

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.18/2020(WZ)

IN THE MATTER OF:

NALINI DA ROSA FERNANDEZ

...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY AND ORS.

...RESPONDENTS

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FILED BY:



[SRI HARSHA PEECHARA]

C1/A, LGF, NIZAMUDDIN EAST

NEW DELHI - 110013

M: 9717466788

shpechara@gmail.com

Place: New Delhi

Date: 18.04.2022



**BEFORE THE NATIONAL GREEN TRIBUNAL
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**AFFIDAVIT ON BEHALF OF THE CHIEF SECRETARY, STATE OF
GOA IN COMPLIANCE OF ORDER OF THIS HON'BLE TRIBUNAL
DATED 20.01.2022 IN ORIGINAL APPLICATION NO.18/2020 (WZ).**

I, Puneet Kumar Goel, S/o Shri P.P.Goel, aged about 55 years, working as Chief Secretary, State of Goa, hereinafter the deponent, do hereby solemnly affirm and declare as under:

1. That presently I am posted as the Chief Secretary with the State of Goa and am competent to sign and depose the present affidavit.
2. That the present affidavit is being filed in compliance of the order of this Hon'ble Tribunal dated 20.01.2022, whereby this Hon'ble Tribunal had directed:

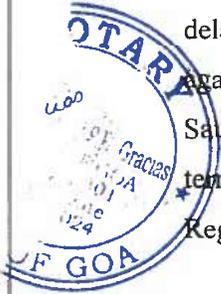
"Accordingly, we direct the Chief Secretary, Goa to look into the conduct of the Member Secretary, GCZMA and take remedial action, following due process. We further direct the GCZMA to finalise the

matter positively within one month and file an action taken report, after executing the order passed. In case of default, the Member Secretary, GCZMA will be personally accountable by way of coercive action which may include civil imprisonment and stoppage of salary. The Chief Secretary, Goa may also file an affidavit of compliance before the next date."

(emphasis supplied)

3. That at the outset, it is submitted that the deponent deeply regrets the delay that has been occasioned by the officials of the GCZMA inacting against the illegal encroachments by Zinhos Beach resorts at SauntaVaddo, Calangute, Bardez within the 'No Development Zone' in terms of The Coastal Regulation Zone Notification, 1991 and The Coastal Regulation Zone Notification 2011.

4. That the deponent has perused the documents relating to the present matter and it appears that there was persistent default in submission of the action taken report before this Tribunal by the Joint Committee (comprising Goa Coastal Zonal Management Authority and Goa Pollution Control Board) constituted by this Tribunal vide order dated 24.08.2020 and finalization of the proceedings relating to the case by the Goa Coastal Zonal Management Authority (*hereinafter* 'GCZMA'). That a perusal of the record of the case highlights that out of the 76 meetings of the GCZMA conducted between 11.11.2019 to 11.02.2022, the present matter was taken up 13 (thirteen) times, out of which an adjournment was given once at the request of the Plaintiffs, and thrice at the request of the Respondents. That apart, the Authority adjourned the matter twice. Thus, frequent adjournments, totaling to 6 (six) out of the 13 (thirteen) times the matter was taken up, were given by the GCZMA in the case.



5. That, before the GCZMA, there was some delay that was occasioned on account of the matter not being taken up from 25.02.2021 to 19.08.2021, on account of default and delay on the part of Directorate of Survey and Land Records (*hereinafter* 'DSLRL') in submitting the mapping of structures within 200 mts. After persistent follow ups from the GCZMA, the report was finally received only on 14.07.2021.
6. That having regard to the conspectus of the present case, the deponent has taken serious note of the delay occasioned in the proceedings of the GCZMA re demolition of unauthorized encroachment in the 'No Development Zone' and it is evident that delay was caused due to a variety of reasons attributable to the authorities including long hearings and adjournment, not keeping proper track of the report awaited from other Departments, not using advance software and efficient manpower required for smooth functioning; regarding all of which the deponent has suggested remedial measures to be adopted by the GCZMA to preclude repetition of such instances.
7. That the remedial measures proposed by the deponent are contained in the Office Note dated 18-04-2022 which, *inter alia*, include prompt issuance of notices to concerned parties on receipt of complaint or order from any court, according priority to matters referred by this Hon'ble Tribunal, the Hon'ble High Court and Supreme Court with a time limit of deciding the same within two months coupled with minimum one hearing per week. That a copy of the Office Note dated 18-04-2022 issued by the office of the deponent has been annexed and marked herein as **Annexure A-1**.
8. That in light of the order passed by this Tribunal, the deponent has also proposed specific steps to be taken by the Member Secretary, GCZMA to



ensure conclusion and disposal of cases in a time bound and seamless manner which include:

- (a) development of a dedicated portal on the website of GCZMA for monitoring and disposal of cases,
- (b) allotment of unique identification number for cases being heard by the GCZMA,
- (c) parallel online correspondence of all communications and directions issued to departments for time stamping and seamless communications,
- (d) nomination of one counsel in the department as nodal officer for coordination between the courts and GCZMA officials,
- (e) review of GCZMA referred cases periodically by Collectors and Heads of Departments and sending their reports on monthly basis to the GCZMA, within 30 days of receipt of the case.



