

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

APPEAL NO. 49 OF 2022 (WZ)

BETWEEN

The Colva Civic and Consumer Forum ... **APPELLANT**

AND

The Goa Coastal Zone Management Authority

and others

... **RESPONDENTS**

**ADDITIONAL WRITTEN SUBMISSIONS(ADDENDUM TO
SUBMISSIONS DT. 14.08.2024 ON BEHALF OF THE
APPELLANT**

1. The appellant had produced a document namely, information furnished by the Goa Coastal Zone Management Authority (GCZMA) on 27th October 2022 to the appellant, duly supported by an affidavit on 19th October 2023. The respondent has objected to the production of the said document on the ground that the same was not produced before the respondents i.e., the Goa Coastal Zone Management Authority. In this context it is respectfully submitted that production of evidence at the appellate stage is even otherwise permitted

under Order 41 Rule 27 of the Civil Procedure Code, 1908. The document in question is information to the appellant under RTI Act by Goa Coastal Zone Management Authority.

2. The appellant learnt about the said information on 27th October 2022 when the information was furnished to them, and the order appealed against in this honourable tribunal was passed by the GCZMA on 12th October 2022. Therefore, despite the appellants due diligence, the said document was not within their knowledge.

3. This document is required by this honourable tribunal for reasons that could impact the outcome of this proceeding. The said document produced by the appellant shows that the application made by the respondents initially was rejected by the Chief Town Planner as the property fell entirely within the 200 meter High Tide Line and it is well settled law by the High Court of Bombay that developments cannot occur in such zones despite being on the Tourism Development Plan.

4. The said document is a public record, a part of the records of the GCZMA and very much to the knowledge of the respondent who concealed the same both from the GCZMA itself and this honourable tribunal, therefore, no prejudice whatsoever will be caused to the respondent if the same is taken on record and considered by this honourable tribunal.

5. Hence it is respectfully submitted that the said document is necessary for the complete and proper adjudication of the matter before this honourable tribunal.

6. It is humbly submitted that the appellant is an environmental activist organisation with no legal representation and this proceeding is not an adversarial litigation, but it is a matter concerning the protection of Goa's fragile coastline. Therefore, it is submitted that legal technicalities, if any, maybe eschewed and overlooked.

7. The appellant had produced a document namely, information furnished by the Goa Coastal Zone Management Authority (GCZMA) on 27th October 2022 to the appellant on , duly supported by an affidavit on 19th October 2023. The respondent has objected to the production of the said document on the ground that the same was not produced before the respondents i.e., the Goa Coastal Zone Management Authority. In this context it is respectfully submitted that production of evidence at the appellate stage is even otherwise permitted under Order 41 Rule 27 of the Civil Procedure Code, 1908. The document in question is information to the appellant under RTI Act by Goa Coastal Zone Management Authority.

8. The appellant learnt about the said information on 27th October 2022 (*refer page 243 receipt*) when the information was furnished to them, and the order appealed

against in this honourable tribunal was passed by the GCZMA on 12th October 2022. Therefore, despite the appellants due diligence, the said document was not within their knowledge.

9. This document is required by this Hon'ble Tribunal for reasons that could impact the outcome of this proceeding. The said document produced by the appellant shows that the application made by the respondents initially was rejected by the Chief Town Planner as the property fell entirely within the 200 meter High Tide Line and it is well settled law by the High Court of Bombay Panaji Bench that developments cannot occur in such zones despite being on the Tourism Development Plan (*refer page 245-246*).

10. The said document is a public record, a part of the records of the GCZMA and very much to the knowledge of the respondent 4 who concealed the same both from the GCZMA itself and this Hon'ble Tribunal, therefore, no prejudice whatsoever will be caused to the respondents if the same is taken on record and considered by this Hon'ble Tribunal.

11. Hence it is respectfully submitted that the said document is necessary for the complete and proper adjudication of the matter before this Hon'ble Tribunal.

12. It is humbly submitted that the appellant is an environmental activist organisation with no legal representation and this proceeding is not an adversarial litigation, but it is a matter concerning the protection of Goa's

fragile coastline. Therefore, it is submitted that legal technicalities, if any, maybe eschewed and overlooked.

13. It is submitted and regretted that due to an oversight and error in typing on page 5. (C) (b) of submission dt 14.08.2024 survey no. referred to is corrected to survey 40/4(part) and not 55/3 & 54/5 of Colva village in CRZ,


DEPONENT

