

**1335**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE AT PUNE)**

**APPEAL NO. 20 OF 2022 (WZ)**

**IN THE MATTER OF:**

**PAUL LOBO & OTHERS**

**...APPELLANTS**

**VERSUS**

**GOA COASTAL ZONE MANAGEMENT**

**AUTHORITY & OTHERS**

**...RESPONDENTS**

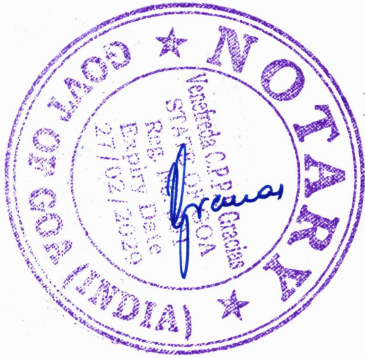
**ADDITIONAL AFFIDAVIT  
ON BEHALF OF RESPONDENT NO. 1  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

**ABHAY ANIL ANTURKAR  
ADVOCATE FOR RESPONDENT NO. 1**

# 1336

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**GOA COASTAL ZONE**

**MANAGEMENT AUTHORITY &**

**...RESPONDENTS**

**OTHERS**

**ADDITIONAL AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 1 GOA COASTAL ZONE  
MANAGEMENT AUTHORITY**

I, Johnson Bedy Fernandes, Member Secretary of the Respondent No. 1 GCZMA, having my office at: Goa Coastal Zone Management Authority, 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority and am, as such, capable of affirming the present Additional Affidavit. I have examined the records pertaining to the captioned matter as available in

my office, and am affirming this Additional Affidavit on the basis of these records.

2. The answering Respondent has filed a Counter Affidavit dated 12.01.2023 and an Additional Affidavit dated 16.10.2024 in the captioned matter. The contents of the same may be read to be a part of this Affidavit, and are not being repeated again for the sake of brevity.
3. By its order dated 22.08.2024, this Hon'ble Tribunal had directed the answering Respondent to file certain documents and place certain facts on record. This Hon'ble Tribunal had also directed the constitution of a joint site inspection committee for inspecting the property owned by Respondent No. 2 Nova Resorts. The answering Respondent filed its Additional Affidavit dated 16.10.2024 in compliance with this Hon'ble Tribunal's directions in this regard. This Additional Affidavit also contained a copy of a Site Inspection Report dated 03.10.2024 which was prepared by the answering Respondent in compliance with the directions passed by this Hon'ble Tribunal.





4. In order to comply with the directions issued by this Hon'ble Tribunal, the answering Respondent issued a notice of site inspection dated 13.09.2024 to the parties involved in the captioned matter and to the authorities whose representatives were required to be a part of the joint site inspection committee constituted by this Hon'ble Tribunal.

A true copy of the Notice of Site Inspection dated 13.09.2024 is annexed and is marked as **ANNEXURE R-1. 8 To 9**

5. The answering Respondent had conducted a site inspection of the property of Respondent No. 2 Nova Resorts in accordance with the directions issued by this Hon'ble Tribunal's order dated 22.08.2024. The following persons were present during the site inspection:

- (i) Mr. Ganesh Velip (Expert Member, GCZMA);
- (ii) Dr. Manik Mahapatra (Scientist, NSCSM, Chennai);
- (iii) Mr. Abhishek Naik (Awal Karkun, representative of the Deputy Collector and SDO-I, Salcete);
- (iv) Mr. Keshav Naik (Engineer, GCZMA);
- (v) Mr. Vignesh Naik (Field Surveyor, GCZMA);
- (vi) Mr. Raunat Dessai (Field Surveyor, GCZMA);
- (vii) Mr. Antonio Vital Luis (Appellant No. 4);

- (viii) Mr. Jose Fernandes (Appellant No. 3);
- (ix) Mr. Glen Almeida (Appellant No. 2); and
- (x) Mr. Manoj Mehani (representative of Respondent No. 2 Nova Resorts).



