

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE AT PUNE

Original Application No.18 /2023(WZ)

Umesh Phadte

APPLICANT

Versus

GCZMA & Ors.

RESPONDENTS

AFFIDAVIT IN SUPPORT

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Umesh Phadte, adult, Occu.: businessmen, having address at House No.228, Sada Niwas, Near Mahalaxmi Bandora, Ponda, North Goa, do hereby state on solemn affirmation as under:-

1. I am the Applicant in the present Original Application. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath. The Hon'ble Tribunal vide its order dated 24th February 2023 had directed the Respondent No.1 to file its reply. The GCZMA has filed its reply on 3rd March 2023. I would like to respond to the same and hence the present Affidavit is being filed.
2. I say that the Respondent No.1 has relied upon the report of the Talathi dated 18th September 2020 to state that the Respondent No.4 has demolished the structures. However, the said report is disputed herein. The Talathi is not the appropriate authority to verify the compliance. The District Level Committee had to record the compliance and inform the Respondent No.1 or an official of the

Respondent No.1 ought to have verified the compliance. Hence, the report cannot be believed upon. Copy of the Gazette of Goa dated 14th September 2017 is annexed hereto and marked as ANNEXURE – A-1.

3. I further say that I have taken the photographs of the site on 2nd March 2023 and the structure is still standing thereon. Copy of the photographs alongwith GPS coordinates and date is annexed hereto and marked as ANNEXURE – A-2.

4. I, therefore pray to the Hon'ble Tribunal that an inspection report be called from the Respondent No.1 regarding the site visit and the same be placed before the Hon'ble Tribunal for further adjudication.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief.

In witness whereof I have signed hereunder at Ponda Goa on 3rd day of March, 2023.

Solemnly affirmed before me by

Umesh Phadte

Who is identified to

Aadhar card 5169 4908 4559

Who is personally know to me c..

this 03 day of March 20 23

Reg. No. 1601/2023

Shetye

ADV. PRAJWALA P. SHETYE
(ADVOCATE & NOTARY)
(Govt. of India)
Ponda Goa
Reg. No. 1601/2023
Dated 03/03/2023

Umesh Phadte



Department of Animal Husbandry &
Veterinary Services

—
Order

No. 5-1(27)/DIU/2017-18/3216

Government is pleased to nominate Dr. Greta Costa, Assistant Director (Extension), Department of Animal Husbandry & Veterinary Services, Panaji as the Nodal Officer in respect to control and containment of Glanders in States for the Department of Animal Husbandry & Veterinary Services, Panaji-Goa.

By order and in the name of the Governor of Goa.

Dr. Santosh V. Desai, Director & ex officio Jt. Secretary (AH).

Panaji, 7th September, 2017.

—◆◆◆—
Department of Education, Art & Culture
Directorate of Higher Education

—
Order

No. 3/1/2015/DHE/GCOM/1593

Read: Memorandum No. 3/1/2015/DHE/GCOM/421 dated 12-05-2017.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/78(2)/2016/590 dated 24-04-2017, Government is pleased to appoint Shri Uday Malhar Kulkarni to the post of Assistant Professor in Tabla in Goa College of Music, Panaji-Goa under Directorate of Higher Education on temporary basis in the Pay Band-3, Rs. 15,600-39,100+Academic Grade Pay of Rs. 6,000/- (pre-revised) with immediate effect, and as per the terms and conditions contained in the Memorandum cited above.

Shri Uday Malhar Kulkarni shall be on probation for a period of two years.

Shri Uday Malhar Kulkarni has been declared medically fit by the Medical Board. His character and antecedents have been verified by the District Magistrate, North Goa District, Panaji and nothing adverse has come to the notice of the Government.

The above appointment is made against the vacancy occurred due to retirement of Shri Ulhas K. Velingkar, Assistant Professor in Tabla on attaining the age of superannuation on 31-08-2014 and

revived vide Order No. 8/37/92-END/PART/GCOM/1459 dated 17-08-2017.

By order and in the name of the Governor of Goa.

Diwan N. Rane, Under Secretary (Higher Education).

