the details.

1. the proposed repair of bandh and sluice gate is located on survey no. 194/ 1 to 10,12,20,21,22,23; 195 / 1 to 30, 32; 196/ 1 to 26; 197/ 1 to 45; 198/ 1 to 47, in chorao village, tiswadi taluka. There is an existing bandh which encircles the entire property with a sluice gate at the north of the property.
2. The eastern portion of the land is separated from the rest by an intermediate bandh which has been damaged due to non-maintenance
3. Except for the portion of the bandh in the south of the property, the rest of the bandh shows sign of degradation. Seepage of water from the river into the khazan property is clearly evident and visible at multiple points along the bandh.
4. There is a sluice gate at the north of the property which also needs to a repair
5. Western portion is a cultivable with vegetables and other crops, evident from the open dug wells.
6. Damage to the bunds has created problem for agriculture practices
7. The proponent has requested permission for the repair of the bandh as well as the sluice gate.
8. The total length of the bunds to be repaired is approximately 1384 meters as depicted in attached plan

**Recommendations**

Looking at the situation and role bunds and sluice gate play in arresting the excess saline water ingress, this is recommended for repair by use of eco-friendly material including laterite, geotextiles and other technology as appropriate which does not cause ecological damage.

**Decision: The Authority after detailed discussion decided to approve repair of Existing Bandh and sluice gate for M/s Milestone Resorts situated at Chorao village of Tiswadi taluka.**

**Case No.2.4**

**Construction of compound wall in Sy.No.33/4, plot No.1 of Utorda Village Salcete Taluka.**

**Background.**

The Office of the GCZMA is in receipt of an application dated 14/09/2021from Lancaster Andrade, H.no.1, Near Rvy Gate, Cansaulim Goa regarding construction of compound wall in Sy.No.33/4, plot No.1 of Utorda Village Salcete Taluka.

**Site inspection report:**

The site was inspected by Mahesh Patil, Expert Member (GCZMA), Sujeetkumar Dongre Expert Member (GCZMA) & Satishkumar Naik, Field Surveyor (GCZMA).

The site inspection was conducted on 22/09/2021 at 5.30 pm along with Mr. Roy Pereira. As per draft CZMP the Sy.No.33/4 partly falls within 400 to 500 from HTL. In order to provide traditional access to the villagers, the plan specifically provides 1.5 meters wide access at western & southern boundary of the property. The permission may be granted for construction of laterite stone masonry compound wall as per the plan submitted.

**Decision: The Authority after detailed discussion decided to approve Construction of compound wall in Sy.No.33/4, plot No.1 of Utorda Village Salcete Taluka.**

**Item 3**

**To decide on applications for Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc. (as annexed as Annexure –I)**

***Meeting ended with thanks to the chair.***

Member Secretary
**(GCZMA)**

Chairman
**(GCZMA)**

# Erection of Temporary Seasonal Structures i.e Shacks /Cottages /Huts /Tents etc

**Village: Anjuna- Caisua (Sea)** **Taluka:Bardez**

| Sr. No | Inward Date | Name of the Applicant | Sy. No | Sub. Div No. | Plot area | 33% Permissible Area | Applied for | | | Application Status | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Huts | Shack | Area | | |
| 1. | 16-08-2021 | Vathu Vassu Govekar | 222 | 5 | 350.00 | 115.5 | - | 1 | 110.00 | Recommended | Approved |

ANNEXURE - H

# G O A  G R E E N  B R I G A D E

GROUND FLOOR, SHAMBHAVI APTS,' D.V. ROAD, PANJIM, GOA. 403001. Cellphone No. 9823073265

To:

**The Chairman/ Member Secretary**
Goa Coastal Zone Management Authority (GCZMA)
Department of Environment and Climate Change
Patto, Panjim, Goa. 403001.
Via Email: goacoastalzone@gmail.com

**June 10, 2025**

**Subject: Our Written Submissions in Lieu of the Attendance for the Personal Hearing Scheduled today 10/06/2025. *Reference: Urgent Complaint Against Destruction of Coastal Regulatory Zone by Hotel Grand Hyatt, Bambolim beach & Demand for Immediate Restoration of Beach.***

Sir/Madam

With reference to the captioned subject, we place on record for today's GCZMA hearing the following written submissions on the blatant destruction of the Coastal Regulatory Zone (CRZ) & encroachment in the CRZ area by Hotel Grand Hyatt, Bambolim / Goan Hotels & Realty:

1. The blatant and alarming CRZ violations and ecological damages caused by Hotel Grand Hyatt, Bambolim / Goan Hotels & Realty Pvt Ltd with the encroachment and construction of the wall within the hightide line must to be immediately removed without any delay.

