

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
ORIGINAL APPLICATION No. **05** of 2023

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & OTHERS

...RESPONDENTS

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NEXT DATE: 21.04.2023

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APPLICANT

THROUGH

AAGNEY SAIL

ADVOCATES FOR THE APPLICANTC36, Rama World, Tifra(N.P.), Airport Road,
Bilaspur, Chhattisgarh - 495223.

Ph. +91.9810076618.

Email: aagneysail@gmail.com

Filed on: 20.04.2023

Place: Goa

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

ORIGINAL APPLICATION No. **05** of 2023

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR

...APPLICANT

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ADDITIONAL AFFIDAVIT OF APPLICANT

MOST RESPECTFULLY SHOWETH:

1. That the abovementioned Original Application is pending adjudication before this Hon'ble Tribunal wherein notice was issued to the Respondents vide order dated 24.01.2023. The Applicant craves leave of this Hon'ble Tribunal to refer and rely on the contents of the Original Application, which have not been reproduced herein for the sake of brevity.

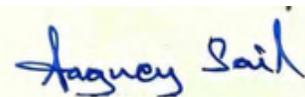
2. That the Goa Coastal Zone Management Authority (GCZMA) i.e. Respondent No. 1, conducted site inspection of the said site on 13.03.2023 in the presence of the Applicant. The Site inspection report dated nil was supplied to the Applicant pursuant to a request letter dated 24.03.2023. True and correct copies of the notice of site inspection dated 21.02.2023 is **ANNEXURE – A11**, the

letter dated 24.03.2023 submitted to GCZMA is **ANNEXURE – A12**, the GCZMA site inspection report supplied to the Applicant by hand is **ANNEXURE – A13** and the representation submitted (via email dated 30.03.2023) to GCZMA in response to the site inspection report is **ANNEXURE – A14**. It is pertinent to mention that till date no action (stop-commercial activity / show cause notice to cancel the GCZMA approval) has been taken by GCZMA till date after finding violations as mentioned in the site inspection report.

3. That the Applicant is bringing the above-mentioned documents on record to facilitate adjudication of the present matter. The same is also being done as GCZMA has not filed these documents till date for reasons best known to them.

APPLICANT

THROUGH



AAGNEY SAIL

ADVOCATE FOR THE APPLICANT

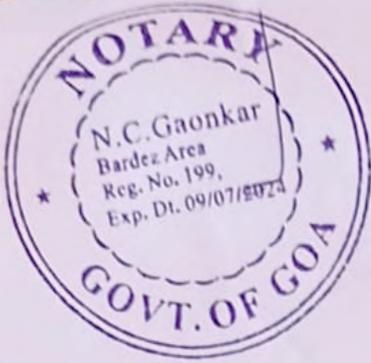
C36, Rama World, Tifra(N.P.), Airport Road,
Bilaspur, Chhattisgarh – 495223.

Ph. +91.9810076618.

Email: aagneysail@gmail.com

Filed on: 20.04.2023

Place: Goa



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
ORIGINAL APPLICATION No. 05 of 2023(WZ)

IN THE MATTER OF:

SAGARDEEP SIRSAIKAR ...APPELLANT
VERSUS
GOA COASTAL ZONE MANAGEMENT
AUTHORITY & OTHERS ...RESPONDENTS

AFFIDAVIT

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

1. That I am the abovementioned Applicant and I am aware of the present case and as such am competent to swear this affidavit.
2. That I have understood the accompanying Additional Affidavit which has been drafted on my instructions and its content read over and explained to me. I say that the facts stated therein are true to my knowledge, belief and legal advice.
3. That the Annexure A11 to A1 of the Additional Affidavit are true and correct copy of their respective originals.

Sirsaike

DEPONENT

VERIFICATION:

Verified that the contents of paragraph 1 to 3 of my above affidavit which have been read over and explained to me in the vernacular are true to my knowledge & belief, no part of it is false and nothing material has been concealed therefrom.

Verified on 20th of April, 2023 at Mapusa.

Sirsaike

DEPONENT

Adhar card
463015167363

Solemnly affirmed
Before me

N.C. Gaonkar
N. C. Gaonkar
Advocate & Notary
Mapusa Bardez - Goa
Dr. No. 12949/23

20 APR 2023



GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Environment, (Govt. of Goa)

4th Floor, Dempo Tower, patto Plaza,

Panaji-Goa 403001

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/ILIE (Comp)/ 22-23 / 126 / 2625

Date: 21/02/2023

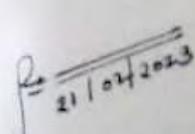
NOTICE OF SITE INSPECTION

Sub: Illegal development in Sy.No 213/5 and 6 of village Anjuna Bardez Goa.

The Office of the Goa Coastal Zone Management Authority is in receipt of a complaint letter dated 11/11/2022 from Mr. Sagardeep A. Sirsaikar R/o 308, welcome house, Dabhol wada, Chapora against Mr. Antonio Dsouza, Mr. Nelson Britto and others of village Ozran Vagator Anjuna Goa with regard to illegal development in Sy.No 213/5 and 6 of village Anjuna.

