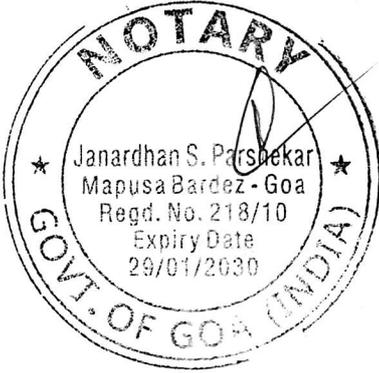


BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE



Original Application No.: 156 of 2016 (WZ)

Between:

The Goa Foundation

... APPLICANT

And

Goa Tourism Development Corporation

(GTDC) & Anr.

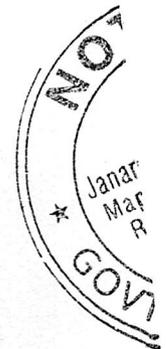
... RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF
OF THE APPLICANT

I, Dr. Claude Alvares, Secretary of the Applicant Society, do hereby solemnly affirm and state as under:

1. I state that I am filing this Additional Affidavit to place on record the documentary and photographic evidence detailed hereinafter, in terms of liberty granted to file/produce additional evidence/material, as per the Judgment and Order of the Hon'ble Supreme Court of India dated 08.10.2025 in Civil Appeal No. 8312 of 2022 and the Order of this Hon'ble Tribunal dated 03.11.2025.

2. I say that during the course of the appellate proceedings before the Hon'ble Supreme Court in C.A. 8312/2022, the Applicant herein had filed an Additional Affidavit dated 19.05.2025 to place on record the updated factual status of the Baina Beach "beautification" project.
3. I say that the said affidavit dated 19.05.2025 contains crucial evidence that goes to the root of the dispute remitted to this Hon'ble Tribunal, specifically regarding whether the project area falls within CRZ-I/No Development Zone and the status of the alleged "second wall". I crave leave to place the said Affidavit along with its Annexures on record in the present proceedings as ANNEXURE A-1.
4. I say that the contents of the said Affidavit (Annexure A-1) inter alia include:
- **Recent Photographs:** A series of geo-tagged photographs depicting the half-completed beach project, including raised platforms and pergolas constructed directly on the sandy beach.
 - **Status of Walls:** Photographs showing the remnants of the old retaining wall and the new so-called "second wall" constructed as part of the impugned project.
 - **Google Earth Imagery:** Images for the years 2010 and 2014 illustrating the pre-project situation and the encroachment of structures into the sandy beach.
 - **CZMP 2022:** An extract of the notified 2022 Coastal Zone Management Plan (CZMP) for Baina, classifying the sandy portion of the beach as CRZ-I/No Development Zone.



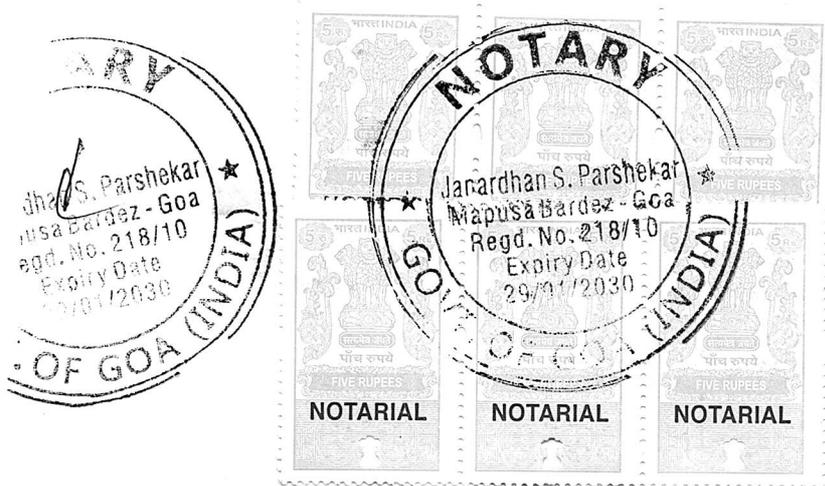
- 5. I say that the evidence annexed hereto establishes that the project area is indeed in CRZ-I (No Development Zone) and that the construction undertaken violates the conditions of the GCZMA permission. I say that though the city of Vasco is CRZ-II, the sandy portion falling between the existing road and sea is NDZ and hence CRZ I. In CRZ II areas, development permitted is behind authorised existing buildings/constructions. In all CRZ II areas, the portion beyond the authorised existing building/construction is invariably the beach and the sea, which is NDZ and CRZ I.

