

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE

Appeal No. 32/2022 (WZ)

IN THE MATTER OF:

Mr. Suvarn Rajaram Bandekar ... Applicant

Versus

State of Goa & Ors. ... Respondents

ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 5

FILED ON: 03.08.2023

PLACE: Panaji, Goa



ADVOCATES FOR RESPONDENT NO. 5

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WESTERN ZONE BENCH AT PUNE

Appeal No. 32/2022 (WZ)

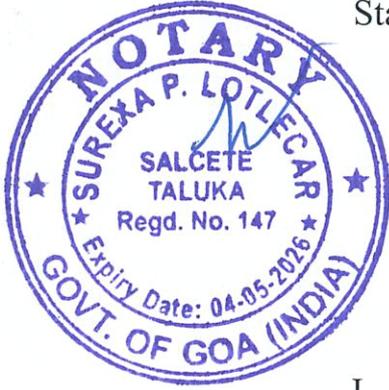
IN THE MATTER OF:

Mr. Suvarn Rajaram Bandekar ... Applicant

Versus

State of Goa & Ors. ... Respondents

ADDITIONAL AFFIDAVIT IN
REPLY ON BEHALF OF THE
RESPONDENT NO. 5



I, Maria Odry Fernandes, aged about 49 years, daughter of Armando Cardozo, Indian Citizen, residing at S-5, Kurtarkar Vihar, Aquem Alto, Margao, South Goa, Goa, the Respondent No. 5, hereinabove, do hereby solemnly affirm as under:

1. I state that I have read and understood the contents of the Appeal filed by the Appellant and I am filing the present Additional Affidavit in Reply thereto.

2. I state that I am arrayed as Respondent No. 5 herein in the amended Appeal Memo served upon me in June, 2023. I state that I have filed an Affidavit of Reply to the Appeal on 02.08.2023 and the same has been served upon all the parties. I state that I filing this Additional Affidavit to place on record certain important photographs.



3. It is submitted that Joint Committee prepared a Status Report wherein it proceeded on the assumption that sand dunes existed on the demolished road, prior to its construction, which itself is completely erroneous and flawed. It is submitted that neither any sand dunes existed prior to road and nor is any human interference required at this point in time.

4. It is submitted that this Respondent is producing photographs of the subject property. It is submitted that it is clear that there are no sand dunes even around the demolished road and hence, the contention of restoring sand dunes is completely erroneous and false. It is submitted that upon the perusal of the photographs, it is clear that vegetation and shrubs have grown

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in and around the subject property in question, where the demolished road existed and hence, it is clear that the site has been restored over years, through natural process. It is submitted that these photographs are clear evidence that no human interference is required in the site at question and hence, the Impugned Order merits no interference.

Annexed hereto and marked as "Exhibit- A" are the photographs of the demolished road area, in Sernabtim Village, Goa.

5. It is evident from the photographs that the area has restored itself and hence, the findings of the GCZMA and the Goa Biodiversity Board stating that the area is restored over the year by natural process is a correct finding. In view of the findings it is clear, that the site does not merit any human interference which is being restored naturally over the years.

6. It is submitted that in view of the above, the present Appeal is required to be dismissed and the Appellant is not entitled to any reliefs whatsoever.

J. J. J.



7. I state that whatever has been stated by me in this Affidavit is true to my knowledge, based on the records available with me and in the nature of legal submissions which I believe to be true and correct.

fernandes
M Place: Margao, Goa

Date: 03.08.2023

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RESPONDENT NO. 5

VERIFICATION

I, Maria Odry Fernandes, aged about 49 years, daughter of Armando Cardozo, Indian Citizen, residing at S-5, Kurtarkar Vihar, Aquem Alto, Margao, South Goa, Goa, the Respondent No. 5, do on solemn affirmation state that what is stated by me in aforementioned paragraphs is true to my own knowledge and

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belief and based on the records available in my office to which I have access and which I believe to be true and correct.

[Handwritten signature]

Verified at Margao, Goa.

On this 3rd day of August, 2023

[Handwritten signature]

DEPONENT

Solemnly affirmed before me by
Maria Odry Fernandes
who is identified by Aadhaar
Card NO 727163942494
to whom I personally know
Reg. No. 8148/2023
Date: 03/08/2023

[Handwritten mark]

[Handwritten signature]

SUREXA P. LOTLECAR
NOTARY MARGAO
SALCETE TALUKA
STATE OF GOA (INDIA)

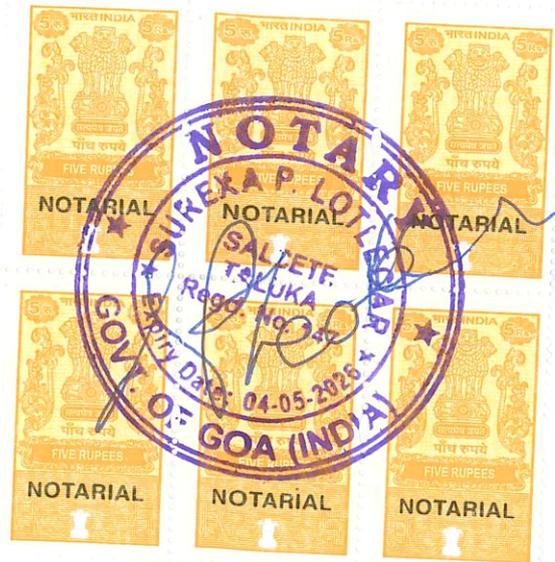


EXHIBIT- A

RED LINE DEPICTING THE PATH OF THE EARLIER DEMOLISHED ROAD