In this regard, the GCZMA has now fixed a site inspection of the above said area / site on 13/03/2023 at 3.00 p.m onwards.

NOW THEREFORE, you are required to take note of the date of site inspection and remain present during the site inspection.


(Dr. Geeta S. Nagvenkar)

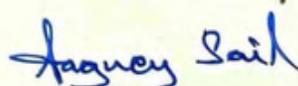
Member Secretary (GCZMA)

To,

- ✓ 1. Mr. Sagardeep A. Sirsaikar R/o 308, welcome house, Dabhol wada, Chapora
- 2 Mr. Antonio Dsouza, R/o village Ozran Vagator Anjuna Goa
- 3 Mr. Nelson Britto R/o village Ozran Vagator Anjuna Goa

Copy To

1. Shri Ganesh Velip , Expert Member (GCZMA),with a request to make it convenient and attend the same.
2. Shri Nehal Devidas, Engineer, Goa Coastal Zone Management Authority (GCZMA),.....with directio



-- True Copy --

ANNEXURE - A12

From: Sagardeep A. Sinsackor
 308, welcome House
 Chapora - Goa.
 Dated: 24/03/2023
 C.B. 967408591

To
 The member Secretary
 of Goa Coastal Zone Management Authority
 Panjim - Goa.

~~Print~~
 Ofc Member Secretary
 Goa Coastal Zone Management Authority
 C/o Department of Environment & Climate Change
 Dempo Tower 4th Floor,
 Patto Plaza Panjim-Goa. 403001

Subj: inspection Report.

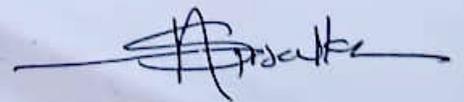
Sir/Madam

Kindly issue me inspection Report of Sy no.
 213/5 and 213/6 at Ocean Voyager done by your
 expert member and inspection team on dates 13/03/2023
 regarding complaint filed by me against Nelson Brito
 and Antonia Sousa constructed illegal and in
 Permanent Nature of Hotel at Ocean Voyager - 909

Kindly do the needful and issue me inspection
 Report as earliest as your office can to produce
 before The Nation Green Tribunal.

Thanking you

Yours faithfully



Sagardeep Saini

Site inspection report of illegal development in property bearing Sy. No. 213/5 & 213/6 of village Anjuna, Taluka Bardez, Goa.

Background :

The Office of GCZMA received complaint – dated 11/11/2022 from Mr. Sagardeep A. Sirsaikar from Chapora, Bardez with regard to illegal development in property bearing Sy. No. 213/5 & 213/6 of Anjuna, Bardez by Mr. Antonio Dsouza & Mr. Nelson Britto both r/o of Anjuna, Bardez.

Inspection and Observation:

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out on 13/03/2023 by Mr. Ganesh Velip, Expert Member (GCZMA), Mr. Nehal Devidas, Engineer (GCZMA) & Ms. Siddhi Morajkar, Field surveyor (GCZMA). At site, the complainant Mr. Sagardeep A. Sirsaikar was present. Whereas, on behalf of the respondent, the manager of the establishment Mr. Vidhur Seth was present.

The details of site inspection are as follows:

The above mentioned survey nos. are laying on slope with total elevation gain of approx 30.0m. The survey no. 213/5 & 213/6 falls in CRZ-III of Anjuna village. Out of the two survey nos., survey no 213/5 fully falls under NDZ where as 213/6 falls partly under NDZ & partly in 200m-500m.

As per the office records, for survey no. 213/5 permission was given for 6 nos. of wooden cottages & wooden shack under ref. no.: GCZMA/N/Shack-Hut-Cott-Tent/17-18/73 dated 01/11/2021.

It is noticed that the plot is sloping in nature thus the approach to shack has been made of approx. 160nos of steps of average riser of 150mm high. The level difference on both sides of pathway has been managed with concrete & masonry retaining walls. Along the pathway there is concrete gutter of approx. height 0.50m on the southern side of the property. Most of the approach steps are of masonry base or of concrete base.

The shack is majorly temporary in nature made up of wood for super structure. The foundation of shack projecting out from the cliff towards seaward is supported by MS sections placed on concrete foundation. The plinth is of permanent in nature & constructed with concrete. The flooring is of Kadappa pavers fixed with concrete mortar. The extension of shack indicated as platform in approved drawing are constructed with level differences. The level difference has been supported with concrete retaining walls.

Few site photos are enclosed as Annexure- I.



