

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

ORIGINAL APPLICATION NO. 70 OF 2022

IN THE MATTER OF:

CHANDAN SURYAKANT
KHORJUVEKAR

... APPLICANT

VERSUS

GOA COASTAL ZONE

MANAGEMENT AUTHORITY & ORS. **... RESPONDENTS**

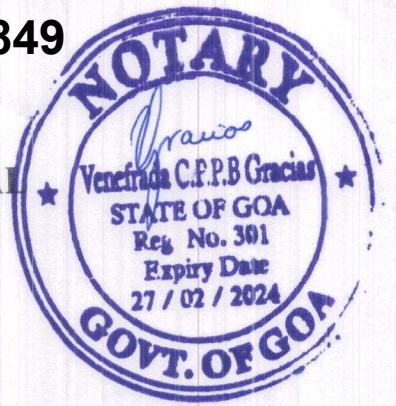
**ADDITIONAL AFFIDAVIT
ON BEHALF OF RESPONDENT NO. 1
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

PAPER BOOK

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

I, Dr. Sneha S. Gitte (IAS), adult, being the Member Secretary of the Goa Coastal Zone Management Authority, having office at: 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 4 Goa Coastal Zone Management Authority (hereinafter referred to as **GCZMA**) and as such am aware of the facts and circumstances from which the present Application arises. The present Additional Affidavit is being filed based upon the documents and records available in my office.
2. I say that nothing in the present Affidavit may be deemed to be any admission of the contents of the above-captioned Application, unless the same is categorically admitted

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herein. I further submit that nothing in the above-captioned Application may be deemed to have been admitted for want of specific denials.

3. The answering Respondent has previously filed an Affidavit-in-Reply dated 18.10.2022, an Additional Affidavit dated 05.01.2023, and an Affidavit-in-Reply dated 20.04.2023 in respect of the above-captioned Application. The answering Respondent craves leave of this Hon'ble Tribunal to refer to and rely upon the aforesaid Affidavits. The contents of the aforementioned Affidavits may kindly be read as part of the present Counter Affidavit. The contents of the aforesaid Affidavits are not reproduced in the present Counter Affidavit for the sake of brevity.
4. This Hon'ble Tribunal, by its order dated 21.04.2023 passed in the above-captioned Application, had recorded as under:

"2. ... He has also pointed out at page no. 171 of the paper book, in which Sea Turtle Nesting and Habitat Management Plan of the year 2020 has been annexed, which is a draft plan. So far the same has not been finalized.

3. The learned Counsel for the GCZMA could not give time, as to by when, it would be finalized but he submits that the same is in the domain of the MoEF&CC but he assures us that he would be filing additional affidavit indicating, as to by when, the same would be finalized. Even if some

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other Respondents are required to be added before us, he can do that also.”

5. The answering Respondent discussed the issue pertaining to the Draft Sea Turtle Nesting and Habitat Management Plan [hereinafter, “*Sea Turtle Plan*”] during its 345th Meeting dated 01.06.2023. During the said Meeting, the answering Respondent noted that since the finalization of the Coastal Zone Management Plan, 2011 [hereinafter, “*CZMP*”] was delayed, the GCZMA deliberated upon No-Take Zones, Sustainable Tourism Zones, and Fisheries Livelihood Zones. Thereafter, entire beach stretches of Mandrem, Morjim, Agonda and Galgibaga covering 0 to 500 meters of CRZ areas were declared as “Silence Zones”.
6. Subsequently, the Ministry of Environment, Forests and Climate Change, Government of India [hereinafter, “*MoEFCC*”] has approved the CZMP maps for the State of Goa. The said maps deal with various aspects of coastal management, including turtle nesting sites. Since the final CZMP, 2011 maps have demarcated turtle nesting sites, the answering Respondent decided to declare them as Silence Zones under the relevant statutory provisions applicable in the State of Goa, including the Noise Pollution Rules, 2000. Furthermore, the noise limits prescribed for Silence Zones shall be made applicable to turtle nesting sites.
7. The members of the answering Respondent’s 345th Meeting further suggested that the Respondent No. 2 Forest

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Department shall lead in protecting all nesting sites identified under the CRZ Notification, and implement the provisions of the Sea Turtle Plan in letter and spirit. Therefore, the answering Respondent approved the aforesaid modifications to the Sea Turtle Nesting and Habitat Management Plan during its 345th Meeting.