6. The Site Inspection Report dated 03.10.2024 prepared by the answering Respondent was signed by the following persons:
- (i) Mr. Ganesh Velip (Expert Member, GCZMA);
  - (ii) Mr. Abhishek Naik (Awal Karkun, representative of the Deputy Collector and SDO-I, Salcete);
  - (iii) Mr. Keshav Naik (Engineer, GCZMA);
  - (iv) Mr. Vignesh Naik (Field Surveyor, GCZMA); and
  - (v) Mr. Raunat Dessai (Field Surveyor, GCZMA).
7. The Site Inspection Report prepared by the answering Respondent was not signed by Dr. Manik Mahapatra (Scientist, NCSCM) on the premise that the joint site inspection committee constituted by this Hon'ble Tribunal was supposed to comprise of one representative each from the answering Respondent GCZMA, Respondent No. 4 MoEF & CC, the NCSCM, and the District Collector of South Goa. Hence, Dr. Mahapatra was of the opinion that though the Site Inspection

A handwritten signature in blue ink, appearing to be "J. Desai", written in a cursive style.



Report was to be signed only by the aforesaid persons, it was also signed by other persons, including the Engineer and Field Surveyors of the answering Respondent GCZMA. It is because of this reason that Dr. Mahapatra did not endorse his signature on the Site Inspection Report dated 03.10.2024 prepared by the answering Respondent.

8. In view of the aforesaid facts, another Site Inspection Report with similar observations was prepared. This Site Inspection Report was signed by (i) Mr. Ganesh Velip (Expert Member, GCZMA), (ii) Dr. Manik Mahapatra (Scientist, NSCSM, Chennai), and (iii) Mr. Abhishek Naik (Awal Karkun, representative of the Deputy Collector and SDO-I, Salcete). The Report rendered the following conclusions:

#### ***“4.0 CONCLUSIONS***

- *The Road length within 500m CRZ line is about 226m. the above length is based on field survey and as per approved CZMP of Goa as per CRZ notification, 2011. Refer Table 1 and Annexure II for more details*

A handwritten signature in blue ink, appearing to be 'Ganesh Velip'.

- *Approximately 4.00 m wide unmetalled access road on southern side which is separated from ongoing construction project site by MS sheet fencing supported on MS Channels on the northern side and compound wall in the southern side of the road, were also noticed.*
- *During side inspection it was noticed that there exists a compound wall on the Southern and eastern sides of the property. MS sheet fencing supported on MS Channels etc. has been erected enclosing all the sides of the ongoing construction project, with gate on the eastern side.”*



A true copy of the Site Inspection Report is annexed and is marked as **ANNEXURE R-2. 10 To 18**

9. The answering Respondent has filed the present Additional Affidavit solely for the purpose of bringing the annexed Site Inspection Report on record before this Hon'ble Tribunal. The



answering Respondent craves the leave of this Hon'ble Tribunal to file a further affidavit, if so directed or advised.

VERIFICATION

DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

I, the above-named Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Additional Affidavit are true and correct to the best of my knowledge, information and belief, and nothing has been concealed.

Verified at Panaji, Goa on the 11<sup>th</sup> day of November, 2024.

DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA



Executed before me  
At Panjim Tiswadi - Goa  
Reg. No. 154/11/24  
Dated: 11/11/24

Venefrada C.P.P.B Gracias  
Advocate & Notary Goa State

## GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4<sup>th</sup> Floor, Dempo Tower, patto Plaza,

Panaji-Goa 403001

Website: [www.czma.goa.gov.in](http://www.czma.goa.gov.in)

Ref. No. GCZMA/NGT-Matter/Appeal No.20/2022/22-23/12/1872

Date:13/09/2024

MOST URGENTNGT DIRECTIONALMATTERNOTICE OF SITE INSPECTION**Sub: Compliance of order dated 22/08/2024 passed by the Hon'ble****National Green Tribunal in Appeal bearing No.20/2022.**

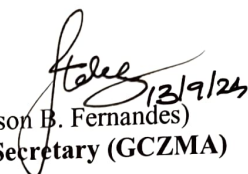
**WHEREAS**, the present matter pertains to an Appeal bearing No.20/2022 filed by Paul Lobo & ors against order dated 03/03/2022 passed by the GCZMA whereby the proceedings initiated against M/Nova Resorts Pvt Ltd have been discharged.