Conclusion and Recommendation:

- i) The above mentioned survey nos. 213/5 & 213/6 falls in CRZ-III of Anjuna village. Out of the two survey nos., survey no 213/5 fully falls under NDZ where as 213/6 falls partly under NDZ & partly in 200m-500m.
- ii) As per the CRZ Regulation, no permanent construction is permissible within the CRZ-III (NDZ) area except the repair or reconstruction of the old structure existing prior to 1991, with proper permission from GCZMA.
- iii) The above mentioned survey nos. 213/5 & 213/6, are laying on slope with total elevation gain of approx 30.0m, thus it is difficult to take measurements and it is recommended to put up the letter to DSLR for detailed mapping.
- iv) This may be deliberated in the Authority meeting for a decision.



Mr. Ganesh Velip

(Expert Member, GCZMA)



Mr. Nehal Devidas

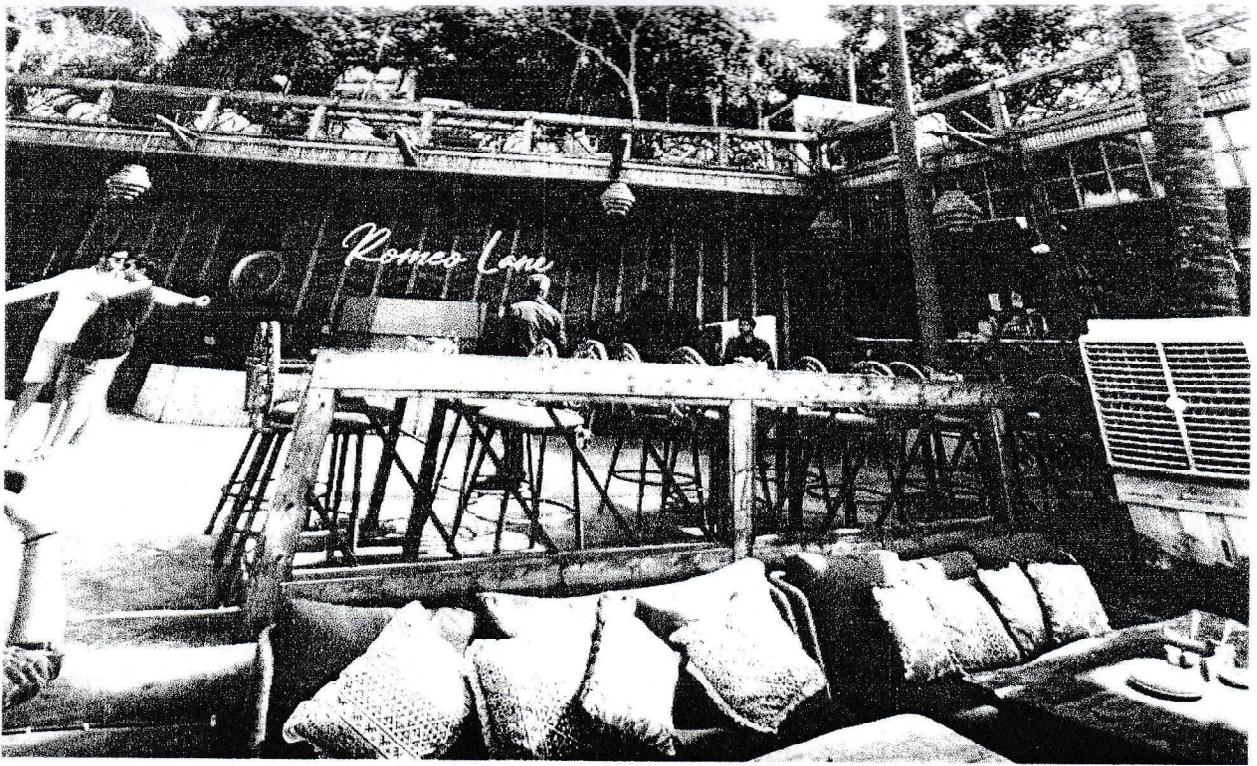
(Engineer, GCMZA)

