

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

APPEAL NO. 51 OF 2022 [WZ]

BETWEEN:

The Colva Civic and Consumer ForumAPPELLANT

AND

The Goa Coastal Management
 Authority and Ors.RESPONDENTS



ADDITIONAL AFFIDAVIT TO SHOW STRUCTURES
TO BE DEMOLISHED

I, Judith Almeida, Indian national, President of the Appellant organization herein, do hereby solemnly affirm and state as under:

1. I state that I am filing the present affidavit to clearly identify the structures constructed without approval from any authorities within the said property bearing Sy. No. 24/1 in the NDZ of CRZ III of Colva village, Salcete, Goa.
2. The R1 has relied on the mapping of the structures shown in orange in the legend in the NDZ of Colva and Sernabatim under directions of the Hon'ble High Court in PIL WP 10 / 2020 filed by this Appellant. No site Inspection to ground verify the violations was done by the Respondent Authority.

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Maps showing structures and extensions beyond the approval of 01.12.1995

3. Following are three Colour Coded maps provided by this Appellant that give description of the number of structures that have illegally mushroomed are without any approvals from the GSCCE or GCZMA. It must be noted that the R1/GCZMA has depended on the mapping of January- February 2022 report of Directorate of Settlement and Land Records to verify the several violations in its order dt 12.10.2022 and 19.10.2022 and hence this Appellant who is the Complainant is compelled to use Satellite imagery superimposed on DSLR maps to identify the several violations in the property bearing survey number 24/1 in the NDZ of CRZ III of Colva Village.

A) Annexed as Exhibit 1 is the copy Titled as 'Extract of DSLR Survey Map with labelling of built structures'. Described below;

i). Yellow colour - Plot - A, S.No. 24/1, Colva village.

ii). Red colour box- A, B, C, D, E, F-Colly ; Structures to be demolished marked by DSLR in orange and identified by the Respondent 1 in order dt. 12.10.2022/19.10.2022 as A to F colly.

iii). Red Colour box - U, V and W : Additional structures mushrooming near the structure 'X' shown in DSLR map to be considered for demolition.

iv). Blue Colour box : 'X and Y' : Shown [earlier on page 11 para 29-A and page 145 (Exh 'R')] are Additional structures requested to be marked for demolition.

v). Pink Colour box : 'T and Z' : Additional structures seen in satellite imagery mushrooming near structures 'X and Y' and needs ground verification.

vi) Green Colour Box : Main building structure.



4. It is submitted that the Site Plan (refer page 77) shows that area of the existing structures in 1995 was only 468.09sqm of the multiple ground floor structures. No permission could have been granted for repair and/or reconstruction for more than the existing area. It is strange that pursuant to the CRZ Notification 1991 dt.19.02.1991, the erstwhile GSCCE would grant permission to reconstruct a Stilt plus 2 floors for an area of 341.80sqm on each floor (refer page 6 para 13 to 15, 19). RTI's filed to the Town and Country Planning Department and complaints to the vigilance officer of the Resp. no1 and the Directorate of Vigilance yielded no results, as no file could be traced by any of these Departments. Annexed as **Exhibit 2 Colly** are copies of the complaint dt. 30.05.2023 , letter dt. 30.06.2023 of the Vigilance Officer of the GCZMA and Letter dt 17.07.2023 of the Directorate of Vigilance. No files have been traced till date.

5. I reiterate that the R4 has not produced any document/NOC's , permissions, licences etc prior to the so called approval dt 01.12.1995 and this raises the suspicion of fraud committed and needs investigation. The Respondent No 4 has not produced the original copy of the so called permissions. No permissions could have been granted for reconstruction of a Residential Complex in the NDZ which is illegally converted for commercial activities_ (refer site Plan page 77 Exh F) AREA STATEMENT :

I a). Existing area = 468.09 sqm.

b). Proposed area for structure ie stilt+ 2 floor 341.80 sqm on each floor which is an illegal permission.

II) The Private Architects Report of Resp no 4 shows built up area of stilt + two floors [428.21sqm on each floor (Refer page 159 para 24 and Annexure 2, page 186-188) which clearly indicates that the coverage area consumed on the ground is 86.41 sqm and on each of the two upper floors in excess of the so called approved area dt 01.12.1995, which amounts to large illegal extensions to the main



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structure itself, a serious violation of the CRZ Notification 1991 with regards to NDZ CRZ III regulation [Refer to '*CRZ Notification 1991 Annexure I 6(2) CRZ III (i)*']

B). Annexed as Exhibit 2 is the copy of the Google Satellite imagery labelled with structures seen in plot –A survey no 24/1, NDZ CRZ III of Colva village.

