

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE BENCH AT PUNE**

O.A. NO. 170/2024 [WZ]
[Formerly O.A. No. 26(THC)/2013 [WZ]]

BETWEEN:

THE GOA FOUNDATION AND ANR.

...APPLICANT

AND

DLF Homes Goa Pvt. Ltd. & Ors.

(Earlier known as M/s. Sarawati

Builders & Constructions Pvt. Ltd.) **...RESPONDENTS**

ADDITIONAL AFFIDAVIT IN REJOINER
OF THE APPLICANT

I, Dr. Claude Alvares, Secretary of the Applicant organization, do solemnly affirm and state as follows:

1. I am filing this brief affidavit in response to the recent affidavit of the R-1 dated 01.02.2025, and further, to place on record 2 documents material to the present proceedings. At the outset, I state that I am not replying to each and every statement and averment made in the reply of the Resp. No. 1 dt. 01.02.2025, and nothing may be deemed to be admitted unless the same is specifically admitted herein but should be treated as though the same has been set out seriatim and denied and disputed specifically.

2. With reference to the “key statement/findings” of the Deputy Conservator of Forests reported on pg. 1426, I submit that the Forest Conservation Act, 1980 does not prohibit felling of trees. It deals with the diversion of forest *land* to non-forestry purposes. Felling of silviculturally old or diseased trees is permitted in notified forest areas. In fact, all 3 felling permissions disclose that the respondents were required to plant trees to replace the trees felled in order to maintain the vegetation. The permissions in fact require them to plant “forestry species.” I deny that the forest department does not grant tree felling permissions for trees in forest areas or in areas recognized as forest.

3. There are two documents the Applicant is placing on record along with this affidavit. In its affidavit dt. 06.08.2024, the R.1 has enclosed the 2nd Interim Report of the Review Committee – II of the State Govt. The first page of the Report [pg. 857] states that “for criteria and methodology, 1st interim report may kindly be referred.” Accordingly, the Applicant is enclosing as Annexure A-1 the relevant extract of the 1st Interim Report of the Review Committee, which lays out the criteria and methodology followed by the RC-II.

4. Secondly, in the Rejoinder Affidavit filed by the Applicant dt. 11.11.2024, a statement was made regarding a Civil Appeal filed by the Applicant against the judgement and order dt. 12.09.2023 of the Hon’ble N.G.T. in M.A. 3/2023 [WZ].

Inadvertently, the order of the Hon'ble S.C. in the C.A. dt. 18.03.2024 was not enclosed. The order dt. 18.03.2024 is now enclosed as Annexure A-2.

- 5. I state and verify that the contents of paras 1 - 4 of this affidavit are partly in the nature of facts which are true to my own knowledge and as per official documents/records, and are partly my submissions made based on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true and correct copies of their respective originals.



Solemnly affirmed at Mapusa, Goa,
This the 7th day of February 2025



Solemnly affirmed before me by Dr. Claude. Alvares
Who has been identified by _____
who is known to me personally
Mapusa - Goa.

Reg. No. 783/025 Date 07/02/2025

JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA (INDIA)



GOVERNMENT OF GOA

**INTERIM REPORT OF REVIEW COMMITTEE
ON
REVIEW OF PRIVATE FOREST AREAS
IDENTIFIED BY
NORTH GOA & SOUTH GOA DISTRICT COMMITTEE
(V. T. THOMAS & F. X. ARAUJO)**

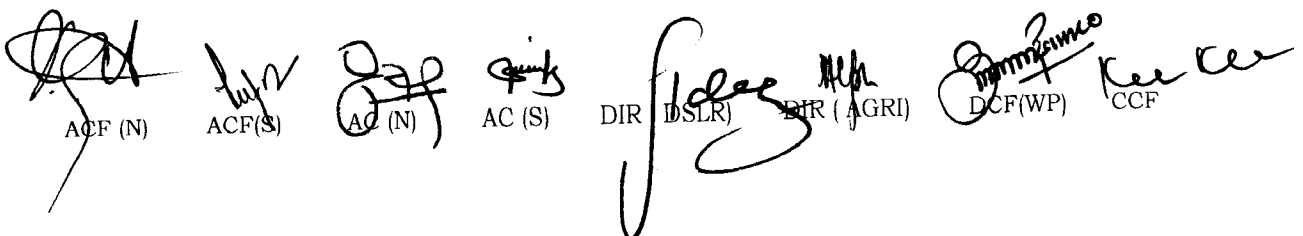
**Interim report of the review committee on review of
Private Forest provisionally identified by North and
South Goa Forest Division Committees (V.T. Thomas &
F.X. Araujo Committee)**