A true copy of the relevant extracts of the answering Respondent's 345th Meeting dated 01.06.2023 is annexed and is marked as **ANNEXURE R – 1. 855.TO. 858**

8. The above-captioned Application pertains to construction carried out by Respondent Nos. 4 to 8 in the property bearing Survey No. 211/2A of Village Ashwem, Mandrem, Taluka, Pernem North Goa [*Suit Property*]. A bare perusal of the approved CZMP map for Mandrem clearly indicates that the Suit Property is situated at a distance of over 1 kilometre from the turtle nesting site demarcated at Mandrem.

A true copy of the extract of the CZMP, 2011 map of Mandrem is annexed and is marked as **ANNEXURE R – 2.**

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9. The answering Respondent is in the process of conducting proceedings pertaining to the alleged illegal construction carried out by Respondent Nos. 5 to 8. The answering Respondent has posted proceedings against Respondent Nos. 5 and 6 for arguments on 27.07.2023. The arguments in respect of proceedings against Respondent No. 7 have been scheduled to be held on 20.07.2023. Proceedings

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against Respondent No. 8 are pending for filing of reply on the site inspection report, and the next date of hearing is 10.08.2023. The Applicant or the Respondents, as the case may be, may be at liberty to assail the final decision of the answering Respondent in accordance with the relevant statutory provisions.

10. In view of the aforesaid, it is submitted that the answering Respondent is still seized of the complaint made by the Applicant, because of which the above-captioned Application is premature and deserves to be dismissed. No other prayer made in the Application survives against the answering Respondent. Thus, the above-captioned Application may kindly be dismissed.



Bitte
DEPONENT

VERIFICATION

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

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

Verified at Panaji on this 12th day of July, 2023.

IDENTIFIED BY:

Bitte
DEPONENT

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA



Solemnly affirmed before me

Dr Sneha S. Gutte

Who is identified before me by

At Panjim - Goa

Sr. No. 118/07/2023

Date. 12/07/2023

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



MEMBER SECRETARY
 GOA COASTAL ZONE MANAGEMENT AUTHORITY
 PANAJI - GOA

MEMBER SECRETARY
 GOA COASTAL ZONE MANAGEMENT AUTHORITY
 PANAJI - GOA

MINUTES OF THE 345th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 01/06/2023 at 3.00 PM IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO, PANAJI-GOA

The 345th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment) on 01/06/2023 (Thursday) at 03.00 p.m. in the Conference Hall, Fourth floor, Dempo Tower, Patto, Panaji - Goa.

The following members were present for the meeting on 01/06/2023:

1. Secretary, Environment & Climate Change/Chairman (GCZMA)
2. Representative on behalf Principal Conservator of Forest, Department of Forest Panaji, Goa
3. Representative on behalf of Director, Department of Tourism, Panaji, Goa
4. Representative on behalf of Chief Engineer, WRD Panaji, Goa
5. Mrs. Radha Rao, Expert Member (GCZMA)
6. Shri Ganesh B. Velip, Expert Member (GCZMA)
7. Shri. Dilip Arolkar, Expert Member (GCZMA)
8. Director, Environment & Climate Change/Member Secretary (GCZMA)

At the outset, the Chairman (GCZMA) welcomed the Members present for the meeting and thereafter the following agenda items were taken up for discussion and decision.

TO DISCUSS AND DELIBERATE ON THE DRAFT SEA TURTLE NESTING AND HABITAT MANAGEMENT PLAN IN VIEW OF THE APPROVAL OF THE CZMP MAPS,2011 AND THE ISSUE OF MARINE TURTLE ACTION PLAN BY THE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE GOVERNMENT OF INDIA 2021-23 AND FOR REVIEW OF THE SILENCE ZONE IN TURTLE NESTING AREA IN VILLAGES OF MANDREM,MORJIM GALGIBAG AND AGONDA.

CRZ notification 2011 envisaged preparation of CZMP 2011 however it was delayed therefore as an interim measure the GCZMA deliberated upon NO Take Zone, Sustainable Tourism Zone and Fisheries Livelyhood Zone.The Authority decided in the 234th meeting held on 05/11/2020 to declare entire beach stretch of




Mandrem, Morjim, Agonda and Galgibaga covering the CRZ area of 0 to 500 meters shall be declared as "Silence Zone". These decision of the Authority also requires to be reviewed as the Ministry has approved CZMP maps 2011. Now The MoEF&CC has approved the CZMP 2011 plan for State of Goa which deal with various aspect of coastal management including turtle nesting sites. The GCZMA deliberated upon notifying silence Zone and protection of these sites in view of factual parameters available in form of CZMP for Goa. Now The Coastal Zone Management maps have been approved by Ministry of Environment, Forest and Climate Change. The turtle nesting sites have been demarcated on the approved CZMP maps. The same has to be incorporated in the final sea turtle nesting and habitat management plan.

