

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
EXECUTION APPLICATION No. 09 of 2024 (WZ)
IN
ORIGINAL APPLICATION No. 149 of 2024 (WZ)
(Under Section 25 of the NGT Act, 2010)**

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...EXECUTION APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & OTHERS

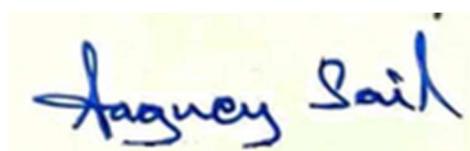
...RESPONDENTS

INDEX

NEXT DATE: 21.04.2025

S.No.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT OF EXECUTION APPLICANT	1 - 4
2.	<u>ANNEXURE – E3:</u> True and correct copy of the GCZMA de-sealing order dated 08.07.2022.	5 - 7
3.	PROOF OF SERVICE	8

EXECUTION APPLICANT
THROUGH



AAGNEY SAIL
ADVOCATE FOR THE EXECUTION APPLICANT
H. No. A-36, Rama Life City,
Uslapur,
Bilaspur, Chhattisgarh - 495223
Mobile: 09810076618
Email: aagneysail@gmail.com

Filed on: 17.04.2025

Place: PUNE

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
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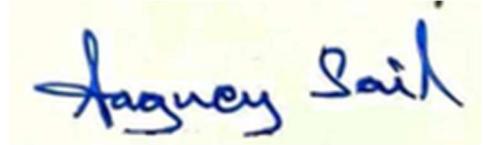
ADDITIONAL AFFIDAVIT OF THE EXECUTION APPLICANT

MOST RESPECTFULLY SHOWETH:

1. That the above-mentioned Execution Application is filed by the execution applicant and the same is pending adjudication before this Hon'ble Tribunal.
2. That on 03.03.2025 this Hon'ble Tribunal had directed impleadment of District Collector, Pernem, Goa as Respondent No. 4 on the submission of the counsel for GCZMA (Respondent No. 1).
3. That on checking the record available with the execution applicant, it is pertinent to mention that the GCZMA had vide its order dated 08.07.2022 directed de-sealing of the property functioning as Regalia Alphonso alias La-Alphonso in the property bearing survey no. 127/2, Village Morjim, Pernem, Goa. A true and correct copy of the said de-sealing order dated 08.07.2022 is hereto marked and annexed as **ANNEXURE – E3.**

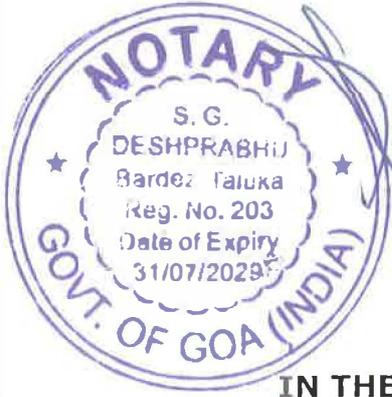
4. That, it is apparently clear that first GCZMA had issued direction dated 17.06.2022 to seal the said property (Annexure – A5 of the O.A. No. 149/2024(WZ)) and thereafter, on 08.07.2022 GCZMA issued direction to de-seal the said property in order to facilitate the site inspection & demarcation of the illegalities, which it directed to be conducted by its Expert Members along with DSLR. It is submitted that this site inspection was never carried out by GCZMA till date.
5. Hence, in light of the above stated facts and circumstances it is submitted that there is no requirement to implead District Collector, Pernem, Goa as there is no sealing order to be carried out.
6. That the present additional affidavit is bona fide and made in the interests of justice.

EXECUTION APPLICANT
THROUGH

A handwritten signature in blue ink that reads "Aagney Sail". The signature is written in a cursive style and is placed on a light yellow rectangular background.