Description of structures in Colour code on Satellite image :

- i) Yellow colour Plot –A, Sy. No. 24/1, Colva village.
- ii) Red Colour : 'A' : Structure is seen but profile and shape needs ground verification.
- iii) Red Colour : 'B' : Structure is hidden out under the tree cover and needs ground verification.
- iv) Red colour : 'C, D, E and F-Colly : structures are too small and cannot be interpreted due to lack of spectral contrast.
- v) Red colour : 'U, V, and W' : Additional structures mushrooming near the structure – X noted by DSLR, but are too small and need ground verification.
- vi) Blue colour : 'X and Y' : Additional structures requested to be marked for demolition can be clearly seen [*earlier on page 11 para 29-A and page 145 (Exh 'R')*].
- vii) Pink Colour : 'T and Z' : Additional structures seen in satellite imagery mushrooming bear X and Y and need ground verification.
- viii) Green Colour : Main building.

Limitations :

Google Satellite imagery is dated 23/12/2022, hence interpretation is limited till that date.

Tree foliage may cover up small structures which may not be visible. Small structures seen as dark colour may be difficult to interpret due to lack of colour contrast in the spectral image and resolution limitation.



C) Annexed as Exhibit 4 is a copy of the Regional plan of Colva village showing Plot – A, Survey No 24/1 of Colva village, Salcete Taluka Goa and CRZ –III-200m NDZ line.

i) Red colour box : Plot- A in S.No. 24/1 of Colva village within the 200m NDZ line.

6). It is evident that the structures A to F - Colly and structures marked as U, V, W, X, Y, T and Z are all structures constructed without any approval and hence are illegal.

7) Assuming without admitting the legitimacy of the approval dt. 01.12.1995, if we are to go by the approval, for an area of 341.80sqm on all three floors, then the Private Architects report records that the built up area constructed is 428.21 sqm on each floor (refer page 186,187) a further increase of 86.41 sqm without any approvals from any authorities by which and the main building structure marked as 'O' in Map No. 1 &2 is constructed - by extending each floor in excess of 86.41 sqm which is beyond the approved plan dt 01.12.1995. Hence the present Structure 'O' ie main building too is illegal and must be demolished.

8) Reconstruction or repair of structures in the NDZ of CRZ III is only permitted based on existing plinth which was 468.09 sqm. F.A.R is calculated only between 200 – 500 m from HTL.

Plot- A, Area = 1570 sqm.

Existing Area on 01.12.1995	Proposed area for reconstruction on 01,12,1995 of only the main building	PrIVATE Architects Report dt 29.05.2023 of only the main building
468.09Sqm	341.80 x 3 = 1025.40 sqm	428.21x 3 = 1284.63 sqm
	1025.40 – 468.09 = 557.31 excess area	1284.63 – 468.09 = 816 . 54 excess area
FAR = 29.81	FAR = 65.31%	FAR 81.82%

[Handwritten signature]

Panchayat appointed Architect report dt.27.09.2013 (refer page 78-80)
 Total built up area of all structures constructed in the property is 1568.56 sqm F.A.R. is 106%

8) The FAR though not calculated in the NDZ the same is shown in the tables only for the purpose to show the excess area consumed which are in violation of the NDZ regulation of the Environment Protection Act 1986 and its subsequent CRZ Notifications.

I state that the contents of paragraphs 1- 8 are correct and true to my own knowledge and official documents/ records, and that the submissions are made on legal advice which I believe to be true. No part of it is false and nothing material has been concealed therefrom, annexures enclosed are true and correct copies of their respective originals.

Solemnly affirmed and verified at Margao, Goa ,
 This the 13th day of January 2024.