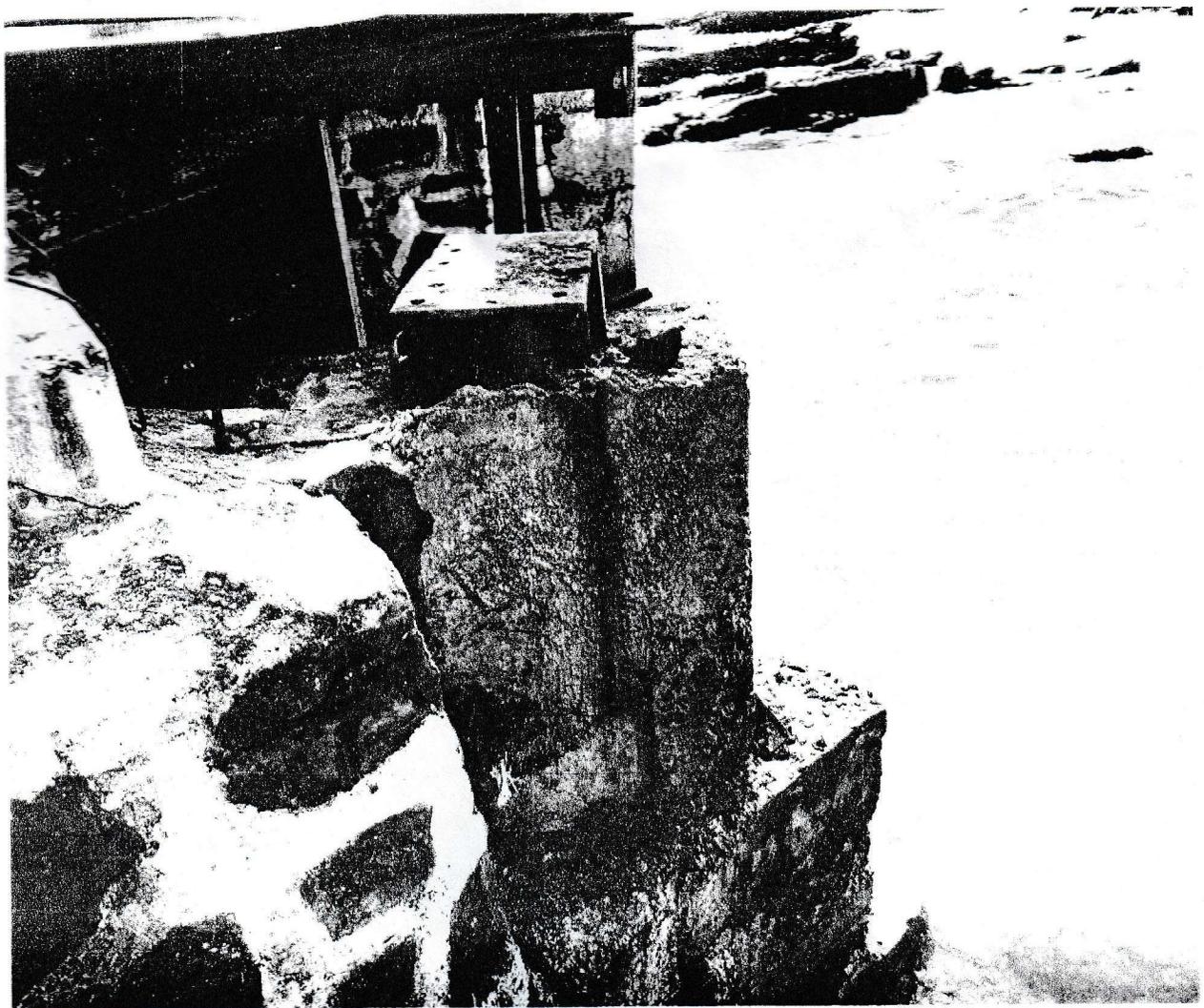


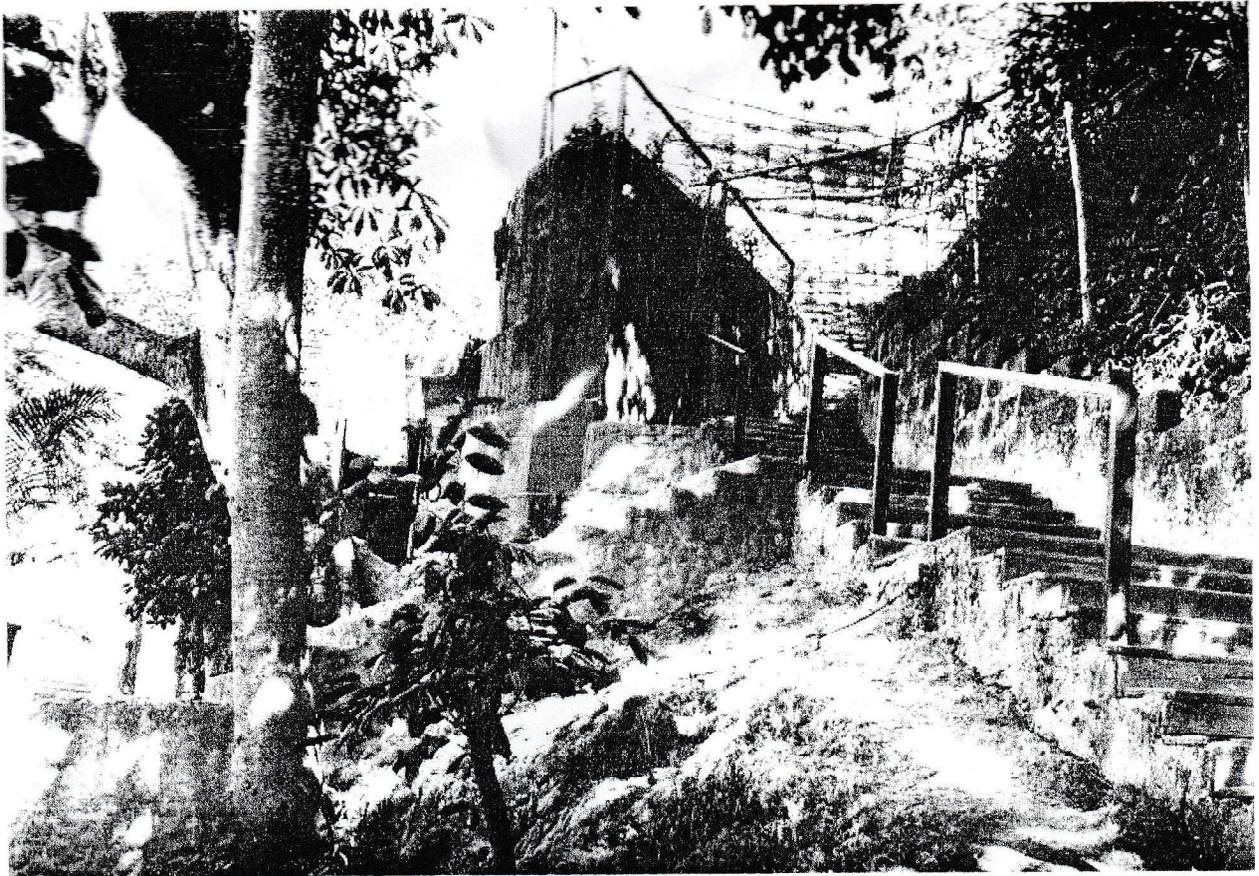