**AND WHEREAS**, the matter came up of hearing on 22/08/2024 before the National Green Tribunal, Pune. The Hon'ble National Green Tribunal, Pune vide order dated 22/08/2024 interalia observed and directed as follows:- 8. *It appears that the minutes of the meeting dated 19.04.2022, referred to above, are based on the site inspection report dated 17.11.2021. Therefore, we direct respondent No.1-GCZMA to clarify as to whether 1100 sq.mtrs area, which is found to be sand dune by the experts is beyond 500 mtrs of the HTL or within it and whether the said area is forming part of the project of respondent No.2-Project Proponent in question.* 9. *In the minutes of the meeting dated 19.04.2022, it is also recorded that area of 1100 sq.mtrs be compensated within the PP's property under Survey No.134/3 on the north-eastern side of the location. How this could be permitted under law/relevant provision of the law and how any exemption could have been granted, as stated in paragraph No.8 of the minutes, need to be clarified by GCZMA. It will be appropriate to have clarification from respondent No.1-GCZMA in this regard. Apart from that, we deem it appropriate to order measurement of the said area again in order to ascertain whether the construction of 10 metre wide road, which is being said to be outside the construction of the Project Proponent-respondent No.2 and whether the same falls within the project site of the Project Proponent and is within 500 mtrs of HTL or beyond it has to be ascertained and for this, apart from the report to be submitted by the GCZMA, we deem it appropriate to constitute a Joint Committee comprising one member each of respondent No.1-GCZMA, respondent No.4-MoEF&CC, National Centre for Sustainable Coastal Management*

(NCSCM) and District Collector, South Goa and the District Collector, South Goa will be the nodal agency of the said Committee. The Joint Committee is directed to give its findings in respect of the road construction which is allegedly undertaken by respondent No.2- Project Proponent, whether it is falling within 500 mtrs of the HTL or beyond it and whether the same forms part of the said project. The report shall be submitted before us within a period of four weeks. The expenses for Page 5 of 5 undertaking the exercise, as above, by the Joint Committee, if any, shall be borne by respondent No.1-GCZMA."

In this regard, the GCZMA has now fixed a site inspection of the above said area/site on 03/10/2024 at 11.00 a.m. onwards.

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

  
(Johnson B. Fernandes)  
Member Secretary (GCZMA)

**To,**

1. The Joint Secretary, Ministry of Environment, Forest and Climate Change, Second floor, Agni Block, Indira Paryavaran Bhawan, Jorbagh road, New Delhi-110 003.
2. The District Collector and Magistrate (South), Mathany Saldhana Complex, Margao, Salcete.
3. The Director, National Centre for Sustainable Coastal Management (NSCM), Chennai.
4. Mr. Paul Lobo Hno.14, Tamborim, Cavelossim, Salcete, Goa.
5. Mr. Glen Almeida Hno.695, Zalor, Carmona, Salcete, Goa.
6. Mr. Jose Fernandes, Hno.23, Tamborim, Cavelossim, Salcete, Goa.
7. Mr. Antonio Vital Luis, Hno 687/3, Zalor, Carmona, Salcete, Goa 403714.
8. M/s Nova Resorts Pvt Ltd, through its Director c/o Soares and Associates, G-1, Vikas Buildings, 8<sup>th</sup> June road, Panaji- 403001.

**Copy To:**

1. Mr. Ganesh Velip, Expert Member of Goa Coastal Zone Management Authority (GCZMA) .....with a request to make it convenient and attend the same.
2. Mr. Keshav Naik, Engineer, Goa Coastal Zone Management Authority (GCZMA).....with direction to conduct the inspection.
- ✓ 3. Mr. Vignesh Naik, Field Surveyor, Goa Coastal Zone Management Authority (GCZMA).....with direction to conduct the inspection.