- 6. I say that this Affidavit is filed bona fide to assist this Hon'ble Tribunal in the fresh consideration of the matter as directed by the Hon'ble Supreme Court.

- 7. I state that the contents of this affidavit are partly in the nature of facts which are true to my own knowledge and as per official documents/records, and partly in the nature of my submissions 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.

[Signature]
Solemnly affirmed at Mapusa, Goa on
the 10th day of December, 2025

[Signature]
DEPONENT



Solemnly affirmed before me by
[Signature]
who is known to me personally by
Mapusa - Goa.
Reg. No. 6051/25 Date 10/12/25

[Signature]
JANARDHAN S. PARSHAKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA (INDIA).

VERIFICATION

I hereby verify that the contents of paras 1 - 7 of my above affidavit are true to my knowledge; official documents/records, and legal advice which I believe to be true and correct. I say that 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.

Verified on the 10th day of
December, 2025, at Mapusa Goa


APPLICANT/DEPONENT

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ANNEXURE A - 1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL 8312/2022



IN THE MATTER OF:

GOA TOURISM DEVELOPMENT
CORPORATION (GTDC)

... Petitioners

V.

THE GOA FOUNDATION AND ANR

... Respondents

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ADVOCATE-ON-RECORD
FOR THE RESPONDENT NO.1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL 8312/2022

IN THE MATTER OF:

GOA TOURISM DEVELOPMENT

CORPORATION (GTDC)

... Petitioners

V.

THE GOA FOUNDATION AND ANR

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF THE RESPONDENT

NO. 1 (THE GOA FOUNDATION)

I, Dr. Claude Alvares, aged 77, Secretary, the Goa Foundation, Respondent herein, do hereby solemnly affirm and submit as under:

1. I am filing this affidavit to bring on record for the perusal of this Court, a set of colour photographs of the Baina beach and of the proposed beach beautification project which is subject matter of the appeal. Liberty was granted to the Respondent herein by this Hon'ble Court vide its order dated 09.04.2025 to produce these photographs. These latest photographs of the site of the beach beautification project were taken by Adv. Sherwyn Correia [Enrolment no. - MAH/8906/2023] on 25.04.2025 and by this deponent on 29.04.2025. The pictures which collectively show the half-completed beach project as it exists today at site are enclosed at Annexure A.



2. These pictures need to be seen in conjunction with the pictures provided by the answering Respondent with his counter affidavit dated 17.03.2023 and which are at Pages 67 and Page 70 of the Counter. All the constructions that are underway (which are a foot high) are part of the impugned beach beautification project, made to contain mud imported from outside the beach area, to raise the floor of the plot vis-a-vis the rest of the sandy beach. It is submitted that the claim of the GTDC/ Appellant that these constructions have always been there is incorrect and misleading.
3. The further set of photographs, also taken at the same time as those at Annexure B, show sections of the old wall still standing, and the new so-called "second wall" which the GTDC is claiming is the "wall" behind which the project is proposed. The old wall continues along the entire section of beach area from north to south, but has been lowered to a laterite wall of one metre height, which can be seen from the photos annexed and which is referred to by the Joint Committee report under points (ii) and (iii). The Hon'ble High Court, vide order dated 21.08.2007, in W.P. 171/2007 [pg. 24 of the Counter filed by this Respondent], had ordered that all structures razed, commencing from this old retaining wall and encroaching on the sandy beach were to be demolished.
4. It is submitted that what was impermissible in 2007, being considered a CRZ violation, could not become permissible in 2014, when the application for a new NOC was filed. The second "wall" comprising pitching with laterite rubble and grasscrete seen in the photographs is part of the project proposed.
5. Also to be considered together with these documents is the original layout plan for beach beautification submitted by the Appellant for an NOC from the GCZMA on 22.01.2014 and which has now been annexed by the appellant at Page 16 of the GCZMA's affidavit dated 14.08.2024 filed in a connected matter, C.A. 8250/2022, Goa Tourism Development Corporation



vs. Rajabhau Lahanu Pawar and Ors. A DSLR map plotting the development carried out is to be found at Page 32 of the same affidavit. It would be appropriate to mention at this stage itself that the DSLR map -- which records all the construction carried out till 05.04.2017 -- shows that the developments are not in consonance with the layout plan at Page 16 of the same affidavit.