Introduction

Hon'ble NGT directed the state Government to constitute a committee and evolve internal mechanism to demarcate private forest areas in each of the land as private forest by Sawant and Karapurkar Committee vide order dated 07/01/2016 in Application No. 18(THC) /2013 (WZ). In pursuance to the aforesaid order, the Government of Goa , vide notification dated 23.04.2018 constituted a committee under DCF (Working Plan) to review identified Forest areas by earlier all committees, simultaneously disbanding the two Forest Division Committees (North and South Goa) also known as Thomas & Araujo committees constituted under Application No. 16(THC)/2013 (later O.A. No. 478/2018). The review committee chaired by DCF (Working Plan) submitted its report on 29.06.2019 reviewing all the areas identified by earlier Sawant & Karapurkar Committee only as per timeline fixed by Hon'ble NGT in O.A. No. 479/18. However, due to paucity of time, the committee did not submit any review report of the areas identified by two Forest Division Committees (North and South Goa) Thomas & Araujo committees.

Constitution of new review Committee

A committee (hereinafter referred as Review Committee"), to review Provisionally identified Private Forest areas by North and South Goa Forest Division Committees (also known as Thomas & Araujo Committee) was constituted vide Government of Goa Notification No. (WP)/Pvt. For/16(THC)/ 2013(WZ)/19-



 ACF (N) ACF(S) AC (N) AC (S) DIR (DSL) DIR (GRI) DCF(WP) CCF

20/26 dated 21/01/2020 (with Conservator of Forests as Chairman) and Vide Notification No. DCF (WP)/Pvt. Forest/16(THC)/ 2013(WZ)/19-20/119 dated 18/06/2020 (The Chief Conservator of Forests was made the Chairperson). The Composition of the Review Committee is as follows

1. The Chief Conservator of Forests – Chairman
2. Director (survey and Land Records), – Member
3. Director (Agriculture), – Member
4. Additional Collectors (North), – Member
5. Additional Collectors (South), – Member
6. Asst. Conservator of Forests (HQ) (North), – Member
7. Asst. Conservator of Forests (HQ) (South), – Member
8. DCF (Working Plan) – Member Secretary

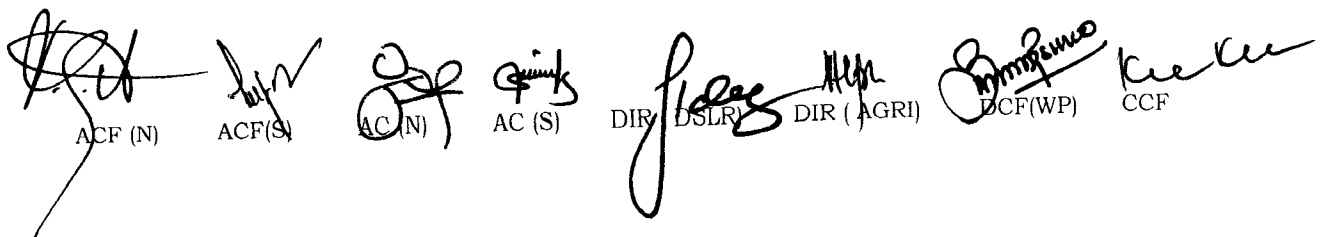
Criteria followed by the State of Goa .

The criteria adopted for identification of Private Forest are as follows:

(i) 75% of the tree composition of such lands should be of Forest species;

(ii) The area should be either contiguous to the Government Forest lands or if in isolation, the minimum area should be 5 ha; and

(iii) Canopy density should not be less than 0.4.



 ACF (N) ACF (S) AC (N) AC (S) DIR (SLR) DIR (AGRI) DCF (WP) CCF

Methodology adopted and progress made in review

The two Forest Division Committees (North and South Goa) Thomas & Araujo committees provisionally identified the areas qualifying as private forest based on their field visits only.