Porvorim, 4th September, 2017.

—◆◆◆—
Department of Environment

—
Order

No. 2-18-2016/ENV/424

Sub.: Constitution of South Goa District Level Committee.

Ref.: 1) Para 6 (c) of the CRZ Notification, 2011.

2) Directions issued by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 399 of 2004.

3) Circular bearing No. 1-20-2004-C.S. issued from the Office of the Chief Secretary vide Order dated 02-07-2004.

4) Circular bearing No. 1-20-2004-C.S./1003/A issued by the Goa Coastal Zone Management Authority (GCZMA) dated 05-09-2005.

5) Circular bearing No. 1/4/2004-CS/1898 issued by the Goa Coastal Zone Management Authority (GCZMA) dated 01-11-2006.

6) Circular bearing No. 1/4/2007 (81)/CS issued from the Office of the Chief Secretary vide Order dated 13-02-2007.

7) Writ Petition bearing No. 890/2016 filed before the Hon'ble High Court of Bombay at Goa by the Old Cross Fishing Canoe Owners Corporative Society Ltd.

Whereas, the Ministry of Environment & Forest (MoEF), Government of India in exercise of the powers conferred by sub-section (1) & Clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 has declared coastal stretches as Coastal Regulation Zone and imposed restrictions on industries, operations and processes in the coastal areas, published vide S. O. 19 (E) dated 06-01-2011.

And whereas, the MoEF published the Coastal Regulation Zone Notification with a view to ensure livelihood security to the fishermen communities and other local communities living in the coastal

areas to conserve and protect coastal areas, its unique environment and its marine area and to promote development through sustainable manner.

And whereas, the land area from High Tide Level (HTL) to 500 meters on landward side along the sea front and the land area between HTL to 100 meters or width of the creek whichever is less on the landward side under the tidal influenced water bodies that are connected to sea are declared as a Coastal Regulation Zone areas to be regulated under Coastal Regulation Zone Notification, 2011.

The State Government of Goa in exercise of the powers conferred under Section 6 (c) of the Coastal Regulation Zone Notification, 2011, hereby constitutes the South Goa District Level Coastal Monitoring Committee under the Chairmanship of the District Magistrate, South.

South Goa District Level Coastal Monitoring Committee

Sr. No.	Name	Designation
1	2	3
1.	District Magistrate and Collector (South)	Chairman.
2.	Deputy Collector/SDM (Mormugao, Quepem, Salcete & Canacona)	Members for their respective Talukas.
3.	Representatives of Land Survey Department	Member.
4.	Executive Engineer, Works Division VIII (Buildings), Fatorda, Margao	Member.
5.	Shri Suraj Pagi, Akhil Goa Kshatriya Pagui Samaj, Canacona-Goa Representatives of local fishing community	Member.
6.	Shri Antonio Monteiro, Desterro Fisherman Association, Vasco-Goa Representatives of local fishing community	Member.
7.	Shri Amindin Mullal, R/o. H. No. 156, Alto Britto, Mangor, Near Chowgule Dormitory Building, Vasco-Goa Representatives of other Coastal community	Member.

1	2	3	4
8.	Senior Town Planner (South)		Member.
9.	Deputy Conservator of Forest (South)		Member.
10.	Deputy Collector (Revenue)		Member Secretary.

Powers and functions of the District Committees:

The Committee shall carry out the following functions:

1. (a) Inquiry into cases of alleged violation of the provisions of the said Acts or the rules made thereunder or any other law which is relatable to the objects of the said Act and, if found necessary in a specific case, issuing directions under Section 5 of the said Act, insofar as such directions are not inconsistent with any direction issued in that specific case by the Goa Coastal Zone Management Authority or by the Central Government;
- (b) Review of cases involving violations of the provisions of the said Act and the rules made thereunder or under any other law which is relatable to the objects of the said Act, and if found necessary, referring such cases, which comments, for review to the Goa Coastal Zone Management Authority:
Provided that the cases under Clauses (a) and (b) of this sub-paragraph may be taken up suo-motu or on the basis of complaint made by an individual or a representative body or an organization;
- c) District Level Committee is also required to monitor and to verify the compliance of the conditions stipulated in the permissions/ /licenses issued by the GCZMA for conducting any type of events and also, temporary seasonal structures permitted by the GCZMA etc.
- d) District Level Committee shall act instantly on the complaints which are forwarded/ /referred to it by the GCZMA and act on the same in a time bound manner.
- e) District Level Committee shall act as soon as any alleged violation is noted/observed or reported from any quarters, including newspaper reports and accordingly shall initiate necessary action which includes:
 - Issuing of Show Cause Notice/Stop Work Orders to the alleged violator.

