

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

**APPEAL No.32/ 2023**

**IN THE MATTER OF:**

LAWERANCE FERNANDES .... APPELLANT

*Versus*

GOA COASTAL MANAGEMENT AUTHORITY  
and Ors ... RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF APPELLANT**

I **Lawrence Fernandes**, Son of Anton Fillipe Fernandes, aged 44 Years, Indian national, the Appellant above named, residing at H. No. 108, Sernabatim, Ambeaxir, Colva Salcete South Goa, do hereby solemnly affirm and say as under:

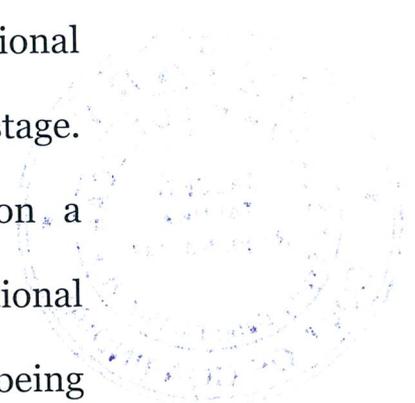


1. I state that I am the Appellant in the above-mentioned Appeal and am fully conversant with the facts and circumstances of the case. I am filing this Additional Affidavit solely for the purpose of objecting to certain documents annexed by Respondent No. 3 in her Affidavit in Reply dated 09.05.2024. These documents, marked as

*[Signature]*

Annexure A-2 to A-5 (appearing at pages 19 to 32 of the said Affidavit in Reply, hereinafter referred to as the "said documents"), were never part of the record before Respondent No. 1, i.e., the Goa Coastal Zone Management Authority (GCZMA), nor were they considered by the GCZMA prior to the issuance of the impugned order herein.

2. I state that the said documents have been annexed by Respondent No. 3 for the first time before this Hon'ble Tribunal without filing any proper application for production of additional documents or seeking the leave of this Hon'ble Tribunal. I state that it is trite law that parties to an appeal are not entitled to introduce additional evidence as a matter of right at the appellate stage. Such evidence can only be admitted upon a specific application demonstrating exceptional circumstances, such as the evidence not being available despite due diligence or being necessary for the Tribunal to pronounce judgment, and only seeking leave of the Appellate Court. I state that no



such application has been filed by Respondent No. 3, and no leave has been granted by this Hon'ble Tribunal.



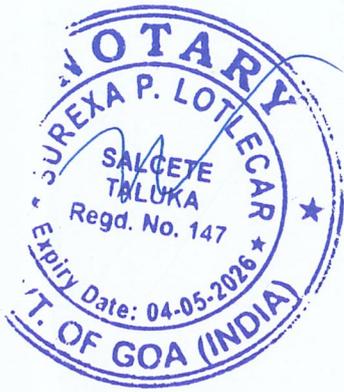
3. I state that the impugned order passed by Respondent No. 1 neither considers nor refers to the said documents in any manner. The Appellant had no opportunity to address or rebut these documents during the proceedings before the GCZMA, as they were not part of the record at that time. Allowing consideration of these documents at this stage would prejudice the Appellant and violate principles of fair hearing and natural justice, as the Appellant has been deprived of the chance to respond to them prior to the impugned order.

4. That, in view of the above, it is submitted that the said documents (Annexure A-2, A3, A4 and A-5) ought not to be taken on record or considered by this Hon'ble Tribunal during the hearing or

adjudication of the present Appeal. I state that the Respondent No. 3 was required to file a formal application seeking leave for production of additional evidence, justifying why such documents could not be relied upon earlier, which has not been done. At the appellate stage, additional documents cannot be entertained without such leave, to prevent surprise and ensure procedural fairness.



5. I state that I am filing this Additional Affidavit only for purpose of objecting to the documents annexed by the Respondent no.3 in her Affidavit in Reply dated 09.05.2024 which, in view of the fact that the said documents were never part of the record before the GCZMA, nor they were considered by GCZMA before issuance of the impugned order. I state that the Respondent no.3 has annexed documents at "Annexure- A-2 to A-5" along with the Affidavit in Reply of Respondent no.3 dated 09<sup>th</sup> May 2024 from page 19 to 32 (herein after referred as "said documents") which



were not the subject matter of record before the Respondent no.1, GCZMA. I state that the Respondent no.3 has annexed the documents for the first time before this Hon'ble Tribunal without either filing proper Application for production of Additional Documents or without seeking leave of this Hon'ble Tribunal.

6. I state that impugned order passed by the Respondent no.1 does not consider or deals with the said documents, and hence this Hon'ble Tribunal may not consider the documents at the time of adjudication the present subject matter. I state that the Appellant had no opportunity to deal with such documents nor the GCZMA has issued the impugned order based on the said documents, and therefore said documents may not be considered by this Hon'ble Tribunal.

7. I state that therefore the Appellant respectfully submits that documents from Annexure A2 to A-5

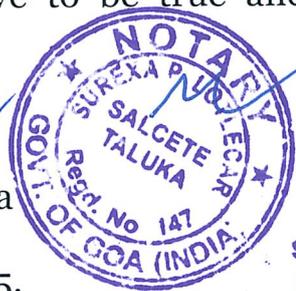
may not be considered by this Hon'ble Tribunal at the time of hearing or at the time of adjudication of the afore said matter.

8. In view of above conspectus, the Appellant respectfully states and submit that the documents Annexed by the Respondent No.3 from Annexure A to A-5 may be not taken in toconsideration bythis Hon'ble Tribunal at the time of hearing the aforesaid matter.

9. I state that the contents of this Affidavit are true and correct to the best of my knowledge and belief, based on records available with me and legal advice received, which I believe to be true and correct.

*[Handwritten signature]*

Solemnly affirmed at <sup>Margao,</sup> ~~Panaji,~~ Goa on this <sup>16</sup>25 day of November 2025.



*[Handwritten signature]*  
**DEPONENT**

Solemnly affirmed before me by Lawrence Fernandes who is identified by Aadhaar Card no. 544197979 to whom I personally know 8888 Reg. No. 11804/2025 Date 25/11/2025

Identified by me:



*[Handwritten signature]*  
**SUREXA P. LOTLECAR**  
NOTIARY MARGAO  
SALCETE TALUKA  
STATE OF GOA (INDIA)