Ms. Siddhi Morajkar

(F.S., GCZMA)

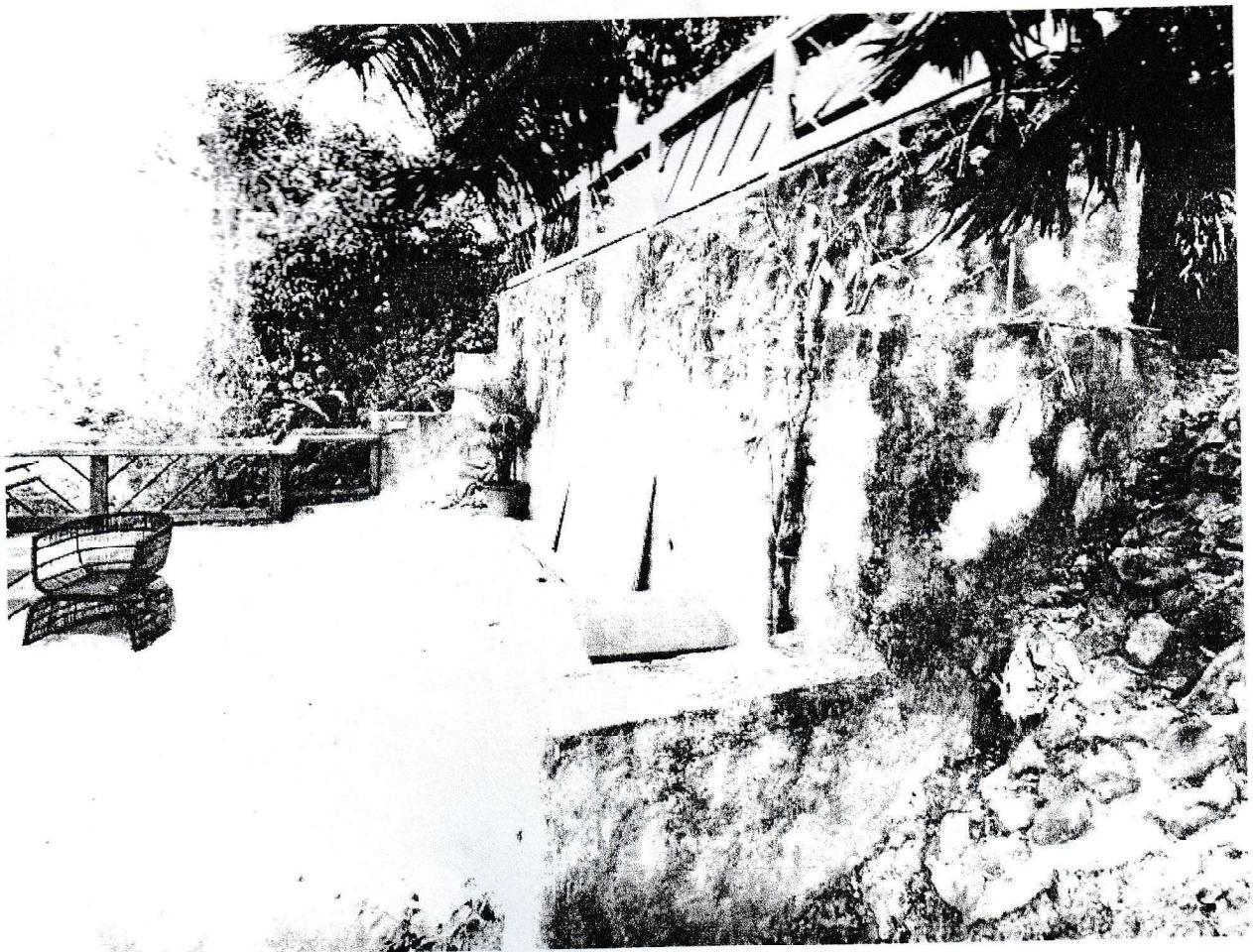
