

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) AT PUNE
O.A. No. 12/2018 (WZ)**

IN THE MATTER OF:

WHITERAJ RESORTS PVT LTD

...APPLICANT

VERSUS

GCZMA

...RESPONDENT

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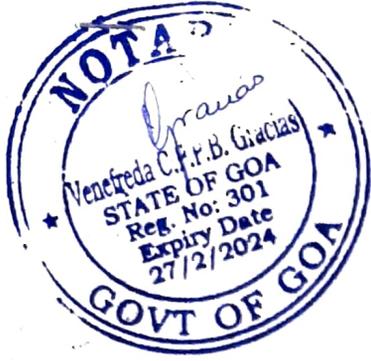
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Dated:24.02.2023

Filed by:

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O.A. No. 12/2018 (WZ)

IN THE MATTER OF:

WHITERAJ RESORTS PVT LTD ...APPLICANT

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**AFFIDAVIT IN REPLY ON BEHALF OF GOA COASTAL ZONE
MANAGEMENT AUTHORITY (GCZMA)**

I Dr. Geeta S. Nagvenkar, Major of age, Occupation: Service, working as the Member Secretary of the Respondent No.1 having my office on the 4th floor, Dempo Towers building, Pattoo-Panaji, do hereby beg to state on solemn affirmation as under:

1. That I am holding the post of Member Secretary of the Respondent No.1, and being well conversant with the facts of the present case which is on the basis of the record maintained, am competent to depose by way of the present Affidavit.
2. That I have gone through the O.A. filed by the Applicant herein and deny the contents thereof save those that are specifically admitted hereunder.
3. That the present affidavit is being filed in compliance of the order dated 30.01.2018 passed in the subject matter.

4. That in facts of the present case, the Answering Respondent Authority in its 146th meeting held on 11.04.2017 inter alia decided as under:

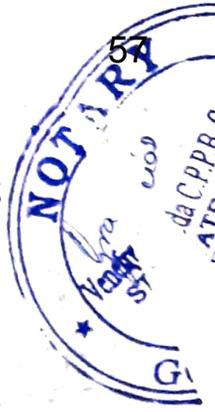
i) *To issue Order of demolition under Section 5 of the Environment Protection Act, 1986 in respect the structures belonging to Respondent Nos. 1 to 5 (violators) as the same are being used for commercial purpose.*

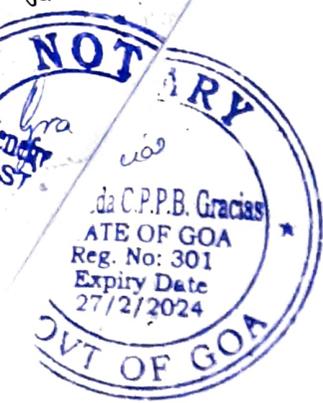
ii) *To identify the structures which are being used for residential purpose so also those which are used for carrying out commercial activities and after ascertaining the same to issue Order of demolition in respect of all those structures which are used for commercial activities.*

iii) *To demolish / remove all the temporary structures which are being run as shacks / huts / tents etc. existing at site.*

A copy of the Minutes of the 146th GCZMA meeting held on 11.04.2017 is annexed herewith as **ANNEXURE R/1**.

5. That in terms of the decision taken in 146th GCZMA meeting, upon instructions from the Member Secretary GCZMA, the subject site was inspected on 13.04.2017 by the Expert Members along with Junior Scientific Assistant of GCZMA in the presence of complainant as well as violators and or their Representatives wherein 20 permanent structures and 84 temporary listed structures were inspected. The Expert





Members of GCZMA submitted a report dated 04.05.2017 alongwith the list of violators and details of the nature of violation. A copy of Inspection report dated 04.05.2017 of the Expert Members of GCZMA is annexed hereto and marked as **ANNEXURE R/2.**

6. That based on the said inspection report, GCZMA on 16.05.2017 issued Demolition Orders under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules,1986 to each violator directing them to demolish all structures which are used for commercial activities, temporary seasonal structures/ huts/ cottages/ Shacks located in Sy. No. 80/1 of Nagorcem Palolem Village, Canacona-Goa and restore the land to its original condition within 15 days time period from the date of receipt of the order failing which the Dy. Collector & S.D.O., Canacona-Goa had to verify if each of the said structures were demolished and in the event they are not removed as per the directives, the Dy. Collector & S.D.O., Canacona-Goa would remove the structures thereafter within a time period of two weeks. The Copy of Demolition Orders issued by GCZMA on 16.05.2017 is annexed as Annexure A-3 Colly of the O.A.

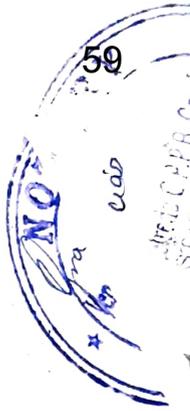
7. That the Office of Dy. Collector & S.D.O., Canacona-Goa carried out the Demolition Drive as per orders issued by the Answering Respondent and submitted the compliance of the

A handwritten signature in blue ink, appearing to be a stylized 'J' or similar character.