Therefore, the Committee proposed the following methodology for reviewing the identified Private forest Areas by two Forest Division Committees (North and South Goa) based on the criteria followed by State of Goa using Forest Cover Maps (Canopy density > 40% & Area > 5 ha) from Forest Survey of India followed by field enumeration cum survey & public hearing and same was approved by the Government on 9.3.2020.

1. Inviting objections/ representations from landowners / affected parties etc .

The committee invited objections/representation from affected Private Forest Owners on 15.2.2020 by publishing advertisements in local dailies with due date of submission within one month's notice initially. However, due to prevailing COVID conditions, the timeline was extended from time to time to give sufficient time for convenience of affected persons for filing their representations / objections . It has been decided with approval of the Government that considering existing COVID - 19 pandemic conditions, objections received after the due date will also be considered by the Review Committee. Total objections received as on date are 8062 nos..

Data entry, sorting, scrutiny and tabulation of large number of objections received started in March, 2020 and continued till July, 2020. Additional manpower was deployed for scrutiny and tabulation of data during the period considering the huge volume


 ACF (N) ACF(S) AC(N) AC(S) DIR/ DSLR) DIR (AGRI) DCF(WP) CCF

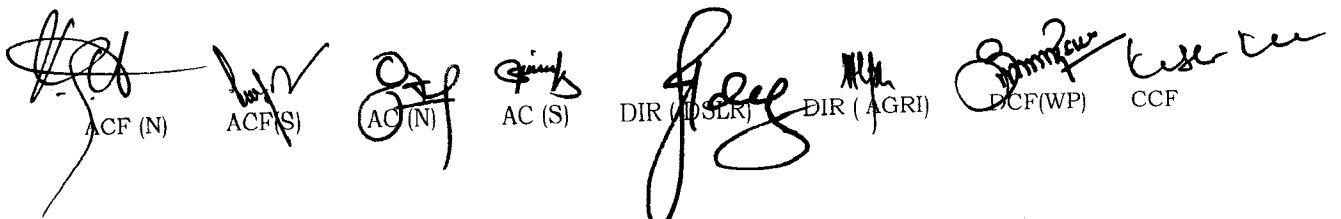
of information. All the objections have been sorted & tabulated and details of objections are uploaded on the departmental website for public information and also sent to Sub-committees formed in the matter/ North and South Goa Divisions for inviting objectors during field visit for enumeration and survey.

2. Digitization of Private Forest Data:-

All the Survey numbers (more than 3195 nos.) included by the two Forest Division Committees (North and South Goa) – Thomas & Araujo Committee were digitized using the Regional Plan of Town & Country Planning Department, Government of Goa and records of Directorate of Survey & Land Records Department. Considering a large number of Survey numbers to be digitised, the work started soon after formation of the review committee in January, 2020, additional manpower trained in digitisation work were deployed for work. Digitisation work was mainly affected due to lockdown and COVID – 19 pandemic conditions. However, with all efforts, 100% digitisation of all survey numbers was completed in September, 2020.

3. Superimposing on Forest Cover Maps / Classified image

As a part of approved methodology the review committee in coordination with National Remote Sensing Centre and Forest Survey of India (FSI), a high quality LISS IV Satellite image was specially analysed for preparation of Forest Cover Map as per the Private Forest criteria (*Canopy density & Area criteria*) by Forest Survey of India. Forest Survey of India was consulted on formation of the review committee and approval of methodology. However, due to COVID – 19 related lockdowns FSI could start their work on time effectively and started only in May, 2020. Satellite image of 2014-15 was used as it coincides as the mid term period of working of North and South Goa Divisions (Thomas and Araujo) committees. COVID – 19 lockdown and



 ACF (N) ACF (S) AC (N) AC (S) DIR (DSL) DIR (AGRI) DCF (WP) CCF

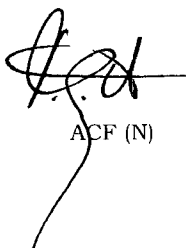






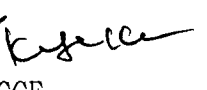
restrictions have severely delayed the preparation of special forest cover maps by FSI. The Forest Cover Map (FCM) of 2014-15 from FSI could only be received on 15.10.2020.

The Forest Cover Map (FCM) of 2014-15 prepared by FSI constitutes polygons with more than 40% canopy and area more than 5 Ha and less than 5 Ha, with later analysed for proximity to Government Forest. Digitised Survey numbers of North and South Goa Divisions (Thomas and Araujo)committees have been superimposed on FCM maps/polygons of FSI for analysis.