- Directions to the Mamlatdars, concerned Government Departments/Authorities for conducting necessary inquiry and submission of report to the Committee.

Thereafter, District Level Committee conduct necessary inquiry which includes:

- Inspection of the site in question.
- Verification of documents submitted by the concerned parties.
- Grant of personal hearing to the parties wherever required.
- Preparation of report for placing the same before the District Level Committee meeting for discussion and decision on case to case basis.
- Passing of necessary orders in the matter.
- Submission of the report to the GCZMA on quarterly basis for record.

2. The District Level Committee is also required to function in terms of the Circulars as referred above at Sr. No. (3) to (6) which were issued by the GCZMA from time to time with regards to taking action against violations of the provisions of the CRZ Notification as well as that of Goa Town & Country Planning Act, 1974 and Goa Land Revenue Act, 1968 from time to time. The said Orders/Circulars were issued pursuant to the directions issued by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 399 of 2004 for effective actions against alleged violations of the CRZ Notification. Copies of the aforementioned Circulars at Sr. No. (3) to (6) are annexed herewith as Annexure 'I' for your perusal.

3. The District Level Committee is required to direct the Mamlatdars in their jurisdiction to conduct necessary inquiry with regard to alleged violations of the provisions of the CRZ Notification and seek for inquiry report. Further, the District Level Committee to take necessary action in the matter and upon conducting thorough inquiry in the matter to issue necessary directions/orders and accordingly submit the final report to the GCZMA for record.

Role of the Mamlatdar:

- The Mamlatdars (South Goa) shall assist the District Level Committee (South) by expeditiously conducting inquiry when a complaint with regard to alleged CRZ violation is referred to it by the District Level Committee.

- The Mamlatdars (South Goa) shall act immediately incase any violation of the provisions of the CRZ Notification is noted/observed.

- In case a complaint is forwarded to the Mamlatdar so also, in case any violation is observed, the Mamlatdars are required to conduct necessary inquiry in the matter which includes inspection of the site in question and verification of documents.

- Preparation of a detailed report including details regarding CRZ zone/area of violation, type of construction etc. incase violation is confirmed. Incase of illegal construction of structures, dimensions of structure constructed to be specified and details of the documents relied upon. Incase, there is no violation observed, the same is to be specified in the report clearly with relevant information supporting the case.

- Submission of the detailed report to the District Level Committee (South) on monthly basis for necessary action in the matter.

4. The District Level Committee shall furnish report of its activities at least once in six months to the Goa Coastal Zone Management Authority.

5. The District Level Committee, whenever required, shall invite other Experts as members during its meetings and pay the allowances such as travelling allowance, dearness allowance, sitting fees, field visit fees, etc., shall be as per the norms decided by the Central Government.

6. To maintain transparency in working of the District Level Committee, it shall be the responsibility of the District Level Committee to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on violations and court matters including the orders of the Court and National Green Tribunal, and also the approved Coastal Zone Management Plan of the State Government.

7. The powers and functions of the District Level Committee shall be subject to supervision and control of the Central Government.

8. The District Level Committee shall have its headquarters at the Office of the District Magistrate, South Goa.

9. Any matter specifically not falling within the scope and jurisdiction of the District Level Committee shall be dealt with by the statutory authorities concerned.

By order and in the name of the Governor of Goa.

Parag Nagarcenkar, Director (Environment).

Porvorim, 7th September, 2017.

Order

No. 2-18-2016/ENV/425

Sub.: Constitution of North Goa District Level Committee.