1. The Representative of Forest Department Govt. Goa Mr. Anand Jadhav DCF WL North Goa had put forth the initiatives and proposed activities of forest department for effective management of turtles in Goa.

(a)The guidelines for protection of turtle shall be published widely to all general public, tourist and shacks owners and other stakeholders shall be made aware of the turtles nesting sites and its protection.

(b)DCF WL North Goa said that all white lights near turtle nesting sites should be banned or masked and only red lights shall be allowed at turtle nesting sites as turtle get disoriented due to white lights.

(c). DCF WL North Goa said that turtle nesting sites are notified under EPA 1986 therefore Tourism Department ensure proper signages at turtle nesting sites.

2. Member Secretary of GCZMA said that all tourist and other stakeholders shall be informed about turtles and turtle nesting sites in Goa and its guidelines publishing in official websites of Govt Department such as Tourism Dept. Forest Dept., GTDC, Department of Environment any other concerned Department website.

3. It was discussed that all shacks' owners and other stakeholders shall be educated about turtles nesting sites and its guidelines.



4. It was discussed in the meeting that all turtle nesting sites as shown in CZMP 2011 be declared as Silence Zone under noise rules applicable and in force for the State of Goa.

5. Members suggested that Forest Department shall lead in protecting all nesting sites identified under CRZ Notification and implement the provision of sea turtle nesting and habitat plan in letter and spirit. The GCZMA appreciated efforts of Forest Department for shifting turtle eggs to the hatcheries managed by the Forest Department at Morjim, Galjibag and Agonda.

6. DCF WL North Goa submitted that he will provide GPS coordinate where turtles layed their eggs for last four years and also provide data of number of turtle nesting and Hatchlings which will help authorities to identify such turtles nesting sites.

7. NGT in its Order dated 25/02/2019 issued in Execution application no. 01/2019(WZ) to 6/2019(WZ) in O.A.23/2014(WZ) issued turtle nesting guidelines.

1) 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.

2. The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and providing with opaque shield on sea facing side.

3. Playing of loud music by the shacks beyond 6.00pm and holding of beach parties to be prohibited.

4. movement of any automobile on beach prohibited.

5. It should be made incumbent upon the shacks licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitor the entire coast.

8. Authority besides adhering to above guidelines for turtles nesting sites has also taken following decision for management of turtle nesting sites

9. The Authority after detail discussion and deliberation further decided that turtle nesting management plan which was prepared with CZMP now requires some modification with respect to the "silence zone" considering the overall data of

turtle nesting's in the state of Goa. Pursuant to noise pollution rules 2000, the turtle nesting sites as identified in CZMP Goa shall be treated as silence zone and noise limits as prescribed for silence zone shall be applicable to the turtle nesting sites

In view of above Authority decided to approve the Sea Turtle Nesting and Habitat Management Plan, with above modifications.

Case No.2.1

Proposed internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village ,Bardez-Goa.

The Office of the GCZMA is in receipt of an application dated 09/01/2023 from Ronil Hotels and Resorts Private Limited, Registered office: Sukerkar Mansion, First Floor, M.G. Road, Panaji-Goa, with regards proposed internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village , Bardez-Goa.

Site Inspection Report:The said site was inspected by 1) Bhargavi Kelkar (Engineer GCZMA), 2) Siddhi Morajkar (Field Surveyor GCZMA)

1. Name of the Applicant: Ronil Hotels and Resorts Private Limited

2. Date of the Application:09/01/2023

3. Application for: internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village , Bardez-Goa.

4. Date of construction based on the documents: N.A

5. Date of Inspection: 30/01/2023

6. Name of the Official / Expert Member, GCZMA:

1) Bhargavi Kelkar (Engineer GCZMA)

2) Siddhi Morajkar (Field Surveyor GCZMA)

TURTLE NESTING SITE

A R A B I A N S E A

PLAN NOT TO SCALE
FOR REFERENCE PURPOSE ONLY

MANDREM
SURVEY NO. 211/2A

PERNAM

1123.06

Ashvem

MANDREM
PERNAM