AAGNEY SAIL
ADVOCATE FOR THE EXECUTION APPLICANT
H. No. A-36, Rama Life City, Uslapur,
Bilaspur, Chhattisgarh - 495223
Mobile: 09810076618
Email: aagneysail@gmail.com

Filed on: 17.04.2024
Place: PUNE



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

EXECUTION APPLICATION NO. 09 of 2024(WZ)
IN
ORIGINAL APPLICATION No. 194 of 2024(WZ)

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...EXECUTION APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY

...RESPONDENT

AFFIDAVIT

I, Sagardeep Sirsaikar, S/o Audumber Sirsaikar, aged about 46 years R/o H. No. 308, Welcome House, Chapora, Dabolwado, Anjuna, Bardez, Goa - 403509, do hereby solemnly state and affirm that:

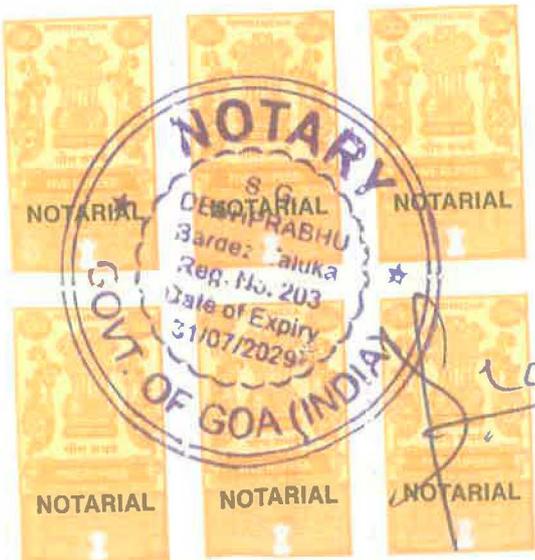
1. That I am the Applicant in the above mentioned Execution Applicant and I am aware of the facts of the present case and as such am competent to swear this affidavit.
2. That I have read and understood the accompanying additional affidavit which has been drafted on my instructions and the contents of which are true to my knowledge, belief and legal advice which I believe to be true.
3. That the Annexures E-3 is a true and correct copy of its respective original.

Arsaikar

Place: Mapusa, Goa I drew by: Anil Kumar No. 4630 1516 7363
Date: 16/04/2025

Arsaikar

DEPONENT



Solemnly affirmed before me by
Shri/Smt Sagardeep Sirsaikar
who has been identified by His/Her Advocate
Anil Kumar
mentioned above
known to me personally at Mapusa,
Bardez-Goa on 16.04.2025

Call to S. G. DESHPRABHU B A LL B
Advocate & Notary
Bardez Taluka, Mapusa-Goa
Reg. No. 203
Regi No 6349/2025

Arsaikar

VERIFICATION:

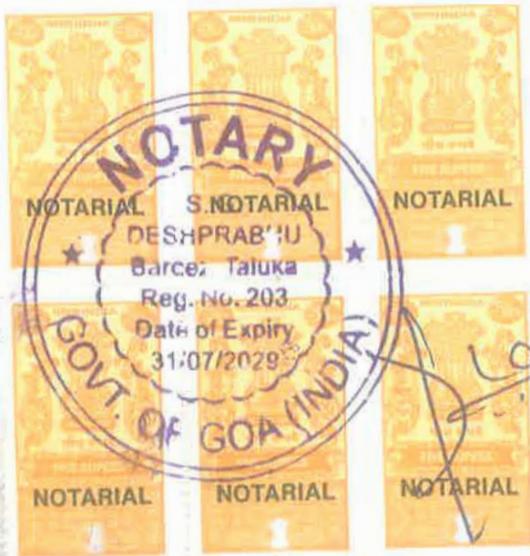
Verified that the contents of paras 1 to 3 of my above affidavit are true to my knowledge and its content is read and explained to me in the vernacular, no part of it is false and nothing material has been concealed therefrom.

Verified on 16th day of April, 2025 at Mapusa, Goa.

Identified by:
Aakshat Caud NO. 4630 15.16 7363

[Signature]

DEPONENT



Before Me
At Mapusa, Bardez-Goa on 16.04.2025

L. G. L.
S. G. DESHPRABHU BA ELB
Advocate & Notary
Bardez Taluka, Mapusa-Goa
Reg. No. 203
Regn. No. 16350/2025

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, (Govt. of Goa)
4th Floor, Dempo Towers Patto, Panaji Goa.
Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/ILLE-COMPL/20-21/40/ 764

Date: 03/07/2022

DIRECTION TO DE-SEAL THE PREMISES UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) had received a report from the Mamlatdar of Pernem Taluka bearing No. MAM/PER/CI-II/A.K./III-Const/2020/1169 dated 06/08/2020; regarding Illegal construction of structure admeasuring an area of 2899sq mts used for commercial purpose; in the property bearing No 127/2 at Vithaldaswada, Morjim Pernem and is functioning as Regalia Alphonso alias La- Alphonso.