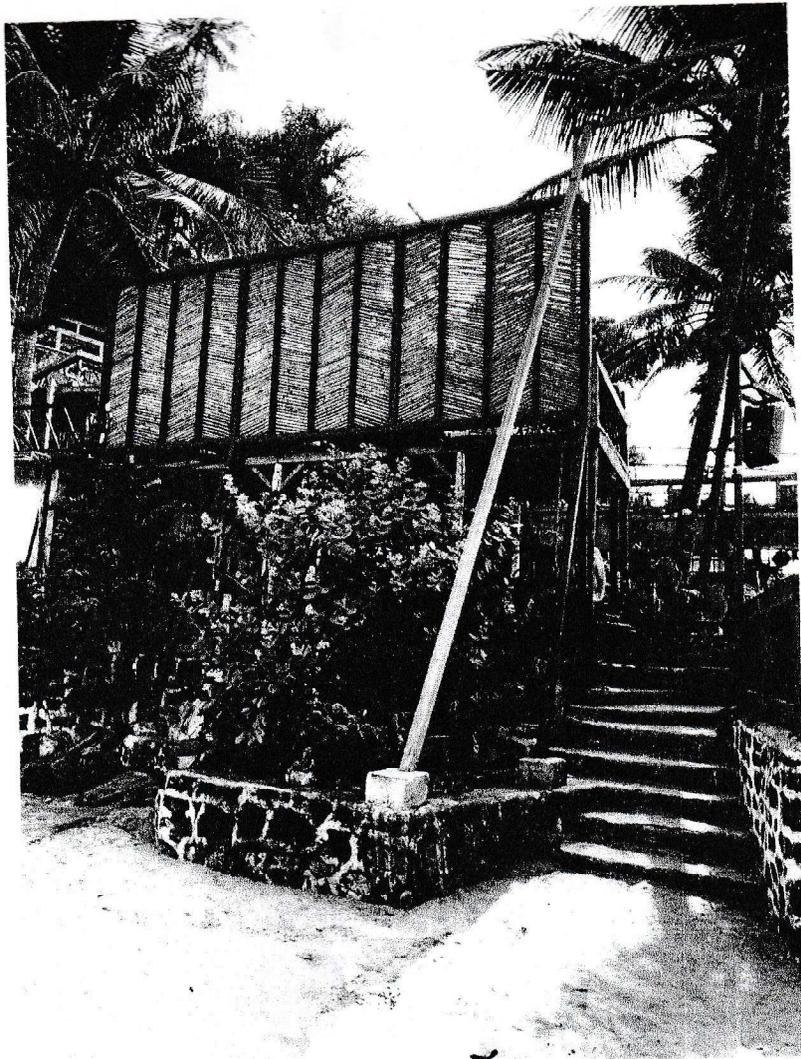
Annexure 1