Regd. No. 268/2009/GOA
 DEPONENT

Solemnly affirmed before me by
Judith Almeida
 who is identified by
 EPIL Card no KNX 3050465
 to whom I personally know
 Reg. No. 512/2024
 Date: 13/01/2024

[Signature]
 SUREXA P. LOTLECAR
 NOTARY MARGAO
 SALCETE TALUKA
 STATE OF GOA (INDIA)

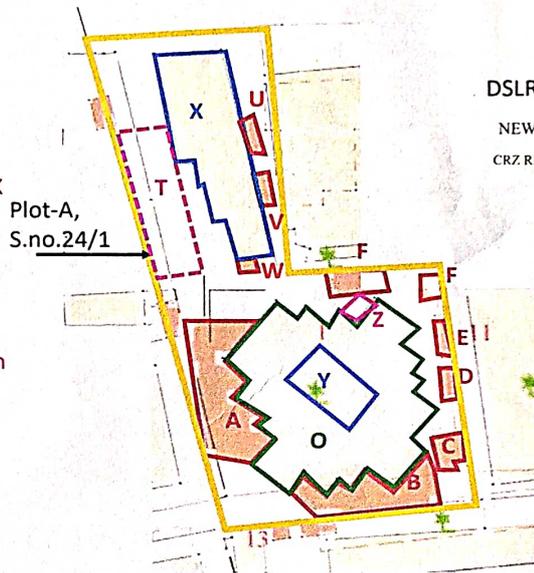


EXHIBIT 1

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Description of colour code:

- o Plot-A, S.No.24/1, Colva village
- o A, B, C, D, E, F-colly: Structures to be demolished marked by DSLR
- o U, V and W: Additional structures mushrooming near the structure-X shown in DSLR map to be considered for demolition
- o X, Y: Additional structures requested to be marked for demolition
- o T and Z: Additional structures seen in satellite imagery mushrooming near X and Y and needs ground verification
- o O: Main building structure



DSLRL Survey Map Legend

NEW BUILDINGS



CRZ RESURVEY BUILDINGS 2006



Disputed structures in Plot-A, Survey No. 24/1 Colva village to be demolished

Extract of DSLR Survey Map with labelling of the built structures

JA

O/C

EXHIBIT 2 COPY

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COLVA CIVIC AND CONSUMER FORUM

Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF/VIGILANCE - GCZMA/10/2023-24 Date: 29.05.2023

To,

The Vigilance officer,

O/o the Dept for Environment & CC/Goa Coastal Zone Management Authority,
4th Floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

O/o Member Secretary

Goa Coastal Zone Management Authority

C/o Department of Environment & Climate Change

Dempo Tower 4th Floor,

Patto Plaza, Panaji, Goa, 403001

Patto Plaza, Panaji, Goa, 403001

30/5/23

CC to the Director of Vigilance, govt. of Goa, Altinho, Panaji, Goa 403 001.

Sub : To conduct a thorough inquiry/investigation and take necessary action as per law with respect to M/s Shamiraj Hotels Pvt. Ltd/Sea Coin Hotel in Sy. No 24/1, in the No Development Zone of CRZ – III of Colva village, Salcete, Goa.

Sir,

I am herein filing a complaint to conduct a thorough inquiry and take necessary action as per law.

1. I have inspected the complete file in the GCZMA office with respect to M/s Shamiraj Hotels Pvt. Ltd/Sea Coin Hotel in Sy. No 24/1; Colva village, Salcete, Goa on 25.05.2023.
2. I say that the file contains only documents produced by the Respondent to the GCZMA subsequent to the Show Cause Notice dt 30.03.20112 under ref no GCZMA/SAL/Col/11-12/24/1430. The only documents produced by the Respondent are Town Planner's letter dt 1/12/95 under ref. no. SAL/42/TCP-95/4482 along with a site Plan and a plan showing a typical ground plus first floor. There is no plan to show the stilts which is shown in the area statement of the Site Plan dt 1/12/1995..
3. Hence for the above and further reasons stated below this permission/Plan is suspect as;
 - a. No where in the CRZ Notification has stilt + upper ground+1st floor been permitted in the NDZ. Infact repair, reconstruction and renovation is permitted only to the traditional local residents which is of same area for an existing plinth whereas although this permission shown was granted for a residential structure the activities being carried out are that of commercial nature.

True copy
8/1

Office of the Director (Vigilance)
Government of Goa
Directorate of Vigilance
Altinho, Panaji, Goa

30/05/2023

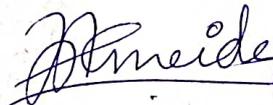
- b. This so called permission letter dt 1/12/1995 refers to a traditional building. There is no such nomenclature in the TCP Act.
- c. The area statement shows that the so called previous area consumed 468.09 sqm and the permission dt 1/12/1995 for the proposed structure shows an area of 1025sqm .
- d. The TCP department could never have committed such a greivous mistake knowing fully well that the CRZ Notification 1991 came subsequent to the Environment Protection Act 1986 which was meant to protect the NDZ and regulate the CRZ area.
- e. Reply to an RTI filed in the TCP Department stated that there is no such information in the office records.
- f. The file available in the Panchayat does not show any documents prior to 1/12/1995.