## Annexure.R2

**REPORT OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL IN ORDER DATED 22.8.2024, IN APPEAL BEARING NO.20/2022 IN THE MATTER OF REPRESENTATION MADE BY MR. PAUL LOBO & OTHERS AGAINST VIOLATION OF PROVISIONS OF CRZ NOTIFICATION 2011 AND PERMISSION FOR PROPOSED CONSTRUCTION OF RESORT/HOTEL ON PLOT BEARING SY.NO.134/3 IN CAVELOSSIM VILLAGE, SALCETE TALUKA GOA BY M/S NOVA RESORT PVT.LTD.**

**1.0 PREAMBLE**

The Hon'ble National Green Tribunal in order dated 22.8.2024, Appeal bearing No.20/2022, constituted a Joint Committee comprising one member each of respondent No.1-GCZMA, respondent No.4-MoEF&CC, National Centre for Sustainable Coastal Management (NCSCM) and District Collector, South Goa and the District Collector, South Goa will be the nodal agency of the said Committee, to assess the road construction which is allegedly undertaken by respondent No.2- Project Proponent (M/s Nova Resorts Pvt. Ltd.), as to whether it is falling within 500 mtrs of the HTL or beyond it and whether the same forms part of the said project at survey no 134/3 Cavellossim village, Goa .

Accordingly, GCZMA has addressed letter no. Ref. No. GCZMA/NGT-Matter/Appeal No.20/2022/22-23/12/1872 dated 13/09/2024 to all the member Organizations for the site visit in the above-mentioned site. The site inspection was made by the following members of the Committee on 03/10/2024:

1. Shri Ganesh Velip, - Member

Expert Member of Goa Coastal Zone Management Authority (GCZMA)

2. Dr. Manik Mahapatra, -Member

Scientist ' B' National Centre for Sustainable Coastal Management, Chennai

3. Mr. Abhishek Naik, AWL Karkun – representative of Deputy Collector and SDO-I Salcete

4. Representative of the MOEF&CC - was absent.

Mr.Keshav Naik, Engineer GCZMA; Mr.Vighnesh Naik, Field Surveyor GCZMA; Mr.Raunat Dessai, Field Surveyor GCZMA; Mr.Antonio Vital Luis, Complainant; Mr.Jose Fernandes, Complainant; Mr.Glen Almeida, Complainant; Mr.Manoj Mehani, representative of M/s Nova Resorts Pvt.Ltd. were also present during the site inspection.

**2.0 TERMS OF REFERENCE FOR THE COMMITTEE**

The Joint Committee is directed to give its findings in respect of the following:

1. Whether the road construction which is allegedly undertaken by respondent No.2- Project Proponent, is falling within 500 mtrs of the HTL or beyond it and

2. Whether the same forms part of the said project.

*Manik Mahapatra*

*Naik*

*[Signature]*

## 3.0 FIELD OBSERVATIONS

- The project site at Survey No. 134/3 of Cavelossim Village of Salcete Taluka falls partly between 200-500m from HTL in CRZ-III, partially falls under the CRZ IA (sand dune) and partly outside 500m CRZ line (CRZ Area) as per Approved CZMP 2011. Refer Annexure-I.
- During site inspection it was noticed that there exists a compound wall on the Southern and eastern sides of the property. Metal Sheet (MS) fencing supported on Metal Sheet Channels etc. has been erected enclosing all the sides of the ongoing construction project, with gate on eastern side.
- Approximately 4.00 m wide unmetalled access road on southern side which is separated from ongoing construction project by MS sheet fencing supported on MS Channels on the northern side and compound wall on the southern side of the road, were also noticed.
- Total Road length within 500m CRZ line is about 226m. The road made by flattening/cutting of sand dune is about 70m (within CRZ area) which is identified in red colour. The Road length beyond 500m CRZ line is about 29m. The calculation is based on field survey and as per the approved CZMP of Goa as per CRZ notification, 2011. Refer Table 1 and Annexure II for more details.
- Furthermore, it was observed that the proposed hotel project, situated on survey number 134/3 in Cavelossim Village, Salcete, Goa, was under construction
- Field photographs are placed at Annexure-III