2. The illegal construction and landscaping within the CRZ area and the debris dumped on the Bambolim beach must be removed without the use of any heavy earthmoving machinery. Any delay will cause irreversible environmental damage, including destruction of fish breeding grounds, native beach crabs and Window Pane Oysters breeding grounds, which are essential components of the coastal food web as sandpiper & other birds are dependent on Beach Crabs.

3. The Bambolim beach area must be immediately freed of any obstruction of traditional access paths to the beach to the public. The construction of the wall and encroachment by the captioned

violator into the CRZ area has adversely affected local fishing communities and the public's right to access the coast as the debris of the fallen retaining wall has spread all over the Bambolim beach.

4. It is crystal clear that the main cause of collapse of the retaining wall built by the violators Hotel Grand Hyatt / Goan Hotels & Realty was due to its construction within the eco-sensitive intertidal CRZ area. Therefore, the encroachment on the entire stretch of the Bambolim beach needs to demolished and the beach area restored to its original state by initiating **URGENT** measures to rejuvenate the eco-system of the Bambolim beach. In this context, we reiterate the contents of our complaint to the GCZMA dated 15/03/2025 which you'll are well aware of.

5. We categorically reject the fraudulent claim of the captioned environmental violators that they have valid and subsisting approval dated 23/09/2021 ostensibly issued by the GCZMA as this so called approval was never part of any GCZMA meeting leave alone the 271st GCZMA meeting held on 21/09/2021. Therefore, this fraudulent approval is clearly an afterthought to cover-up the blatant CRZ violations and environmental crimes. In this context, we demand that the GCZMA initiate criminal proceedings against its officials involved in the issue of the back-dated approval dated 23/09/2021 to build the retaining wall in the CRZ area and provide us certified copies of GCZMA's outward entry register and its inspection too and the acknowledgement of the Postal receipt of the same by the violator Hotel Grand Hyatt / Goan Hotels & Realty.

6. Without prejudice to our rights and contentions in the interest of protecting our environment and in the light of the above facts, you / GCZMA is requested to initiate appropriate measures to enforce the CRZ regulations, remove all encroachments in the intertidal zone as per law and initiate criminal proceedings as pleaded above.

**(Avertino Miranda)**
Convenor.
avertino@gmail.com

860
404

Gmail colva forum <colvacivicconsumerforum@gmail.com>

# Fwd: Written Submissions for today's 10/05/2025 GCZMA hearing

1 message

**Avertino Miranda** <avertino@gmail.com> Sat, Oct 25, 2025 at 2:16 PM
To: "colvacivicconsumerforum@gmail.com" <colvacivicconsumerforum@gmail.com>