4. Image interpretations

Pursuant to receipt of FCM from FSI on 15h October, 2020, the interpretation work to analyze all the Survey numbers identified by the two North and South Goa Divisions (Thomas and Araujo)committees started and total work was totally completed by January, 2021, with following results.

- 183 maps are prepared of Survey Numbers qualifying area and canopy criteria (Patch Areas with more than 5 hectare & Canopy density more than 40%) admeasuring 9138 Ha (91.38sq.km) approximately and sent for ground verification & enumeration by sub-committees under supervision of concerned DCF. (*Sending of maps started simultaneously from end of October, 2020*)
- 27 maps are prepared of survey numbers qualifying area and canopy criteria (Canopy density > 40% & being adjoining Government Forests) measuring 45 Ha (0.45 Sq. Kms) and similarly sent for ground verification & enumeration by sub-committees under supervision of concerned DCF.
- Additional 82 no. of maps primarily with details of Survey Numbers. not meeting the criteria of canopy density and area as per LISS IV FCM of 2014-15, have also been prepared and details were sent to Divisions for seeking

 ACF (N)
  ACF (S)
  AC (N)
  AC (S)
  DIR (DSLR)
  DIR (AGRI)
  DCF (WP)
  CCF

history details regarding felling permission, offences, court cases if any, in those Survey Numbers etc for further analysis including google timeline analysis as per approved methodology.

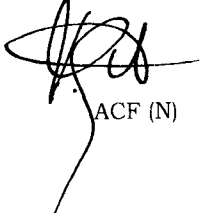







- After receipt of this information from Divisions, analysis on Google Time Series has been undertaken and corroboration with satellite based Forest Cover Map of FSI for the relevant period was done wherever required.

5. Ground Verification

Since out of the three criteria of Private Forests in Goa , the first criteria i.e 75% of the tree composition should be forestry species composition , which cannot be ascertained by using Forest Cover Map / Classified image but though ground verification only. The enumeration of 9183 Ha (91.83 Sq. Km) approximate area is being carried out by 16 Nos. Sub-committee consisting of Range Forest Officers of Forest Department, Inspector of Survey and Land Records, Directorate of Land and Survey Department and Village Talathi of Revenue Department, which are working under direct supervision of concerned territorial DCF.

Details of provisionally identified survey numbers for review

Particulars	North Goa	South Goa	Total	Remark
Total Survey Numbers identified as Private Forests	792	2403	3195	
Survey Numbers Qualifying as Per LISS IV FCM of FSI with area	568 (2233 Ha)	1265 (6950 Ha)	1833 (9183 Ha)	<i>To be reviewed through Field enumeration , surveying and public hearing etc</i>

 ACF (N)
  ACF (S)
  AC (N)
  AC (S)
  DIR (BSLR)
  DIR (AGRI)
  DCF (WP)
  CCF

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS****Civil Appeal No(s). 2135/2024****THE GOA FOUNDATION****Appellant(s)****VERSUS****THE STATE OF GOA & ORS.****Respondent(s)****(IA No.26961/2024-EX-PARTE STAY and IA No.26967/2024-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.26959/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****Date : 18-03-2024 This appeal was called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE ABHAY S. OKA****HON'BLE MR. JUSTICE UJJAL BHUYAN****For Appellant(s)** Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P. Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.**For Respondent(s)** Mr. Mohit Paul, AOR
Mr. Ayush Agrawal, Adv.
Mr. Vikrant Singh Bloria, Adv.
Mr. Sushant Tomar, Adv.
Ms. Rangoli Seth, Adv.
Ms. Sanjleena Lal, Adv.**UPON hearing the counsel the Court made the following
O R D E R****This Appeal requires final hearing.****The Appeal shall be treated as admitted.****List for hearing on 18th September, 2024.****The counter affidavit, if any, shall be filed within a period
of six weeks from today. The rejoinder affidavit, if any, shall be****Filed within four weeks thereafter.**

Signature Not Verified
Digital Signed by
ASHISH KONDLE
Date: 2024.03.19
18:44:21 IST
Reason: []

**(ASHISH KONDLE)
COURT MASTER (SH)****(AVGV RAMU)
COURT MASTER (NSH)**