- Ref.: 1) Para 6 (c) of the CRZ Notification, 2011.
- 2) Directions issued by the Hon'ble High Court of Bombay at Goa in PIL, Writ Petition No. 399 of 2004.
 - 3) Circular bearing No. 1-20-2004-C.S. issued from the Office of the Chief Secretary vide Order dated 02-07-2004.
 - 4) Circular bearing No. 1-20-2004-C.S./1003/A issued by the Goa Coastal Zone Management Authority (GCZMA) dated 05-09-2005.
 - 5) Circular bearing No. 1-20-2004-CS/1898 issued by the Goa Coastal Zone Management Authority (GCZMA) dated 01-11-2006.
 - 6) Circular bearing No. 1/4/2007 (81)/CS issued from the Office of the Chief Secretary vide Order dated 13-02-2007.
 - 7) Writ Petition bearing No. 890/2016 filed before the Hon'ble High Court of Bombay at Goa by the Old Cross Fishing Canoe Owners Corporative Society Ltd.

Whereas, the Ministry of Environment & Forest (MoEF), Government of India in exercise of the powers conferred by sub-section (1) & Clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 has declared coastal stretches as Coastal Regulation Zone and imposed restrictions on industries, operations and processes in the coastal areas, published vide S. O. 19 (E) dated 06-01-2011.

And whereas, the MoEF published the Coastal Regulation Zone Notification with a view to ensure livelihood security to the fishermen communities and other local communities living in the coastal areas to conserve and protect coastal areas, its

unique environment and its marine area and to promote development through sustainable manner.

And whereas, the land area from High Tide Level (HTL) to 500 meters on landward side along the sea front and the land area between HTL to 100 meters or width of the creek whichever is less on the landward side under the tidal influenced water bodies that are connected to sea are declared as a Coastal Regulation Zone areas to be regulated under Coastal Regulation Zone Notification, 2011.

The State Government of Goa in exercise of the powers conferred under Section 6 (c) of the Coastal Regulation Zone Notification, 2011, hereby constitutes the North Goa District Level Coastal Monitoring Committee under the Chairmanship of the District Magistrate (North).

North Goa District Level Coastal Monitoring Committee

Sr. No.	Name	Designation
1	2	3
1.	Collector & District Magistrate (North)	Chairman.
2.	Deputy Collector/SDM (Pernem, Bardez & Tiswadi)	Members for their respective Talukas.
3.	Representatives of Land Survey Department	Member.
4.	Executive Engineer, Works Division V (Buildings), Patto-Panaji	Member.
5.	Shri Ivo Nunes, Dona Paula Fishermans Association, Tiswadi-Goa Representatives of local fishing community	Member.
6.	Shri Ronney Fernandes, Baga Sant Khuris Fishermen Association, Calangute, Bardez-Goa Representatives of local fishing community	Member.
7.	Shri Tulshidas Kavlekar, R/o. Krantinagar, Sao Pedro, Old Goa Representatives of other coastal community	Member.
8.	Senior Town Planner (North)	Member.

1	2	3
9.	Deputy Conservator of Forest (North)	Member.
10.	Deputy Collector (Revenue)	Member Secretary.

Powers and functions of the District Committees:

The Committee shall carry out the following functions:

1. (a) Inquiry into cases of alleged violation of the provisions of the said Acts or the rules made thereunder or any other law which is relatable to the objects of the said Act and, if found necessary in a specific case, issuing directions under Section 5 of the said Act, insofar as such directions are not inconsistent with any direction issued in that specific case by the Goa Coastal Zone Management Authority or by the Central Government;

- (b) Review of cases involving violations of the provisions of the said Act and the rules made thereunder or under any other law which is relatable to the objects of the said Act, and if found necessary, referring such cases, which comments, for review to the Goa Coastal Zone Management Authority:

Provided that the cases under Clauses (a) and (b) of this sub-paragraph may be taken up suo-motu or on the basis of complaint made by an individual or a representative body or an organization;