6. This deponent has also added two critical Google Earth pictures of 2010 and 2014 of the site in connection with the statements made in the so-called 2017 joint inspection report. These are annexed at **Annexure C**.
7. In the humble submission of this answering respondent, this Hon'ble Court does not need to go beyond these photos and images to arrive at an objective assessment of the situation at the Baina beach site and whether development of the kind being carried out, which in fact encroaches the sandy beach, would indeed be permitted by the CRZ notification 1991/2011.

Appellant admits entire project falls in No Development Zone

8. The GTDC was well aware that the entire beautification project fell in the No Development Zone of the CRZ at Vasco. This is amply clear from perusal of the letter dated 10.03.2015 by which the appellant sought a clarification about whether the numerous structures associated with the project could be permitted in what it admits was a No-Development Zone. The letter, which is at Page 19 of the affidavit filed by the G.C.Z.M.A. in C.A. 8250/2022, in fact lists all the elements of the project including the pergolas. These include 450 mt of stamped concrete pathways; 6 pergolas; landscaping and horticulture; parking; seatings and illumination. All these are proposed on the sandy portion of the beach.



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9. The answering Respondent does not dispute that the area immediately adjacent to the Baina beach is CRZ II. However, the sandy beach itself is an NDZ as correctly held by the NGT and this is re-confirmed in the updated notified Coastal Zone Management Plan of 2022, which shows the entire sandy portion of Baina beach as CRZ 1B. The relevant extract of the 2022 CZMP for Baina is enclosed at Annexure D.
10. The GCZMA, when called upon to grant an NOC, proceeded to do so, on the grounds that it was accepting the 2014 report of its experts which it also quoted in the issuing order granting the NOC and which restricted the development to the area between the old retaining wall and the road to which the petitioner can have no objection and no challenge.
11. It also needs to be observed that the GCZMA only issues an NOC. It has no power to grant development or construction licences. The actual development permission must be issued by the Vasco Planning & Development Authority and the construction license by the Mormugao Municipal Council. None of these permissions are till date available. Therefore, whatever development has taken place is in the absence of statutory planning and construction licenses. The project layout plan granted NOC (Page .16 of the G.C.Z.M.A. affidavit in C.A. 8250/2022) is, in fact, at variance with the project disclosed in the DSLR plan (Page 32 of the G.C.Z.M.A. affidavit in C.A. 8250/2022) in several respects.

New Defence Now Taken by Authorities:

12. The new defence now taken by the appellant is based on para (iv) of the joint inspection report of 2017 (which records that the complainant also participated). Para (iv) recites: "However, there is one more wall outside (towards seaside) the above-mentioned wall which the consultant and the

executive engineer of the GTDC claim to be the retaining wall which was existing earlier.” This statement has been made despite the Joint Inspection report acknowledging the existence of the original retaining wall at paras (ii) and (iii) of the same report, which was in fact the retaining wall that formed the basis of the High Court judgment in WP No.171/2007 and which is the claim of the complainants. The GCZMA’s claim is therefore incorrect.

13. A clear rebuttal of this defence -- which is now adopted by the appellant, namely that there is a parallel second wall located 20 metres in the midst of the sandy beach away from the old retaining wall and behind which the new development is being raised -- is to be found in the layout plan found at Page 16 of the Civil Appeal paper-book, produced by the appellant himself. The key features of this layout plan submitted for CRZ approval do not indicate the presence of any second wall on the beach, a new idea now sought to be promoted by the appellant. The 4 beach sections on the plan at Page 16 indicate that at the precise location where a second wall is now claimed to exist, the original proposal only indicates the presence of an “*erosion control line,*” which was sought to be managed by “*stone pitching/grasscrete as erosion control measure.*” Thus, the proposal itself acknowledges that it would be attempting stone pitching and grasscrete to deal with alleged erosion. This [stone pitching and grasscrete] was a new development raised between 2015-2017 as part of the beautification project and not an existing “second wall” as claimed.