AND WHEREAS, upon receipt of the Complaint the GCZMA vide Letter dated GCZMA/N/ILLE-Compl/20-21/40/474 dated 12/08/2019 a site Inspection was carried out on 06/11/2020.

AND WHEREAS, in the said Site Inspection of the Expert Member dated 17/09/2019 the Expert Member stated the illegalities carried out by the alleged violators.

AND WHEREAS, one Mr Sagardeep A Sirsaikar, has filed a complaint regarding permanent construction of La Alphonso Marina Beach Resort & Spa in Sy No 127/2 at Vithaldas Wada Morjim by Mr Gabrian Khaitan D'Souza and since it pertains to the violation wherein the Authority has already issued a Show Cause Notice.

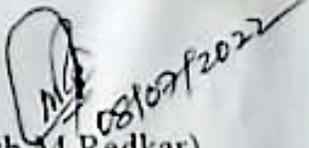
AND WHEREAS, the Show Cause Notice bearing no GCZMA/N/ILLE-COMPL/20-21/40/1970 dated 25/02/2021 is issued to the Respondent.

AND WHEREAS, the matter was placed for hearing in the 310th GCZMA Meeting held on 17/06/2022; the proceedings at the hearing were that the Complainant Mr Sagardeep Sirsaikar was present. Respondent absent the Authority decided that since the Respondent has failed to remain present for the hearing and in view of major environmental damage being caused in the property under consideration; the property needs to be sealed. The Authority decided to Seal the premises until further orders and posted the matter on 30/06/2022 at 3.00 p.m. for further hearing".

AND WHEREAS, the matter was placed for hearing in the 315th GCZMA Meeting held on 07/07/2022, the proceedings at the hearing was that, "Mr Sagardeep Sirsaikar present. Adv present on behalf of Respondent. Adv for Respondent informed the Authority that he had filed an application to recall the order of sealing and requested that the Site Inspection be carried out.

AND WHEREAS, the matter was placed for hearing in the 315th GCZMA Meeting held on 07/07/2022, the Authority decided that, "The Authority peruses the records and decided to carry out Site Inspection to identify the illegalities carried out by the Respondent, hence, decided to issue directions to the Deputy Collector to de-seal the property and further directed the Expert Members along with the DSLR to carry out a Site inspection and demarcate the illegalities carried out in the property bearing No 127/2 at Vithaldaswada, Morjim Pernem".

THEREFORE, the Deputy Collector and SDM of Pernem is hereby directed to immediately de-seal the property functioning as Regalia Alphonso alias La- Alphonso in the property bearing survey no 127/2 of Village Morjim, Pernem, Goa within 48 hours and send the Compliance report to this Authority.


(Dasharath M Redkar)
Member Secretary (GCZMA)

To,

1. The Dy. Collector & SDM of Pernem, Goa.... is hereby directed as to enforce these directions and de-seal the property bearing survey no 127/2 of Village Morjim, Pernem, Goa.

2. The Police Inspector, Pernem Police Station..... is hereby directed

(i) to provide Police protection to the Deputy Collector & SDM Pernem.

3. Dilip Sakhwala proprietor of La Alphanso.
4. Gabriel Caitan D'Souza
5. Anthony Jose D'Souza
6. Minguel D'Souza
- ✓ 7. Mr Sagardeep A Sirsaikar, resident of 308, Welcome House, Chapora,
Dabholwada Goa.



8

Aagney Sail <aagneysail@gmail.com>

**ADDITIONAL AFFIDAVIT in E.A. No. 09/2024 (WZ) -
NEXT DATE 21.04.2025**

Aagney Sail <aagneysail@gmail.com>

Thu, Apr 17, 2025 at 12:49 PM

To: gczma gczma <goacoastalzone@gmail.com>

To,

GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA),
THROUGH ITS MEMBER SECRETARY,
1st FLOOR, PANDIT DEENDAYAL UPADHYAY BHAVAN,
NEAR PUNDALIK DEVASTHAN,
PUNALIK NAGAR, PORVORIM, GOA – 403521.
EMAIL: goacoastalzone@gmail.com
PHONE: (0832)2951089 ...RESPONDENT NO. 1

Sir,

Please find attached the additional affidavit in the above-mentioned matter.
An email confirming receipt of the attached file will be highly appreciated.

Thank You,

Adv. Aagney Sail,
Counsel for Execution Applicant.
Mobile: +91.9810076618

**EA9-2024 - Additional Affidavit.pdf**
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