- c) District Level Committee is also required to monitor and to verify the compliance of the conditions stipulated in the permissions/ /licenses issued by the GCZMA for conducting any type of events and also temporary seasonal structures permitted by the GCZMA etc.
- d) District Level Committee shall act instantly on the complaints which are forwarded/ /referred to it by the GCZMA and act on the same in a time bound manner.
- e) District Level Committee shall act as soon as any alleged violation is noted/observed or reported from any quarters, including newspaper reports and accordingly shall initiate necessary action which includes:

- Issuing of Show Cause Notice/Stop Work Orders to the alleged violator.
- Directions to the Mamlatdars, concerned

Government Departments/Authorities for conducting necessary inquiry and submission of report to the Committee.

Thereafter, District Level Committee conduct necessary inquiry which includes:

- Inspection of the site in question.
- Verification of documents submitted by the concerned parties.
- Grant of personal hearing to the parties wherever required.
- Preparation of report for placing the same before the District Level Committee meeting for discussion and decision on case to case basis.
- Passing of necessary orders in the matter.
- Submission of the report to the GCZMA on quarterly basis for record.

2. The District Level Committee is also required to function in terms of the Circulars as referred above at Sr. No. (3) to (6) which were issued by the GCZMA from time to time with regards to taking action against violations of the provisions of the CRZ Notification as well as that of Goa Town & Country Planning Act, 1974 and Goa Land Revenue Act, 1968 from time to time. The said Orders/ Circulars were issued pursuant to the directions issued by the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 399 of 2004 for effective actions against alleged violations of the CRZ Notification. Copies of the aforementioned Circulars at Sr. No. (3) to (6) are annexed herewith as Annexure 'I' for your perusal.

3. The District Level Committee is required to direct the Mamlatdars in their respective jurisdiction to conduct necessary inquiry with regard to alleged violations of the provisions of the CRZ Notification and seek for inquiry report. Further, the District Level Committee to take necessary action in the matter and upon conducting thorough inquiry in the matter to issue necessary directions/orders and accordingly submit the final report to the GCZMA for record.

Role of the Mamlatdar:

- The Mamlatdars (North District) shall assist the District Level Committee (North) by expeditiously conducting inquiry when a complaint with regard to alleged CRZ violation is referred to it by the District Level Committee.

- * The Mamlatdars (North District) shall act immediately in case any violation of the provisions of the CRZ Notification is noted/observed.
- * In case a complaint is forwarded to the Mamlatdar so also, in case any violation is observed, the Mamlatdars are required to conduct necessary inquiry in the matter which includes inspection of the site in question and verification of documents.
- * Preparation of a detailed report including details regarding CRZ zone/area of violation, type of construction etc. in case violation is confirmed. In case of illegal construction of structures, dimensions of structure constructed to be specified and details of the documents relied upon. In case, there is no violation observed, the same is to be specified in the report clearly with relevant information supporting the case.
- * Submission of the detailed report to the District Level Committee (North) on monthly basis for necessary action in the matter.

4. The District Level Committee shall furnish report of its activities at least once in six months to the Goa Coastal Zone Management Authority.

5. The District Level Committee, whenever required, shall invite other Experts as members during its meetings and pay the allowances such as travelling allowance, dearness allowance, sitting fees, field visit fees, etc., shall be as per the norms decided by the Central Government.

6. To maintain transparency in working of the District Level Committee, it shall be the responsibility of the District Level Committee to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on violations and court matters including the orders of the Court and National Green Tribunal, and also the approved Coastal Zone Management Plan of the State Government.

7. The powers and functions of the District Level Committee shall be subject to supervision and control of the Central Government.

8. The District Level Committee shall have its headquarters at the Office of the District Magistrate, North Goa.

9. Any matter specifically not falling within the scope and jurisdiction of the District Level Committee shall be dealt with by the statutory authorities concerned.

By order and in the name of the Governor of Goa.

Parag Nagarcenkar, Director (Environment).

Porvorim, 7th September, 2017.