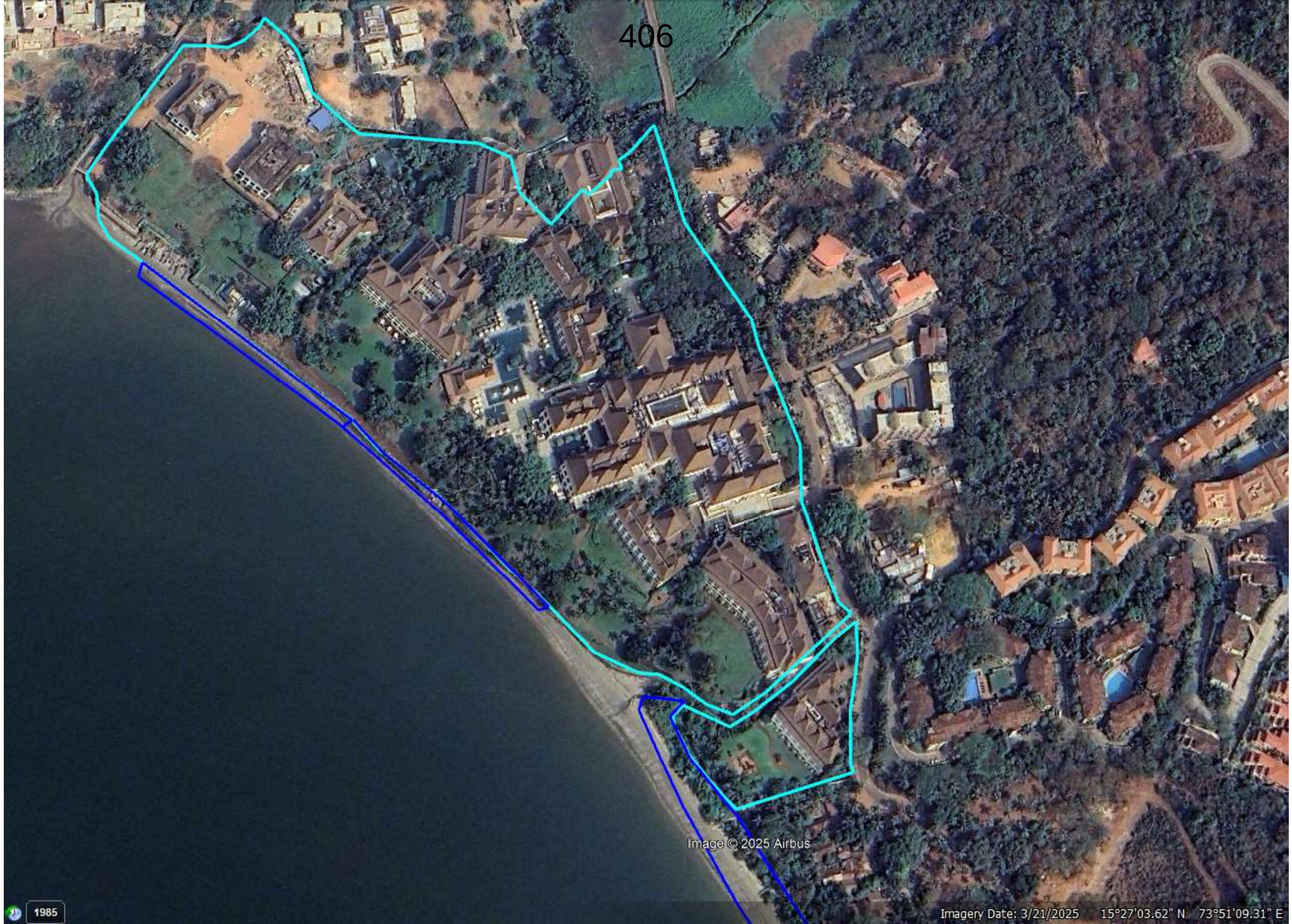
---------- Forwarded message ---------
From: **Avertino Miranda** <avertino@gmail.com>
Date: Tue, 10 Jun 2025, 14:06
Subject: Written Submissions for today's 10/05/2025 GCZMA hearing
To: gczma gczma <goacoastalzone@gmail.com>