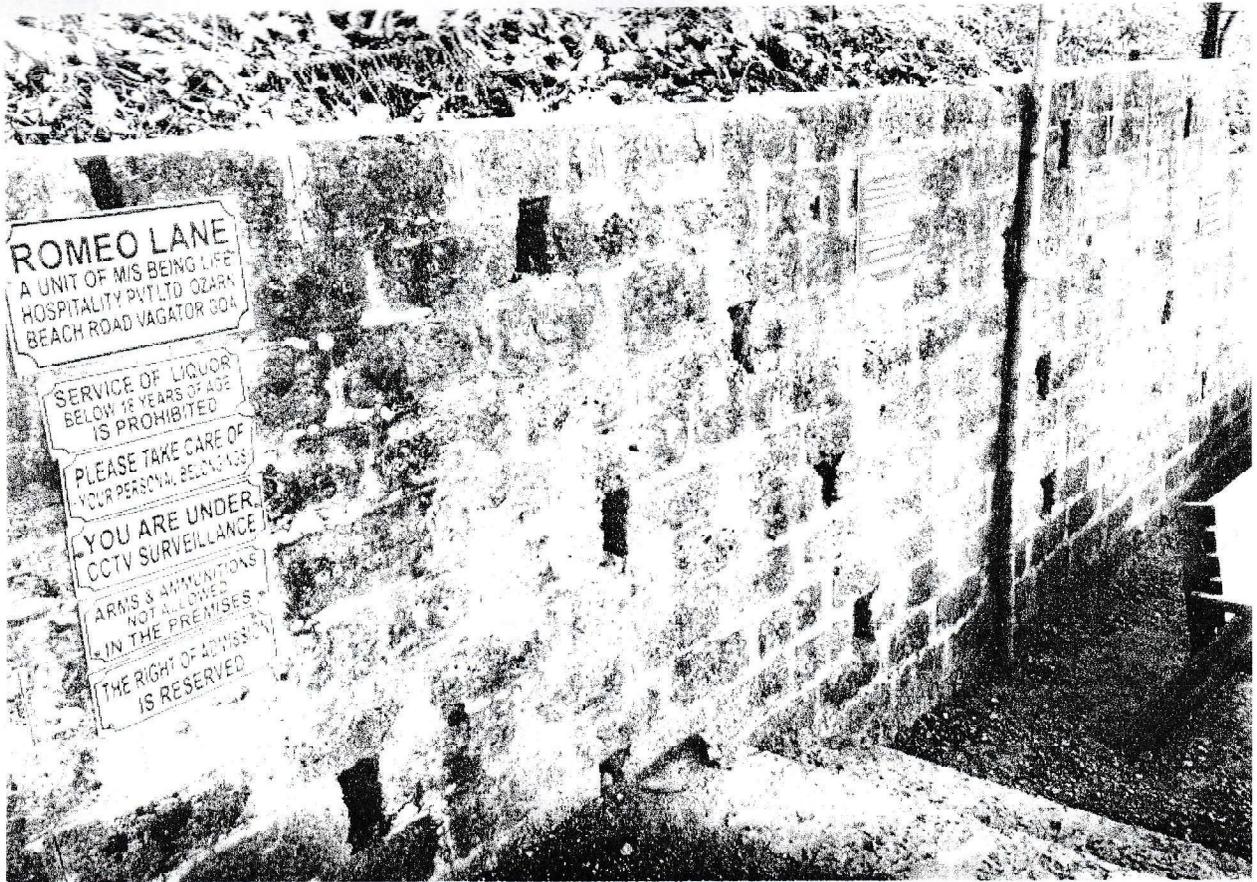






[Handwritten scribbles]





[Handwritten signatures]

Jagney Sain

-- True Copy --

ANNEXURE – A14



Aagney Sail <aagneysail@gmail.com>

(no subject)

Sagardeep Sirsaikar
<sirsaikarsagardeep@gmail.com>
To: aagneysail@gmail.com

Thu, Apr 20, 2023 at 11:07
AM

----- Forwarded message -----

From: **Sagardeep Sirsaikar** <sirsaikarsagardeep@gmail.com>
Date: Thu, Mar 30, 2023, 14:21
Subject: Fwd:
To: <goacoastalzone@gmail.com>

----- Forwarded message -----

From: **Sagardeep Sirsaikar** <sirsaikarsagardeep@gmail.com>
Date: Thu, Mar 30, 2023, 12:13
Subject: Fwd:
To: <goacoastalzone@gmail.com>

----- Forwarded message -----

From: **Aagney Sail** <aagneysail@gmail.com>
Date: Thu, Mar 30, 2023, 11:19
Subject:
To: <sirsaikarsagardeep@gmail.com>

Email text to GCZMA:

To,
Member Secretary,
GCZMA - Goa.

Subject: Response to Site Inspection Report of Illegal Development in Property bearing Sy. No. 213/5 and 213/6 of village Anjuna, Taluka Bardez, Goa.

Ref.- (i) Site Inspection Notice No. GCZMA/N/ILLECOMP/22-23/126/2628 dated 21.02.2023.
(ii) Site Inspection Report dated Nil, copy supplied on 29.03.2023 by hand.

Madam,

You are request to please note the following with regard to the above captioned subject and take necessary action as per law:

1. During abovementioned Site Inspection carried out on 13.03.2023, the GCZMA team did not have any documents pertaining to the two properties i.e. Survey No.

213/5 & 213/6 like GCZMA approvals, GCZMA approved site plan, documents submitted along with application filed with GCZMA for approval etc.

2. No inference is recorded in the site inspection report of the status of construction of the six cottages approved in Sy. No. 213/5 as per GCZMA approval dated 11.11/12.2011 and 31.05.2019 given to Mr. Robert F. Coutinho.

3. Similarly, no inspection remark/description is made with respect to the property bearing survey no. 213/6 wherein as per approved plan No. GCZMA/N/Shack-Hut-Cott-Tent/20-21/86/2101 dated 16/12/2022 six cottages and one reception were approved in survey no. 213/6 part-1 issued to Antonio Salvador Custodio De Britto.

4. After recording in Site Inspection report that there has been construction of 160 number of steps (avg. 150mm high) mostly of masonry base or of concrete base with level difference on both sides of steps (pathway) managed with concrete and masonry retaining walls, there is no conclusion / recommendation given in this regard. As per GCZMA approvals and approved site plans for 213/5 & 213/6 there is no approval given to concrete steps supported by concrete and masonry retaining walls making this a blatant violation.