This makes it abundantly clear that there needs to be a thorough inquiry into the documents produced by the Respondent (Shamiraj Hotels/Sea Coin Hotel)

- g. As per information obtained under the RTI Act, requesting for the 9th minutes of the meeting referred to in the document/CTP permission dt 01/12/1995 from the Chief Town Planner's office, the Town and Country Planning Department South Goa the same was transferred to the office of the Goa Coastal Zone Management Authority(GCZMA). The GCZMA replied 'such details are not available in the office records'.
- h. Further the project proponent has not been able to produce any construction permissions/licences or any other documents prior to 19 February 1991. All permissions/licences etc are post 1/12/1995.

Hence it is requested that a thorough investigation be conducted to verify if these are authentic documents and if not, then further action be taken against the officers including all the Member Secretaries who have dealt with the case until the order dt 12/10/2022 & 19/10/2022 in the GCZMA for accepting such dubious documents and the Respondent M/s Shamiraj Hotels Pvt. Ltd/Sea Coin Hotel for producing dubious documents to protect an illegally constructed structure.

Yours Faithfully,



Judith Almeida



True copy JM



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Government of Goa
Department of Environment & Climate Change,
 4th floor, Dempo Tower,
 Patto, Panaji - Goa.
 e-mail: dir-env.goa@gov.in

No.6/9/2022/ENVT&CC/DIR/486

Dated: - 30/06/2023.

Urgent Please

To,
 The Member Secretary,
 Goa Coastal Zone Management Authority,
 Panaji - Goa.

Sub: - Missing of original file in respect to M/s. Shamiraj Hotels, Colva village.

Madam,

The undersigned has received a RTI letter dated 29/05/2023, from Mrs. Judith Almeida, Bagdem Colva, wherein she has stated that after inspection of the file, pertaining to Shamiraj Hotels, Colva, there are no documents with respect to the permissions granted in 1995, to the above mentioned project (copy enclosed).

As per the contains of the letter dated 29/05/2023, which are self explanatory, it is requested that the necessary directions may be issued to the staff of the Goa Coastal Zone Management Authority to search the original file containing the original permissions issued, so as to provide the same to the RTI Applicant immediately. As per the directions issued by the Government from time to time, the public members cannot be denied information requested through RTI Act, 2005.

An early action in the matter is appreciated.

Thanking you,

Yours faithfully,


 30/06/2023

(Shri Eleuterio D. Fernandes)

P. I. O/Vigilance Officer

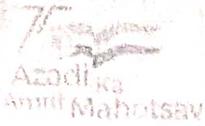
HEAD OF OFFICE

Encl: As above.

Copy to:-

Mrs. Judith Almeida,
 257/1, Bagdem, 3rd Ward,
 Colva, Salcette - Goa.

True copy

Government of Goa
DIRECTORATE OF VIGILANCE
 Serra Building, Near All India Radio,
 Altinho, Panaji Goa.

No. 5/Com-04/VO-II/2023-VIG/889

Date: 17/07/2023

CONFIDENTIAL

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
 5th Floor, Myles High Corporate Hub,,
 Patto, Panaji-Goa

Sub: Vigilance enquiry reg....

Sir,

This Directorate is in receipt of Complaint dated 29/05/2023 from Judith Almeida, Colva Civic And Consumer Forum, H.No.257/1, Bagdem, Ward No.3, Colva, Salcete, Goa, wherein allegations are self-explanatory, a copy of Complaint is enclosed for your kind perusal.

In this regard, I am directed to request you to verify the allegation made in the Complaint and take deem fit action in the matter at your end as per the Law in force, under intimation to the Complainant and copy of the same marked to this Directorate for information.

Yours faithfully,

(Rupa Paramasivan)
Vigilance Officer-II

Encl: As above.

Copy to:-
 Judith Almeida,
 Colva Civic and
 Consumer Forum,
 H.No.257/1, Bagdem,
 Ward No.3, Colva
 Salcete, Goa

The complaint has been forwarded to the Concerned Department to take action at their end, as per the law in force.