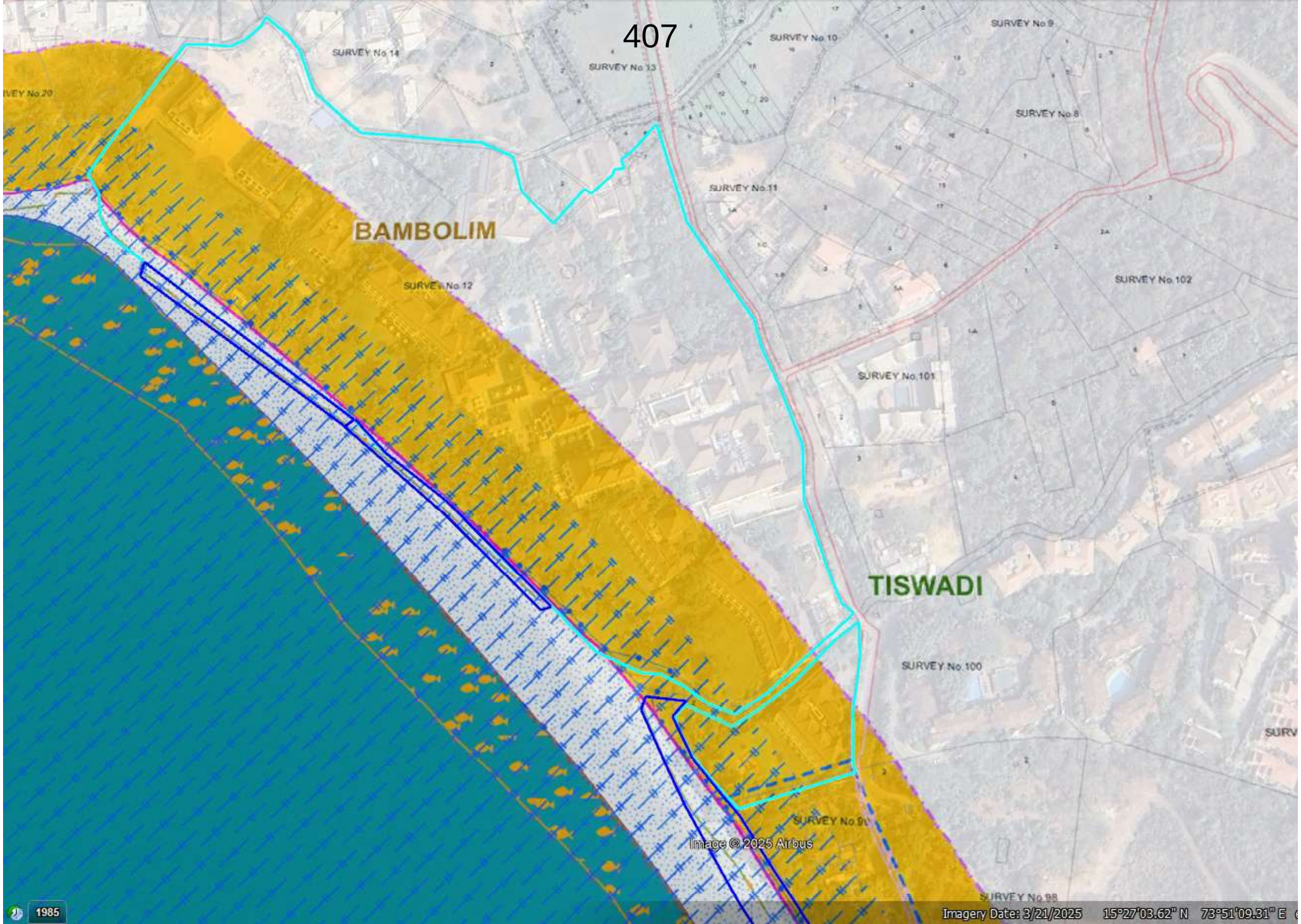
**Please find attached with this email Our Written Submissions in Lieu of the Attendance for the Personal Hearing Scheduled today 10/06/2025. *Reference: Urgent Complaint Against Destruction of Coastal Regulatory Zone by Hotel Grand Hyatt, Bambolim beach & Demand for Immediate Restoration of Beach.***

**Grand Hyatt Bambolim GCZMA Written Submissions June10.docx**
21K

ANNEXURE - 861

862


406
Image © 2025 Airbus
1985
Imagery Date: 3/21/2025 15°27'03.62" N 73°51'09.31" E


SURVEY No.14
SURVEY No.13
SURVEY No.10
SURVEY No.9
SURVEY No.8
SURVEY No.11
BAMBOLIM
SURVEY No.12
SURVEY No.102
SURVEY No.101
TISWADI
SURVEY No.100
SURVEY No.98
Image © 2025 Airbus
1985
Imagery Date: 3/21/2025 15°27'03.62" N 73°51'09.31" E