Department of Finance

Office of the Commissioner of
Commercial Taxes

Notification

No. CCT/1-4/2017-18/2247

In exercise of the powers conferred by Clause (ii) of sub-section (2A) of Section 3 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988) (hereinafter referred to as the "said Act"), I, Shri Dipak M. Bandekar, Commissioner of Commercial Taxes, hereby appoint the person mentioned in column (2) of the Schedule hereto (hereinafter called as the "said Schedule") and give him the designation as specified in corresponding entry in column (3) of the said Schedule, for carrying out the purposes of the said Act, with effect from the date of his joining the respective post as indicated in column (4) of the said Schedule, against his name.

SCHEDULE

Sr. No.	Name of the Official	Designation	Date of joining the post
1	2	3	4
1.	Ramnath D. Gawas	Commercial Tax Inspector	29-06-2016.

Dipak M. Bandekar, Commissioner of Commercial Taxes.

Panaji, 5th September, 2017.

Notification

No. CCT/1-4/2017-18/2248

In exercise of the powers conferred by Clause (b) of sub-section (3) of Section 2A of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964)



02/03/2023

94

ANNEXURE-A-2



Dolphin Beach Resort and Oasis Bar & Restaurent,junaswada,

Mandrem, Goa 403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



Dolphin Beach Resort and Oasis Bar & Restaurant, junaswada,
Mandrem, Goa 403527
15°39'46.3"N 73°42'47.4"E
15.662861, 73.713167
MP77+47V Mandrem, Goa

02/03/2023



Dolphin Beach Resort and Oasis Bar &
Restaurent, junaswada, Mandrem, Goa 403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



**Dolphin Beach Resort and Oasis Bar &
Restaurent,junaswada, Mandrem, Goa**

403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



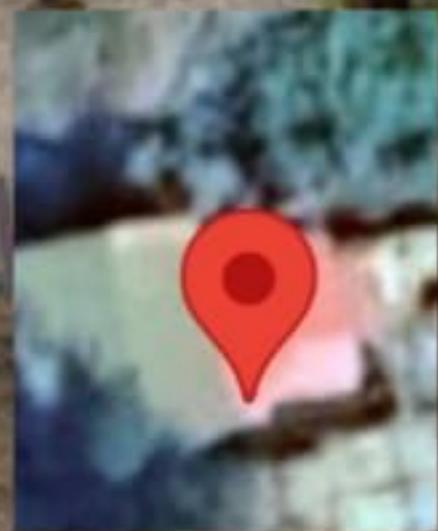
Dolphin Beach Resort and Oasis Bar & Restaurent,junaswada,

Mandrem, Goa 403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa



02/03/2023



Dolphin Beach Resort and Oasis Bar &
Restaurent, junaswada, Mandrem, Goa

403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



Dolphin Beach Resort and Oasis Bar & Restaurant, junaswada,

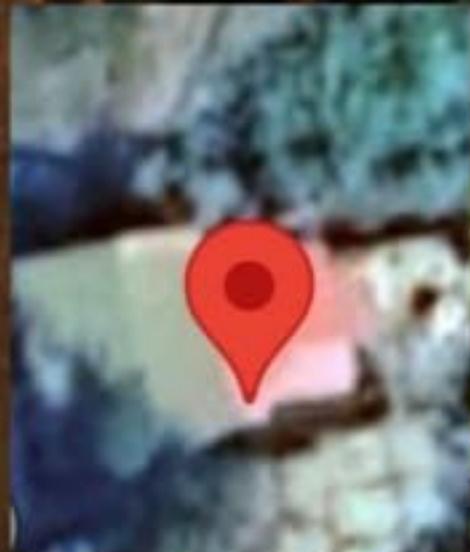
Mandrem, Goa 403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



Dolphin Beach Resort and Oasis Bar & Restaurant, junaswada,

Mandrem, Goa 403527

15°39'46.3"N 73°42'47.4"E

15.662861, 73.713167

MP77+47V Mandrem, Goa

02/03/2023



Dolphin Beach Resort and Oasis Bar & Restaurant, junaswada,
Mandrem, Goa 403527
15°39'46.3"N 73°42'47.4"E
15.662861, 73.713167
MP77+47V Mandrem, Goa