Line Copy
 JA

EXHIBIT 3 (12)

Description of colour coded structures on Satellite image:

- Plot-A, S.No.24/1, Colva village
- A: Structure is seen but profile and shape needs ground verification
- B: Structure is hidden out under tree cover and needs ground verification
- C, D, E, and F-colly: Structures are too small and cannot be interpreted due to lack of spectral contrast
- U, V, and W: Additional structures mushrooming near the structure-X noted by DSLR, but are too small and needs ground verification
- X, Y: Additional structures requested to be marked for demolition can be clearly seen
- T and Z: Additional structures seen in satellite imagery mushrooming near X and Y and needs ground verification
- O: Main building structure

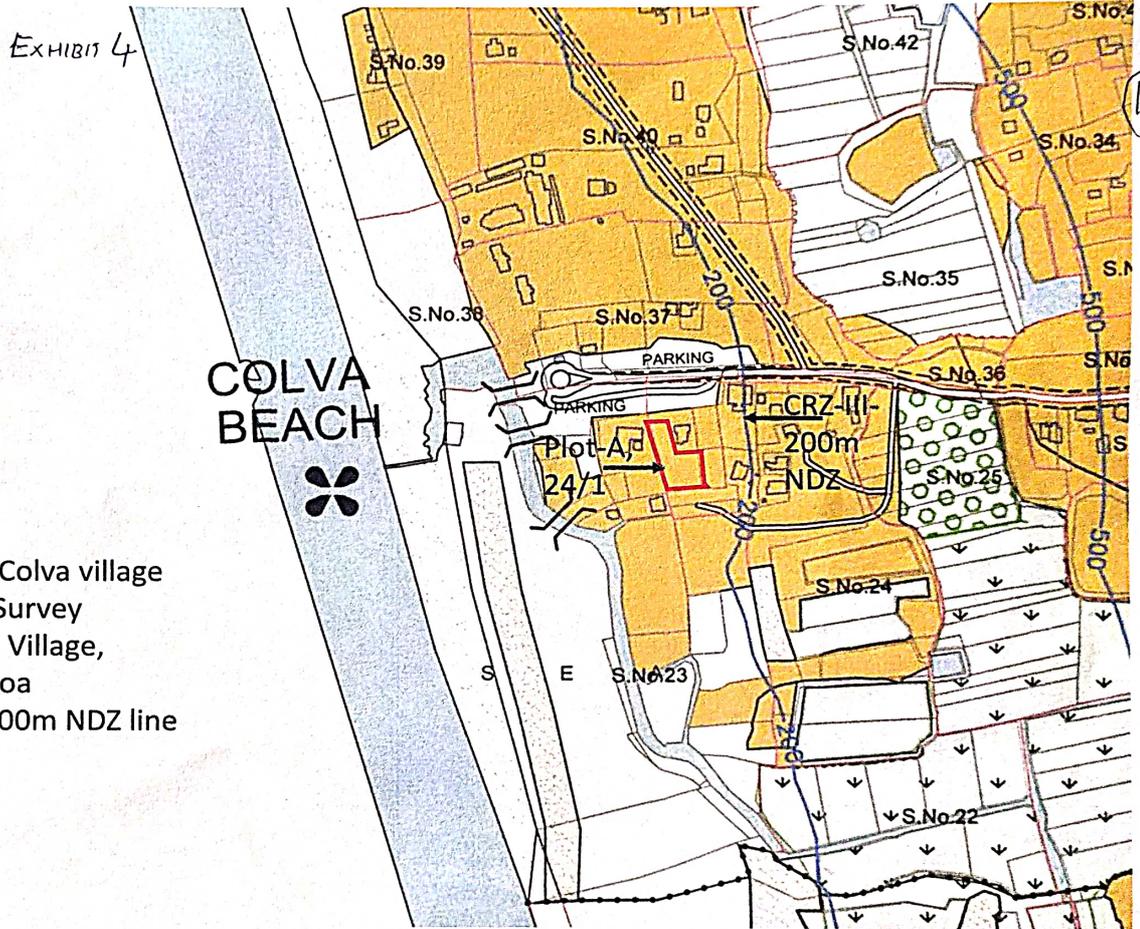
Limitations:

- Google Satellite Imagery is dated 23/12/2022, hence interpretation is limited till that date
- Tree foliage may cover up small structures which may not be visible
- Small structures seen as dark colour may be difficult to interpret due to lack of colour contrast in the spectral image and resolution limitation

Google Satellite imagery labelled with structures seen in Plot-A, Survey no. 24/1, Colva village



AA



Regional Plan of Colva village showing Plot-A, Survey No.24/1 of Colva Village, Salcete Taluka, Goa and the CRZ-III-200m NDZ line

MA