Demolition Orders dated 16.05.2017 passed by GCZMA vide letter dated 29.06.2017. A copy of the letter dated 29.06.2017 sent by Dy. Collector & S.D.O., Canacona-Goa is annexed herewith as **ANNEXURE R/3**.

8. That on receipt of the notice in the subject matter, GCZMA sent a letter bearing No. GCZMA/ILLE-Compl/14-15/03/1517 dated 16.11.2018 to the Office of Dy. Collector & S.D.O., Canacona-Goa, interalia stating that GCZMA has not granted any licenses to the respondent violators for purpose of erection of shacks/huts/cottages etc and hence any construction/erection of shacks/huts/cottages by the said respondent violators would be wholly illegal and violative of CRZ Notification 2011. A copy of the subject OA was sent to the concerned authority along with the aforesaid letter interaliadirecting it to ensure the execution of all the demolition orders dated 16.05.2017 passed by GCZMA in letter and spirit as also to submit compliance report on this subject within 15 days of receipt of this letter. A copy of Letter bearing No. GCZMA/ILLE-Compl/14-15/03/1517 dated 16.11.2018 is annexed herewith as **ANNEXURE R/4**.

9. That accordingly the Office of the Dy. Collector & S.D.O., Canacona-Goa, vide letter bearing No. SDOCAN/CRZ/DEMOLITION/ 18/120 dated 02.01.2019 intimated to GCZMA that the subject site was again inspected



wherein it was found that no huts were erected at site but material were at the spot and some cement poles were erected which were removed to the satisfaction of the identifying Officer.

A Copy of Letter bearing No. SDOCAN/CRZ/DEMOLITION/18/120 dated 02.01.2019 is annexed herewith as **Annexure R/5.**

10. That in the light of aforesaid, it is most humbly submitted that as informed by the Office of the Dy. Collector & S.D.O., Canacona-Goa, vide letter bearing No. SDO CAN/CRZ/DEMOLITION/ 18/120 dated 02.01.2019, the demolition orders dated 16.05.2017 were duly complied with.

11. That as a matter of abundant caution the Respondent in the year 2019 sought a report from the office of Mamlatdar of Canacona vide letter dated 13.12.2019 to verify the position at loco as whether demolished structures have been reconstructed or not. The copy of letter dated 13.12.2019 sent by respondent to the Office of Mamlatdar is annexed herewith as

Annexure R/6.

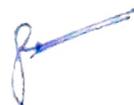
12. The Mamlatdar of Canacona vide letter bearing no. Mam/CAN/CRZ/2019/1693 dated 13.12.2019 informed the Answering Respondent that Circle inspector attached his office along with Talathi of Nag-Palolem Saza verified the site and found that 8 persons have reconstructed structures at site. The copy of letter dated 13.12.2009 from the Office of Mamlatdar of



Canacona, Goa sent to the Office of the Respondent is annexed herewith **Annexure R/7**.

13. That the said report of the Mamlatdar of Canacona dated 13.12.2019 was placed in the 230th GCZMA meeting held on 09.10.2020 for discussion and deliberation before the Answering Respondent. The copy of the relevant extract of the minutes of meeting of 230th GCZMA meeting held on 09.10.2020 is annexed herewith as **Annexure R/8**.

14. That in the said 230th GCZMA meeting held on 09.10.2020 it was decided as follows:- *"The authority after going through the records was shocked to note that the offenders had scant respect to the directions passed by the authority who have brazenly re-erected the structures without impunity. Quite surprisingly the local body has also issued them the NOC for electricity and water connection which should not have been done by them. This has emboldened the offenders to go on with their commercial activities of illegal hut hutments structures. The Hon'ble High Court of Bombay in WP 4765 to 4767 of 1995 and the Hon'ble Supreme Court in Civil Appeal 7627 and 7626 of 2019 have clearly held that in the event, if a report is received about reconstruction of a demolished structure without permission / approval of the competent authority the need to give a notice of personal hearing is the prerogative of the Authority. The Authority thus felt that the offenders need not be given any further*





opportunity of hearing but issue orders of demolition and penalty of Rs 500000/- on each the violator. In the event of failure to do so in 2 weeks, the Mamlatdar of Canacona shall take coercive steps to demolish the structures and recover the penalty and cost of demolition from respondents. The Authority also decided to issue Show Cause Notice on the violators as to why action in terms of section 15 of the Environment Protection Act should not be initiated against them."

15. That in terms of decision taken in 230th meeting this Respondent issued direction to demolish bearing no. GCZMA/ILLE-COMPL/14-15/03/776 dated 15.10.2020 to 8 (nos) of violators identified in the report of the Mamlatdar of Canacona dated 13.12.2019. The copy of direction dated 15.10.2020 by the office of the respondent/GCZMA is annexed herewith as **Annexure R/9**.

16. That as there was typo error with regard to names of the offenders in the directions/order dated 15.10.2020 a corrigendum bearing no. GCZMA / ILLE-COMPL/14-15/03/803 dated 19.10.2020 was issued to correct earlier directions/order dated 15.10.2020. The copy of corrigendum dated 19.10.2020 issued by the office of the respondent/GCZMA is annexed herewith as **Annexure R/10**.