Table-1: Construction of Road in CRZ area

	Within 200m to 500m from HTL		Beyond 500m CRZ Line		Total Road length
	Outside sand dune and in CRZ III	Over the Sand Dune - CRZ IA	Sand Dune	Outside sand dune	
Construction of Road	~156m	~70m	~12m	~17m	~255m
Total	~226m		~29m		
Construction of Road - as per DGPS survey	~156m	~80.5m	~11.80m	~6m	~254.3m
Total	~236.5m		~17.80m		

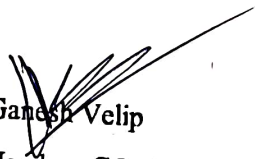
*H. Manik Mahapatra*

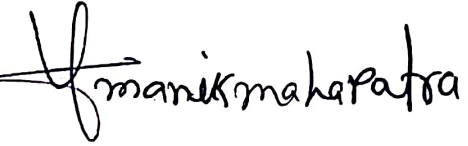
*Anvika*


*[Signature]*

#### 4.0 CONCLUSIONS

- The Road length within 500m CRZ line is about 226m. The above length is based on field survey and as per approved CZMP of Goa as per CRZ notification, 2011. Refer Table 1 and Annexure II for more details
- Approximately 4.00 m wide unmetalled access road on southern side which is separated from ongoing construction project site by MS sheet fencing supported on MS Channels on the northern side and compound wall in the southern side of the road, were also noticed.
- During site inspection it was noticed that there exists a compound wall on the Southern and eastern sides of the property. MS sheet fencing supported on MS Channels etc. has been erected enclosing all the sides of the ongoing construction project, with gate on the eastern side.

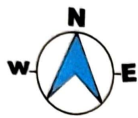
  
Shri. Ganesh Velip  
Expert Member, GCZMA

  
Dr. Manik Mahapatra  
Scientist, NCSCM, Chennai

  
Shri. Abhishek Naik  
Awal Karkun-Representative of Deputy Collector  
& SDO-I Salcete Taluka Margao



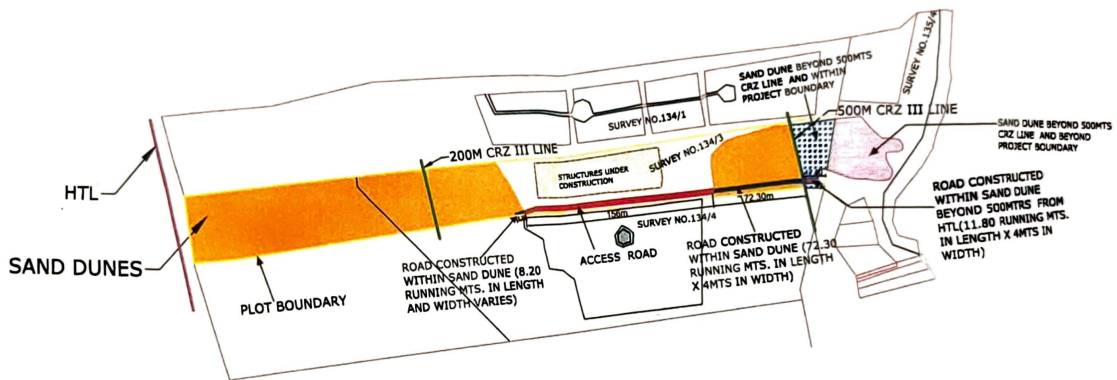
## ANNEXURE-II



NOT TO SCALE

Map prepared as per the site inspection with DGPS Survey in plot bearing Survey no. 134/3 of Village Cavelossim Salcete Taluka and as per the database of approved CZMP of Goa prepared as per CRZ notifications, 2011.