# Government of Goa

## Directorate of Settlement and Land Records

### Survey Plan

**TISWADI Taluka** **BAMBOLIM Village**

N

Scale 1:4000 Reference No.: 1000000930303

This is for Information Purpose Only

**FORM I & XIV**

नमुना नं १ व १४

1111

Date : 25/10/2025



Taluka तालुका: TISWADI

Village गांव: Bambolim

Name of the Field शेताचें नांव: Vadgai Dando

Survey No. सर्वे नंबर: 99

Sub Div. No. हिस्सा नंबर: 1

Tenure सत्ता प्रकार:

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

| Dry Crop जिरायत | Garden बागायत | Rice तरी | Khajan खाजन | Ker केर | Morad मोरड | Total Cultivable Area एकूण लागण क्षेत्र |
|---|---|---|---|---|---|---|
| 0000.00.00 | 0000.76.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.76.00 |

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

| Class (a) वर्ग (अ) | Class (b) वर्ग (ब) | Total Un-Cultivable Area एकूण नापिक जामीन |
|---|---|---|
| 0000.00.00 | 0000.00.00 | 0000.00.00 |

| Grand Total एकूण |
|---|
| 0000.76.00 |

Remarks शेरा

Assessment : आकार Rs. 0.00 | Foro फोर Rs. 0.00 | Predial प्रेदियाल Rs. 0.00 | Rent रेंट Rs. 0.00

| S.No | Name of the Occupant कब्जेदाराचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | Elven D'Souza. | | | |
| 2 | Savio Nunes. | | | |
| 3 | 2 Two | | | |

| S.No. | Name of the Tenant कुळाचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | ----------Nil---------- | | | |

| Other Rights इतर हक्क<br>Name of Person holding rights and nature of rights:<br>इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|
| Caretaker of Band<br>Minguel Rodrigues. | | |

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

| Year वर्ष | Name of the Cultivator लागण करणा-याचे नांव | Mode रीत | Season मौसम | Name of Crop पिकाचे नांव | Irrigated बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Unirrigated जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Land not Available for Cultivation नापिक जमीन Nature प्रकार | Land not Available for Cultivation नापिक जमीन Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Source of irrigation सिंचनांचा प्रारि | Remarks शेरा |
|---|---|---|---|---|---|---|---|---|---|---|
| | ----------Nil---------- | | | | | | | | | |

**End of Report**

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

This is for Information Purpose only

866

410

**FORM I & XIV**

1111

Date : 25/10/2025

नमुना नं १ व १४

Page 2 of 2

| | | | |
|---|---|---|---|
| Taluka<br>तालुका | TISWADI | Survey No.<br>सर्वे नंबर | 99 |
| Village<br>गांव | Bambolim | Sub Div. No.<br>हिस्सा नंबर | 1 |
| Name of the Field<br>शेताचें नांव | Vadgai Dando | Tenure<br>सत्ता प्रकार | |