5. Site inspection records that Shack on Survey No. 213/5 is supported by MS sections placed on concrete foundation. The plint is of permanent nature being constructed with concrete. The flooring is of Kadappa pavers fixed with concrete mortar. The level differences of extended shacks is supported with concrete retaining walls. This is complete violation of the various conditions of the GCZMA approvals dated 01.11/12.2011 and 31.05.2019 given to Mr. Robert F. Coutinho which ban use of concrete and against temporary structures allowed.

6. Surprisingly, despite violations no recommendation of revocation of GCZMA approval, demolition of structures constructed in violation, disconnection of power/water supply, stop commercial activity has been suggested by the site inspection team in compliance of condition nos. 7, 9 etc. of the GCZMA approval dated 31.05.2019 given to Mr. Robert F. Coutinho. Requesting for issuance of the same at the earliest.

7. Requesting that the ten (10) pictures given from page nos. 3 to 7 of the site inspection report be supplied in colour via email to the complainant.

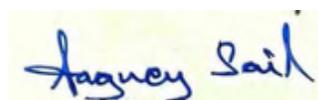
8. Also requesting for the copy of the GCZMA approval given to Antonio Salvador Custodio De Britto, Application submitted by him to GCZMA along with its annexures and copy of technical report of site conditions carried out as per Chapter 5.2 of the Beach Carrying Capacity Report.

9. Please supply a copy of the Application submitted by Robert F. Coutinho to GCZMA along with its annexures and copy of technical report of site conditions carried out as per Chapter 5.2 of the Beach Carrying Capacity Report.

Thanking You,

Sincerely,

Sagardeep Sirsaikar
Complainant



-- True Copy --

301



Aagney Sail <aagneysail@gmail.com>

O.A. No. 05/2023 - Additional Affidavit of Applicant

Aagney Sail <aagneysail@gmail.com>

Thu, Apr 20, 2023 at 10:38 PM

To: gczma gczma <goacoastalzone@gmail.com>, "beinglifelifehospitality@gmail.com" <beinglifelifehospitality@gmail.com>, dir-env.goa@nic.in, sujit.kumar@gov.in, secy-moef@nic.in, Abhay Anturkar <anturkarandassociates@gmail.com>, sujit.baju@gov.in, h.kharkwal@nic.in, shivshankar.swaminathan@yutilaw.com

To,

1. 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, anturkarandassociates@gmail.com
PHONE: (0832)2951089 ...RESPONDENT NO. 1

2. MR. ROBERT F. COUTINHO,
R/O H. NO. 548, VAGATOR,
ANJUNA VILLAGE, BARDEZ TALUKA,
NORTH GOA DISTRICT, GOA.
Email: beinglifelifehospitality@gmail.com
PHONE: 07974436003, 08793243882...RESPONDENT NO. 2

3. MR. ANTONIA D'SOUZA,
SY. NO. 213/5, VILLAGE ANJUNA,
BARDEZ TALUKA, NORTH GOA DISTRICT, GOA.
Email: beinglifelifehospitality@gmail.com
PHONE: 07974436003, 08793243882...RESPONDENT NO. 3

4. MR. NELSON BRITTO,
SY. NO. 213/5, VILLAGE ANJUNA,
BARDEZ TALUKA, NORTH GOA DISTRICT, GOA.
Email: beinglifelifehospitality@gmail.com
PHONE: 07974436003, 08793243882 ...RESPONDENT NO. 4

5. BEING LIFE HOSPITALITY PVT. LTD.
THROUGH ITS MANAGING DIRECTOR,
HAVING ITS REGISTERED OFFICE AT:
H. NO. 122/6/1, GROUND FLOOR,
SANT NAGAR VILLAGE, BURARI CITY,
NORTH DELHI DISTRICT, DELHI – 110084
EMAIL: beinglifelifehospitality@gmail.com...RESPONDENT NO. 5

6. DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE,
THROUGH ITS DIRECTOR,
GOVERNMENT OF GOA,
IVth FLOOR, DEMPO TOWERS,
PATTO – PANAJI, GOA – 403001.
PHONE: (0832)2951089.

302EMAIL: dir-env.goa@nic.in

...RESPONDENT NO. 6

7. NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA),
THROUGH ITS MEMBER SECRETARY,
JOINT SECRETARY (Coastal Regulation Zone CRZ),
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, INDIRA
PARYAVARAN BHAVAN,
JORBAGH, NEW DELHI – 110003.
PHONE: (011)20819398, 20819340.
EMAIL: sujit.kumar@gov.in, secy-moef@nic.in, sujit.baju@gov.in &
h.kharkwal@nic.in ...RESPONDENT NO. 7

Madam / Sir,

PLEASE find attached the Additional Affidavit in the abovementioned Original Application No. 05/2023 (WZ) along with its annexures is attached for your record and necessary action

Please acknowledge receipt of the same via email.

Best,

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

**Additional Affidavit FINAL.pdf**

14194K