FOR REFERENCE PURPOSE ONLY



LEGENDS	
SAND DUNE	
HIGH TIDE LINE	
CRZ LINE	
ROAD IN SAND DUNE	
EXISTING ACCESS	

*Manik Mahapatra*

*Aravik*



Annexure-III:

Site photos

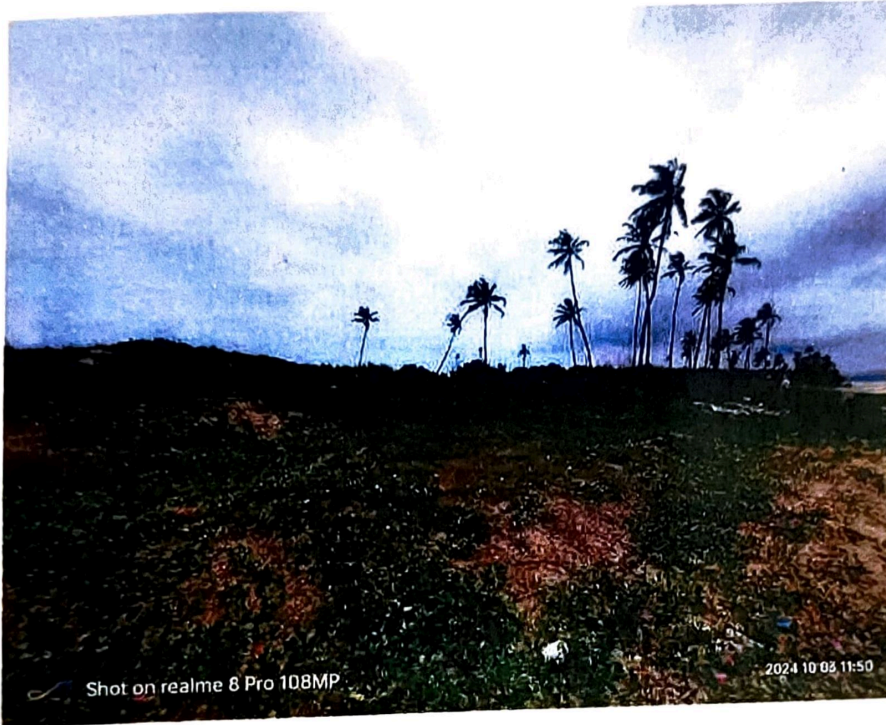


Plate 1: Sand dune on the western side of proposed project site and adjacent to sea

H. Manik Mahapatra

Anail



Plate 2: Sand dune on the western side of proposed project site



Plate 3: The road is separated from ongoing construction project by MS sheet fencing supported on MS Channels on the northern side and compound wall in the western side.

*Himanik mahapatra*

*Twain*

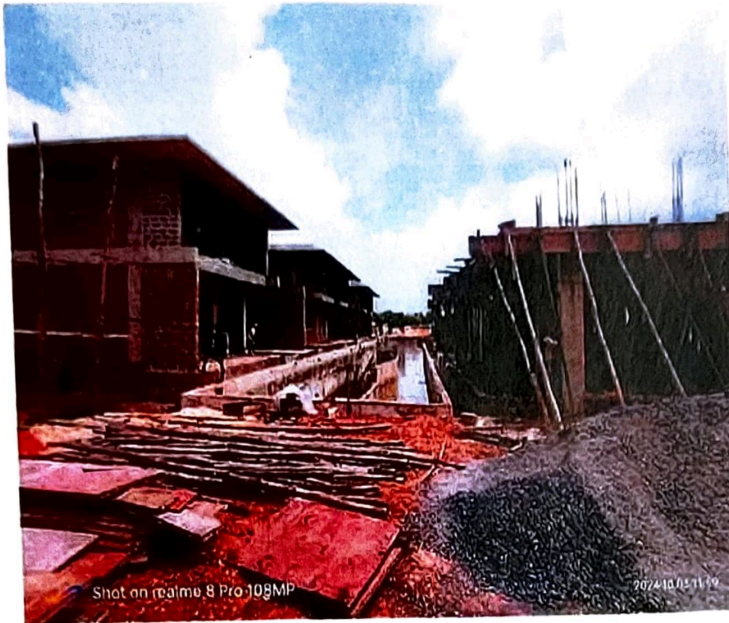


Plate 4: Ongoing construction of hotel



Plate 5: Ongoing construction of hotel

*Himanik maharajoa*

*Anaile*

*[Signature]*



Plate 6: Fencing on the western side of the project site



Plate 7: Entrance to the project side

*Hemanik mahapatra*

*Anjali*

*[Signature]*

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