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# Government of Goa

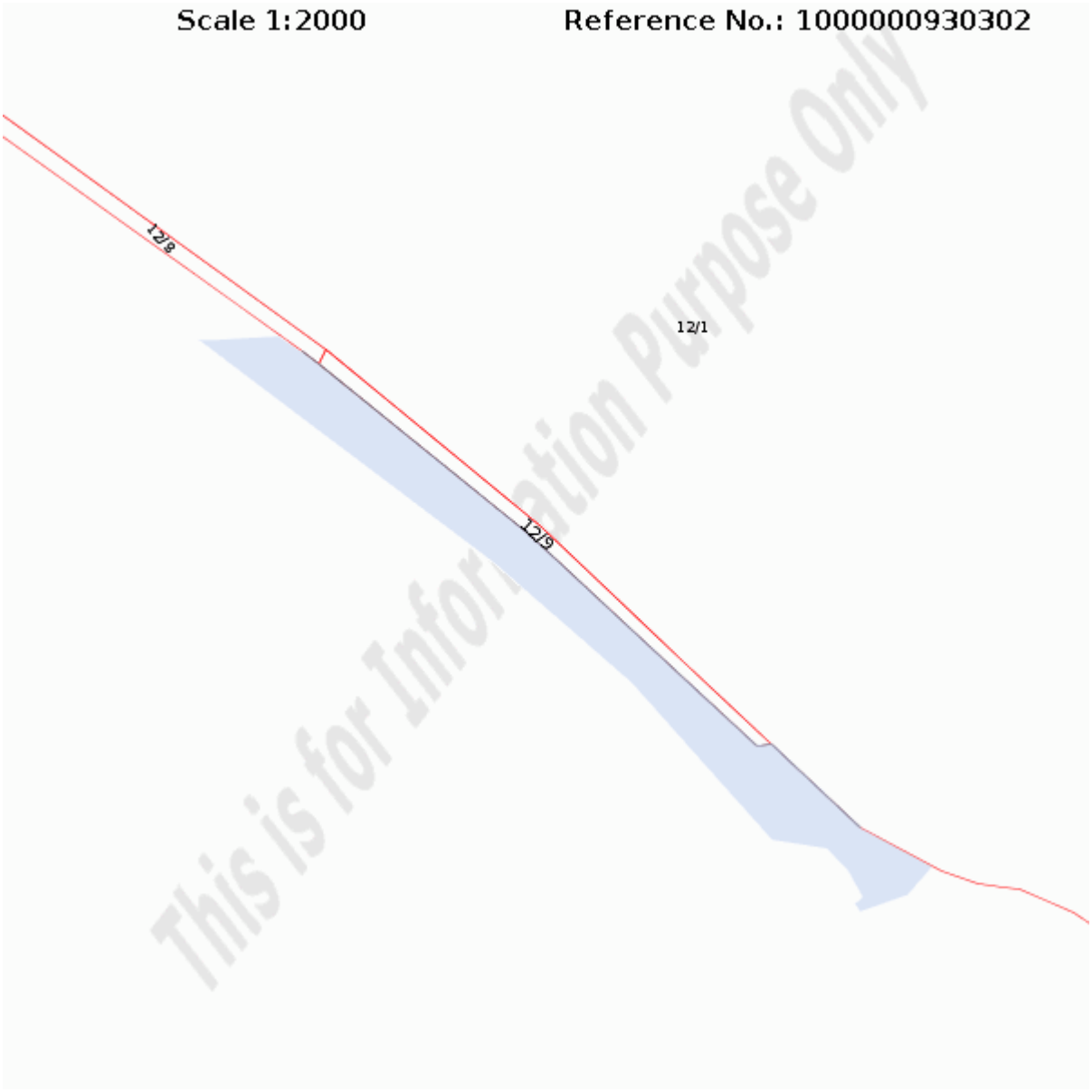
## Directorate of Settlement and Land Records

### Survey Plan

**TISWADI Taluka** **BAMBOLIM Village**

N

Scale 1:2000 Reference No.: 1000000930302

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**FORM I & XIV**

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Date : 25/10/2025

नमुना नं १ व १४

Page 1 of 1

Taluka तालुका: TISWADI

Survey No. सर्वे नंबर: 12

Village गांव: Bambolim

Sub Div. No. हिस्सा नंबर: 9

Name of the Field शेताचें नांव: Vodle Bhat

Tenure सत्ता प्रकार:

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

| Dry Crop जिरायत | Garden बागायत | Rice तरी | Khajan खाजन | Ker केर | Morad मोरड | Total Cultivable Area एकूण लागण क्षेत्र |
|---|---|---|---|---|---|---|
| 0000.00.00 | 0000.06.25 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.06.25 |

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

| Class (a) वर्ग (अ) | Class (b) वर्ग (ब) | Total Un-Cultivable Area एकूण नापिक जामीन |
|---|---|---|
| 0000.00.00 | 0000.00.00 | 0000.00.00 |

| Grand Total एकूण |
|---|
| 0000.06.25 |

Remarks शेरा

Assessment : आकार Rs. 0.00 | Foro फोर Rs. 0.00 | Predial प्रेदियाल Rs. 0.00 | Rent रेंट Rs. 0.00

| S.No | Name of the Occupant कब्जेदाराचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | Elvina D'Souza | | | |

| S.No. | Name of the Tenant कुळाचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | ----------Nil---------- | | | |

| Other Rights इतर हक्क<br>Name of Person holding rights and nature of rights:<br>इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|
| Caretaker<br>David Andrade | | |