14. The first expert committee report (2014) – faced with the layout plan @Page 16 – debunked the very idea of an erosion control line, saying that the temporary berms that appear on Goa’s beaches are a natural part of beach dynamics and occur on all beaches at various times and disappear. They have nothing to do with erosion. From the first report it is also very clear that no such structures as a second wall or second retaining wall ever existed on the



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beach, otherwise the two-member team would have noticed it in their report in 2014 when they commented on the erosion line.

15. This brings us to the photographs annexed to the first affidavit of this answering respondent. These were taken at the inception of the project and show concrete structures designed to hold in mud imported to the site from outside, in order to create an elevated area for the project as a whole. These concrete structures (stone pitching/grasscrete) – seen clearly in Annexure B – are part of the project. The outermost of these concrete structures is now erroneously declared “the second wall” by the report of the joint inspection team of 2017 and marked by the DSLR as “A” on its 2017 sketch. It is important to observe that the DSLR map is not based on DSLR records of any wall on the beach in its possession but is sourced to the opinion of a single expert member of the joint inspection team. In other words, the DSLR is not taking any responsibility for the existence of the so-called second wall. The existence of the so-called wall is due to the instruction of the GCZMA member who visited the site in 2017 and appears to have been misled by the GTDC to believe it was always there, when in fact it was raised as a part of the beautification project itself after 2015.

16. The argument that there was a second retaining wall on the beach is also not reflected in the GCZMA’s own order granting NOC first in 2014 and then 2015. The second wall appears out of the blue as part of the GCZMA joint inspection report in 2017, but is never part of the original proposal made to the GCZMA for NOC. Hence there was no need for the original applicants before the NGT to challenge the GCZMA’s NOC, as the project had been approved to be constructed in the area between the old retaining wall and the road as per the NOC, to which the original complainants could not have had any objection.



17. The answering respondent states that he was not called upon to sign the so-called Joint Inspection report of 2017, and neither was he present during the subsequent DSLR inspection that sought to establish a second wall 20 metres into the beach from the old retaining wall. The DSLR plan also does not acknowledge the presence of the original complainant nor its consent.
18. The petitioner did not file any written objection to the report of the joint inspection team on this aspect of a newly discovered second retaining wall when it was brought to its notice as, in its opinion, these structures could by no conceivable stretch of the imagination have been dubbed a "second retaining wall," when they were clearly raised as a part of the beautification project which was under challenge.
19. The joint inspection report also reports that the Google earth pictures of 2010 and 2014 indicate the presence of the second retaining wall at site. The relevant google pictures from 2010 and 2014 are annexed to this affidavit. They show very clearly the older retaining wall which separated the beach from the road. They do not show any second wall running across the beach and indicate only the presence of sand overall.
20. The only existing structures on the plots were the old retaining wall, the old heritage hexagonal structure at the entrance to the beach and a small rotunda. The first attempt to populate this area with hanging galleries and shops was struck down by the high court in WP 171/2007. The old retaining wall is still standing. It continues along the entire section of this beach area from north to south, but is lowered to a laterite wall of one metre height, which can be seen from the photos annexed and which is referred to by the Joint Committee report under points (ii) and (iii). The HC had ordered that all structures razed, commencing from this old retaining wall and encroaching on the sandy beach were to be demolished. What could not be permitted in



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2007, being considered a CRZ violation, could not become permissible in 2014, when the application for a new NOC was filed.

21. As can be seen from a cumulative impression that emerges from the photographs available, the present status of the beach -- after the construction was partially carried out -- shows a worrying state of affairs. It does not indicate even partial care and maintenance of what has been erected so far. The project has in fact been abandoned to its fate, marring the natural beauty of Baina beach.

Solemnly affirmed this at Mapusa, Goa

on 19/05 May 2025

[Signature]
Deponent

[Circular Notary Seal]
S. G. NARULKAR
BARDEZ
No. 324/2014
Expiry Date:
18/02/2029
GOA (INDIA)



Solemnly affirmed before me
by Claude Alphonse Alvares
Who has been identified before
me Adhar 925127031325
Mapusa on 19/05/2025

[Signature]
S. G. NARULKAR
NOTARY
(Bardez Division)
Shop No. 11, Upper Ground Floor
El - Capitan Centre, Althino,
Mapusa - Goa. Reg. No 324/2014
Reg. No. 1602/2025

[Signature]

