

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



Appeal no. 20/2022 (WZ)

Paul Lobo & ors.

...Appellants(s)

Versus

Goa Coastal Zone Management

Authority & ors

...Respondent(s)

ADDITIONAL AFFIDAVIT ON BEHALF OF
THE RESPONDENT NO. 2 TO THE
ADDITIONAL AFFIDAVIT IN REJOINDER
DATED 12/10/2024 FILED BY THE
APPELLANTS

MAY IT PLEASE YOUR LORDSHIP:

I, Manoj Kumar Mehani, authorised representative of the Respondent No. 2, being conversant with the facts and circumstances of the present case on solemn affirmation begs to state and submit as under:-

1. I say that the Respondent No. 2 has been served on 14/10/2024 with an additional affidavit in rejoinder

Manoj Kumar Mehani

dated 12/10/2024. I say that, as the contents of the said affidavit needs rebuttal I am advised to file this affidavit to deal with the same which I do as under:

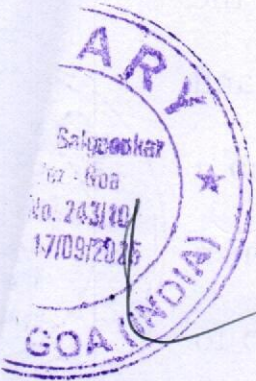
2. I say that this Hon'ble Tribunal vide order 22/08/2024 was pleased to call upon the Respondent No. 1 to clarify as to whether the map at page 118 forms part of the inspection report prepared by GCZMA. The said clarification was sought more particularly in view of the submission made on behalf of the Appellants that the area referred at serial no. 2 at page 107 of the inspection report dated 17/11/2021 wherein the sand dunes has been alleged to have been cut and damaged, is referable to the photograph at page 118. The said submission of the Appellants to their own knowledge is false and misleading.

3. The Appellants in order to come out of the said submission made on the basis of the misleading and doctored plan at page 118, has sought to file an additional affidavit before this Hon'ble Tribunal falsely claiming that it is due to purported

Manoj Chauri



inadvertence that the said photograph came to be placed on record. The reasons given by the Appellants in para 7 of the affidavit in rejoinder is false to the knowledge of the Appellants and the same is specifically denied.

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4. I say that, though in the said affidavit, under reply the Appellant now acknowledges, that the noting's on photograph at page 118 is not of the Respondent No. 1, the Appellants still in para 9 to 11, of the said affidavit insist that the sand dunes are cut and destroyed by the Respondent No. 2 and further contend that the same is borne from the contents of the inspection report at page 106 to 119. The Appellants also refers to content at serial no. 2 of page 107 and reiterates its false claim, that the alleged destruction of the sand dunes referred to at page 107 is referable to the photograph at page 118. This Respondent No. 2 specifically denies that there is any destruction of sand dunes by this Respondent No. 2.

M. P. Mehan

5. I say that, the references made at page 107 of report at serial no. 2 is not referable to photograph at page 118 but the same pertains to area depicted in the photograph no. 1 found at page 111, annexed to the report as is evident from the said report itself. I say and submit that the area depicted in the photograph no. 1 as referable to serial no. 2 at page 107 is an area which falls beyond 500 mts of HTL and not within 200 to 500 mts of HTL as falsely claimed by the Appellants. It is specifically denied that there is a factum of sand dunes destruction at the hands of Respondent No. 2 as falsely claimed by the Appellants. It is further denied that site inspection report dated 17/11/2021 is evident of the said purported claim as alleged.

6. The claim of the Appellants that the contents of the said report should be inferred from the marking made at page 118 is false, erroneous and factually incorrect. I say that the area referred at serial no. 2 at page 107 falls beyond 500 mts of HTL and is referable to the photograph 1 at page 111. It is reiterated that the said reference at serial no. 2 at page 107 is not referable to



Manoj Malavi

photograph at page 118 as falsely claimed by the Appellants. The attempt and or exercise sought to be done by the Appellants to link the contents of serial no. 2 of the report at page 107 to the photograph at page 118 itself is an attempt to mislead this Hon'ble Tribunal.

7. As a matter of fact, in the said affidavit at para 7 and 8 the Appellants now falsely claims, that due to the alleged inadvertence of the said deponent namely Mr. Antonio Vital Luis the marked copy of the inspection report was passed on to the advocate for the appellant on record to be used as annexures instead of unmarked copy. It is also falsely claimed that the said noting or marking made in the said photographs were made as an illustrative tool to demarcate the alleged destructions of the sand dunes. The contents of the said para 7 is specifically denied as being false and concocted. The said justification which is sought to be given by the deponent in the said affidavit is false and is an afterthought.



anwarul haque

8. I say that whilst denying the contents of the said affidavit in rejoinder dated 14/10/2024 and whilst denying the claim of the Appellants that due to alleged inadvertence the marked copy was placed on record before this Hon'ble Tribunal in said appeal, I say that the said photograph at page 118 was placed on record by the Appellants with a clear intention to mislead this Hon'ble Tribunal and to pretend as if this Respondent No. 2 has undertaken illegal activities and has destroyed the sand dunes within 200 – 500 mts of HTL.

9. I say that if one peruses the records before this Hon'ble Tribunal in the said appeal, the said appeal is affirmed by the Appellant No. 1 Mr. Paul Lobo who has not come forward to file an affidavit before this Hon'ble Tribunal giving clarification about the said photograph. As a matter of fact, this Respondent No. 2 has not destroyed the sand dunes as falsely claimed by the Appellants. The noting's and marking on the said photographs at page 118 are done by the Appellants

Mansingh Mehra




with a clear intention to falsely claim that the sand dunes are destroyed by the Respondent No. 2.

10. I say that all these while the Appellants tried to create confusion by referring to serial no. 2 of the report at page 107 of the paper book and relate the same to the photograph at page 118 which other wise to the knowledge of the Appellants is factually incorrect.

11. The allegations made by the Appellants that the expert members have put blatant falsehood about the existence of the road is specifically denied. It is reiterated and stated that the observations made by the expert members is based on the factual situation at site, the road referred to in the report exist at site even today.

12. The claim of the Appellant that the sand dunes are cut and destroyed by the Respondent No. 2 is specifically denied.

13. I say that the contents of the additional affidavit in rejoinder dated 12/10/2024 filed by the Appellants



Pratik Patel

which are not specifically admitted and which are contrary to what is stated herein above be taken as specifically denied.

14. I say that the contents of above para are 1(part), 2 to 5, 6(part), 7(Part), 8(Part), 9, 10, 11(Part), 12, and 13 true to my knowledge and records and contents of para 1(Part), 6(Part), 7(Part), 8(Part) and 11(Part) are based on the legal advised which I believe to be true and correct.

Manoj Melani
RESPONDENT NO 2

Place: Panaji, Goa

Date: 16/10/2024

S. Vaigankar

ADV FOR RESPONDENT NO 2

Adv S. Vaigankar



JULIENNAI AFFIRMED AND VERIFIED
BEFORE/ME BY *Manoj Melani*
WHO IS IDENTIFIED BEFORE ME
BY *Adv. S. Vaigankar*
WHOM I KNOW
SERIAL NO. *57574* DATED *16/10/2024*

Shilpa B. Salgaonkar
SHILPA B. SALGAONKAR
NOTARY AT BARDEZ - GOA
STATE OF GOA-INDIA
REG. NO. 243/10