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

| Year वर्ष | Name of the Cultivator लागण करणा-याचे नांव | Mode रीत | Season मौसम | Name of Crop पिकाचे नांव | Irrigated बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Unirrigated जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Land not Available for Cultivation नापिक जमीन Nature प्रकार | Land not Available for Cultivation नापिक जमीन Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Source of irrigation सिंचनांचा प्रारि | Remarks शेरा |
|---|---|---|---|---|---|---|---|---|---|---|
| | ----------Nil---------- | | | | | | | | | |

**End of Report**

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

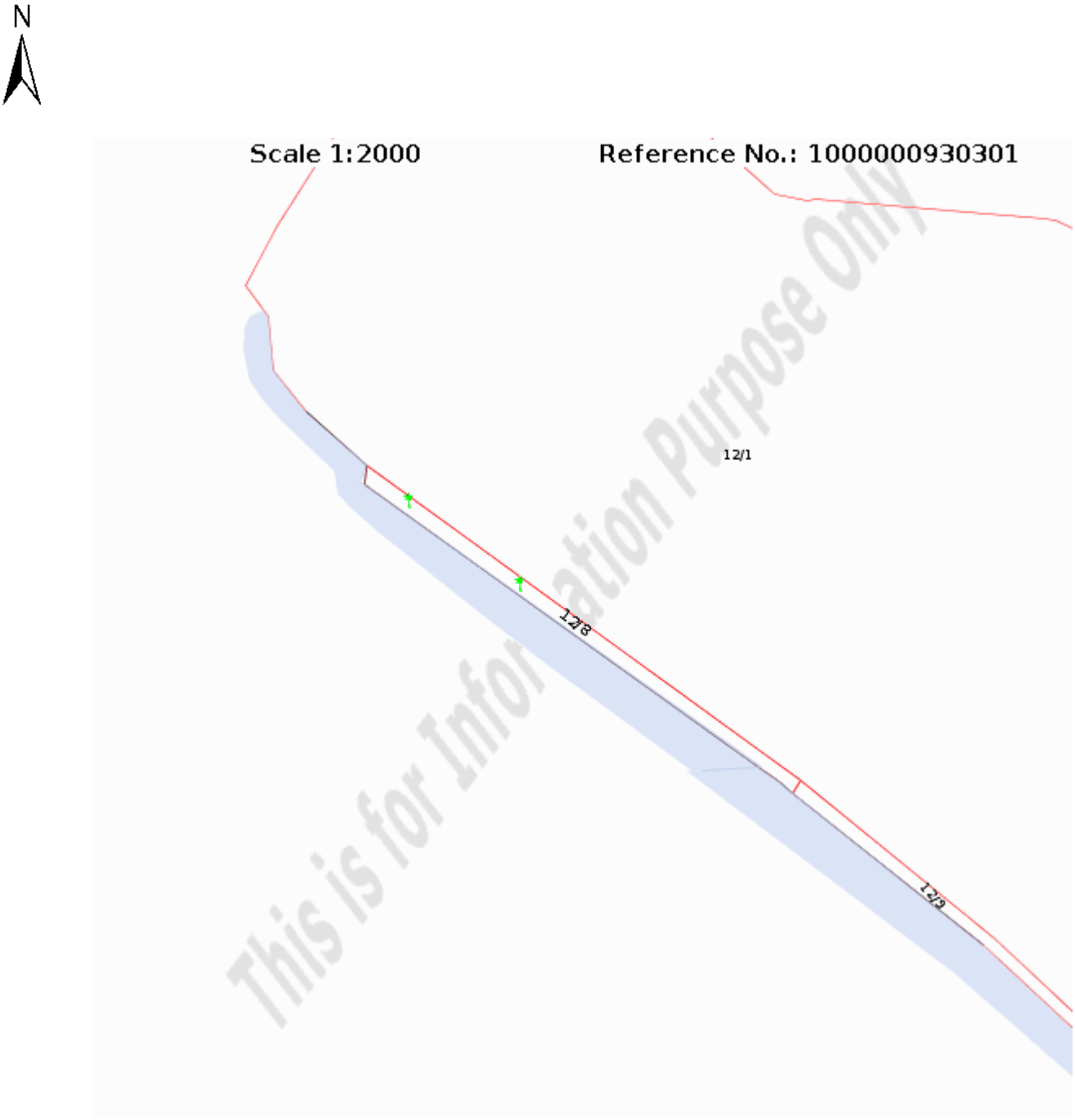
This is for Information Purpose only

# Government of Goa

## Directorate of Settlement and Land Records

### Survey Plan

**TISWADI Taluka** **BAMBOLIM Village**



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**FORM I & XIV**

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Date : 25/10/2025

नमुना नं १ व १४



Taluka तालुका: TISWADI

Village गांव: Bambolim

Name of the Field शेताचें नांव: Vodle Bhat

Survey No. सर्वे नंबर: 12

Sub Div. No. हिस्सा नंबर: 8

Tenure सत्ता प्रकार:

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

| Dry Crop जिरायत | Garden बागायत | Rice तरी | Khajan खाजन | Ker केर | Morad मोरड | Total Cultivable Area एकूण लागण क्षेत्र |
|---|---|---|---|---|---|---|
| 0000.00.00 | 0000.08.75 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.08.75 |

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

| Class (a) वर्ग (अ) | Class (b) वर्ग (ब) | Total Un-Cultivable Area एकूण नापिक जामीन |
|---|---|---|
| 0000.00.00 | 0000.00.00 | 0000.00.00 |

| Grand Total एकूण |
|---|
| 0000.08.75 |

Remarks शेरा

| Assessment : आकार | Rs. 0.00 | Foro फोर | Rs. 0.00 | Predial प्रेदियाल | Rs. 0.00 | Rent रेंट | Rs. 0.00 |
|---|---|---|---|---|---|---|---|

| S.No | Name of the Occupant कब्जेदाराचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | Elvina D'Souza | | | |