THE MAIN STEPS AND ENTRANCE TO BAINA BEACH



BEAUTIFICATION PROJECT: RAISED PLATFORMS ON SANDY BEACH



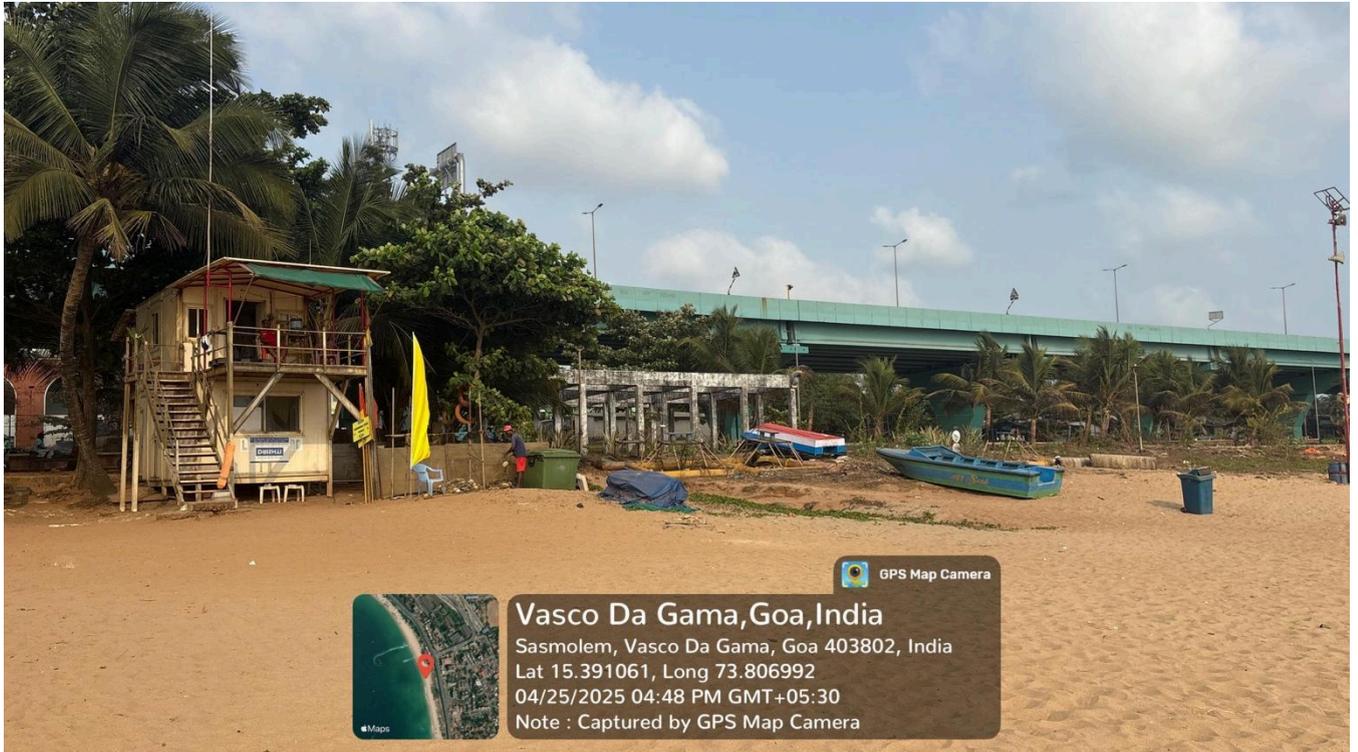
PERGOLA AT EXTREME NORTH ON SANDY BEACH



MID-SECTION OF BAINA BEACH BEAUTIFICATION PROPOSAL



PERGOLA AT SOUTHERN SIDE OF BEACH



RAISED SEGMENTS FOR FILLING WITH IMPORTED MUD

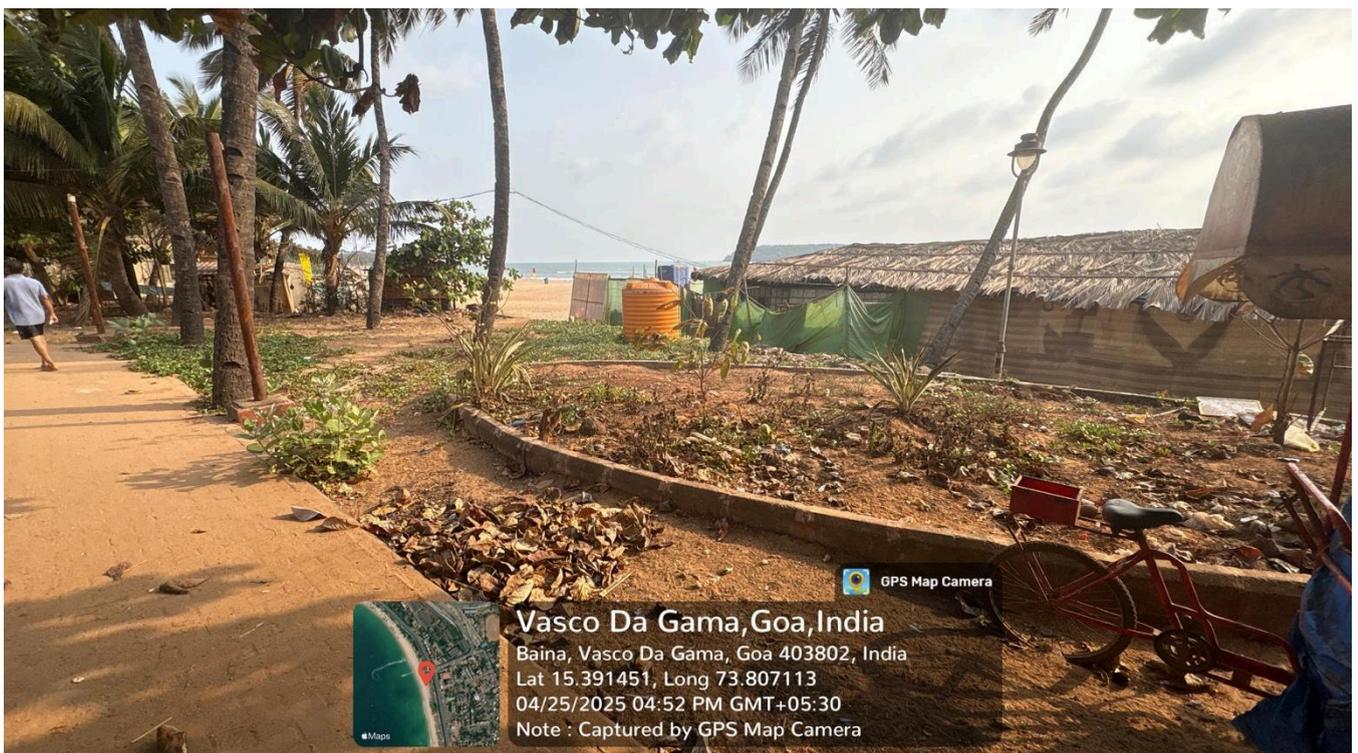


PHOTO OF DRISTHI MANAGED AREA ADJACENT TO FIRST PERGOLA



OLD RETAINING WALL SUBJECT OF HIGH COURT ORDER



Old retaining Wall

BEACH ENCLOSED BY PROJECT HAD SAND DUNE VEGETATION



GPS Map Camera
Vasco Da Gama, Goa, India
Sasmolem, Vasco Da Gama, Goa 403802, India
Lat 15.391323, Long 73.807111
04/25/2025 04:52 PM GMT+05:30
Note : Captured by GPS Map Camera

SO-CALLED SECOND WALL CONSTRUCTED AS PART OF PROJECT. OLD RETAINING WALL (RED) IN THE BACK

Old retaining wall



SO-CALLED SECOND WALL CONSTRUCTED AS PART OF PROJECT WITH PITCHING CLEARLY SEEN

New/ "second wall"



SO-CALLED SECOND WALL CONSTRUCTED AS PART OF PROJECT WITH PITCHING CLEARLY SEEN



New/
“second
wall”

SO-CALLED SECOND WALL CONSTRUCTED AS PART OF PROJECT WITH PITCHING CLEARLY SEEN



New
/“second
wall”

Google Earth Satellite image of Baina Beach, 2010. Only old retaining wall (red) seen

Old retaining Wall



Google Earth Satellite image of Baina Beach, 2014. Only old retaining wall (red) seen

Old retaining wall





Extract of the 2022 CZMP for Baina