9. That having regard to the above, the deponent most humbly submits that the deponent has taken cognizance of the inaction occasioned in the present case and has issued suitable remedial actions to ensure that the situation that arose in the present case is not repeated.

Venefida C.P.B. Gracias
DEPONENT

VERIFICATION

Verified on this 18th day of April, 2022 at Panjim that the contents of the above affidavit are true and correct to the best of my knowledge, information and belief and nothing has been concealed therefrom.

Venefida C.P.B. Gracias
DEPONENT



Executed before me
At Panjim Tiswadi - Goa
Reg. No. 97/04/2022/P
Dated: 18/04/2022

Gracias
Venefida C.P.B. Gracias
Advocate & Notary Goa State



Office of Chief Secretary
 Government of Goa,
 Secretariat, Porvorim, Goa - 403521.
 Ph. No. 0832-2419402
 Email: cs-go@nic.in

No. Env/Order/2022/1188

Dated:- 18/04/2022

O R D E R

The Hon'ble NGT Principal Bench New Delhi in the matter of Nalini da Rosa Fernandes vs GCZMA and ors in O.A. No 18 of 2020 (WZ) vide order dated 20/01/2022 directed the Chief Secretary Goa to take remedial action for improving the functioning of GCZMA. Pursuant to above Order, I have conducted various meetings on 1st February, 2022, 8th February, 2022 and 11th February, 2022 with Secretary (Environment) to ensure compliance of the Orders of NGT. The GCZMA passed final order on 11/02/2022 under section 5 of the Environment (Protection) Act, directed the violator to demolish all the structures within 30 days failing which the Deputy Collector & SDO, Mapusa will execute the order. I further directed the GCZMA to ensure that the matter is brought to its logical conclusion.

During various interactions, it was observed that there were shortcomings in the functioning of GCZMA which require immediate improvements to streamline the working of GCZMA. The following steps are necessary to be undertaken by GCZMA, for which I hereby direct that :-

- 1) The GCZMA shall initiate necessary proceedings on the following day of the receipt of complaint or order received from any court.
- 2) The matters referred to by the NGT/the High Court/the Supreme Court shall be given top priority and be decided in two months.

- 2 -

- 3) The GCMZA may hear the Court referred cases at least once in a week so that it would not be lost in the oblivion.
- 4) For regular matters also the GCMZA shall conduct and conclude the proceedings within three months.
- 5) Portal may be developed on the website of the GCZMA for systematic monitoring and disposal of the cases as it is done by various courts.
- 6) All the cases undertaken by the GCZMA shall be given unique ID number for monitoring at any given point of time and easy accessibility to public at large.
- 7) The Member Secretary shall assess the manpower, software and hardware requirements, and put it into the place for better efficiency of the GCZMA and performance.
- 8) All the communications and directions issued to line Departments for necessary action, must be sent online also for time stamping and seamless communications.
- 9) The MS GCZMA shall nominate one counsel in the Department who will work as nodal officer and responsible for all coordination and compliances of the directions issued by the Courts to the GCZMA.
- 10) Review of GCZMA referred cases periodically by Collectors and Heads of Departments and sending their reports on monthly basis to the GCZMA, within 30 days of receipt of the case.



(Dr. Puneet Kumar Goel)
Chief Secretary

To,
The Member Secretary, GCZMA.

Copy to :-

- 1) The Secretary (Environment), Secretariat. Porvorim-Goa.
- 2) The Collector (North)
- 3) The Collector (South)
- 4) Guard File.

**IN THE NATIONAL GREEN TRIBUNAL
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...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY AND ORS.

...RESPONDENTS

KNOW ALL to whom these presents shall come that I, Mr Puneet Kumar Goel, aged 55 years, presently serving as Chief Secretary, State of Goa, do hereby appoint (herein after called the advocate/s) on my behalf in the abovenamed matter:

**SRI HARSHA PEECHARA
[D/2095/2004]C-1/A UGF,
NIZAMUDDIN EAST
NEW DELHI 110013
(M) 9717466788**

To act, appear and plead in the above-noted case in this Tribunal/ Court or in any other Tribunal/Court in which the same may be tried or heard subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Tribunal/Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Tribunal/Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Tribunal/Court. I/We hereby agree that once the fee is paid.

I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 18th day of April, 2022.
Accepted subject to the terms of fees.


Advocate


Client



Kritika Narayan <advkritikanarayan@gmail.com>

Advance Service: Affidavit on behalf of CS, Goa | Nalini Da Rosa Fernandez v GCZMA OA No.18/2020

1 message

Kritika Narayan <advkritikanarayan@gmail.com>
To: samridhi12318@gmail.com
Cc: Harsha Peechara <shpeechara@gmail.com>

18 April 2022 at 18:13

Ma'am,

The present mail is being sent from the office of Sriharsha Peechara, counsel for the Chief Secretary, Goa in the captioned matter. Please find attached with this mail the affidavit being filed before the Hon'ble NGT on behalf the Chief Secretary, Goa in terms of the order of the Tribunal dated 20.01.2022.

Kindly acknowledge the present mail as advance service of the same.

Thank you,

Regards,
Office of Sriharsha Peechara

 **Affidavit OA 18 of 2020 (WZ) for service.PDF**
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