| 2 | Laxmikant Vassudev Sinari | | | |
| 3 | Shamsundar Shripad Sinari | | | |
| 4 | 3 three | | | |

| S.No. | Name of the Tenant कुळाचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|---|---|
| 1 | ----------Nil---------- | | | |

| Other Rights इतर हक्क<br>Name of Person holding rights and nature of rights:<br>इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार | Mutation No. फेरफार नं | Remarks शेरा |
|---|---|---|
| Care taker<br>David Andrade | | |

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**FORM I & XIV**

1111

Date : 25/10/2025

नमुना नं १ व १४



Taluka तालुका: TISWADI

Survey No. सर्वे नंबर: 12

Village गांव: Bambolim

Sub Div. No. हिस्सा नंबर: 8

Name of the Field शेताचें नांव: Vodle Bhat

Tenure सत्ता प्रकार:

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

| Year वर्ष | Name of the Cultivator लागण करणा-याचे नांव | Mode रीत | Season मौसम | Name of Crop पिकाचे नांव | Irrigated बागायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Unirrigated जिरायत Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Land not Available for Cultivation नापिक जमीन | | Source of irrigation सिंचनांचा प्रारि | Remarks शेरा |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Nature प्रकार | Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी. | | |
| | ----------Nil---------- | | | | | | | | | |

**End of Report**

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

This is for Information Purpose Only

Gmail **Aagney Sail <aagneysail@gmail.com>**

# Additional Affidavit to I.A. No. 809/2025(WZ) in Appeal No. 437/2025(WZ) listed on 27.10.2025

**Aagney Sail** <aagneysail@gmail.com> Sat, Oct 25, 2025 at 10:20 PM
To: gczma gczma <goacoastalzone@gmail.com>, Chief Secretary <cs-goa@nic.in>, monitoring-crz@nic.in, secy-moef@nic.in, info@dbg.co.in, Shankar Swaminathan <shankar@chambers.net.in>

Dear All,

Please find attached the additional affidavit to I.A. No. 809/2025(WZ) in Appeal No. 437/2025(WZ) listed on 27.10.2025.

Best

Adv. Aagney Sail,
Mobile: +91.9810076618

Additional Affidavit - IA 809-2025.pdf