17. That the Deputy Collector and S.D.O of Canacona issued a memorandum bearing no. **DYC/SDO/CRZ/DEMOLITION**

/2020/3082 dated 22.10.2020 directing the Mamlatdar of Canacona Taluka to recover the penalty imposed upon violators in terms of the directions/order dated 15.10.2020 read with corrigendum dated 19.10.2020. The copy of memorandum dated 22.10.2020 issued by the office of the Deputy Collector is annexed herewith as **Annexure R/11**.

18. That vide Compliance Report dated 31.10.2020 issued by the Office of the Deputy Collector & Sub-Divisional Officer, Canacona Taluka, Goa it has *inter alia* been recorded as under:

"The representative of GCZMA identified the structures to be demolished. The representative of GCZMA also ensured and reported that the structures which are identified to be demolished have not been granted any stay by competent court. Accordingly the demolition commenced at 10 am on 31/20/2020 and details of which are as under:-

Sr. No	Date	Name of Violator	Number of structures demolished	Remarks
1	31/10/2020	Dr. Shaba Rama Naik	Demolition order of GCZMA/Collector complied	-
2	31/10/2020	Suraj Ballikar	Demolition order of GCZMA/Collector complied	-
3	31/10/2020	Sudhakar Shankar Pagi	Demolition order of GCZMA/Collector complied	-
4	31/10/2020	Shivanand Pagi	Demolition order of GCZMA/Collector complied	-





5	31/10/2020	Ashok Shankar Pagi	Demolition order of GCZMA/Collector complied	-
6	31/10/2020	Prashant C Kankonkar	Demolition order of GCZMA/Collector complied	-
7	31/10/2020	Dilip Raisu Pagi	Self demolished	Restaurant does not exist on loco same is verified by representative of GCZMA
8	31/10/2020	Milagres Xavier Corte	Demolition order of GCZMA/Collector complied	-

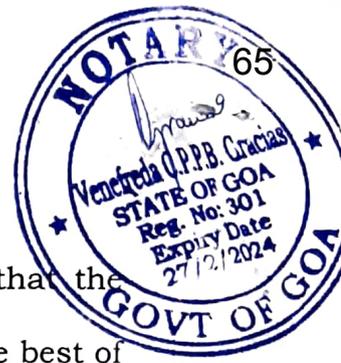
The copy of the Compliance Report dated 31.10.2020 issued by the Office of Deputy Collector & Sub-Divisional Office, Canacona, Goa is being annexed herewith as **Annexure R/12**.

19. That the Answering Respondent Authority seeks liberty from this Hon'ble Tribunal to file a detailed further affidavit if required at a later stage and as directed by this Hon'ble Tribunal.

20. That the annexures to the present affidavit are true copies of their respective originals.

[Signature]
24/10/2023

DEPONENT



VERIFICATON

Verified in Panaji on this 24th day of February 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and as per the records maintained by Goa Coastal Zone Management Authority. No part of it is false and nothing material has been concealed therefrom.

[Signature]
24/02/2023

DEPONENT

DATED: 24 /02/2023



Solemnly Affirmed Before Me by
Dr. Geeta S. Nagvenker
Who is identified before me by

_____ at Calangute - Goa
Sr No. 109/02/2023
Date: 24/02/2023

[Signature]
Venefreda C.P.P.B. Gracias
Advocate & Notary
Bardez-Goa

MINUTES OF THE 146TH MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 11/04/2017 (TUESDAY) AT 3:00 P.M. IN THE CONFERENCE HALL, 2ND FLOOR, SECRETARIAT, PORVORIM – GOA.

The 146th meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Principal Secretary (Environment), on 11/04/2017 (Tuesday) at 3:00 p.m. in the Conference Hall, 2nd Floor, Secretariat, Porvorim – Goa.

The following members were present during the meeting:

1. Principal Secretary (Environment) / Chairman(GCZMA)
2. Representative on behalf of Principal Chief Conservator of Forests, Department of Forests
3. Representative on behalf of Director, Directorate of Tourism
4. Representative on behalf of Director, Directorate of Settlement and Land Records
5. Representative on behalf of Chief Engineer, Water Resources Department represented the Chief Engineer, WRD
6. Director, Directorate of Fisheries, Government of Goa
7. Dr. Prabhakar Shirodkar, Expert Member (GCZMA)
8. Shri. Audhoot Bhonsule, Expert Member (GCZMA)
9. Prof. Suhas Godse, Expert Member (GCZMA)
10. Member Secretary (GCZMA)

At the outset, the Chairman (GCZMA) welcomed the Members of GCZMA present for the meeting and thereafter the following agenda items were taken up for discussion and decision:

Item No.1: To confirm the minutes of the 145th Meeting of the GCZMA held on 04/04/2017.

The minutes of the 145th Meeting of the GCZMA held 04/04/2017 were circulated amongst the members of the Authority during the meeting for their comments and suggestions. There were no comments / suggestions received from the

members as such the Authority confirmed the minutes of the 145th Meeting held on 04/04/2017.

Item No. 2:

Case No. 2.1:

To comply with the Orders dated 02/03/2016 and 15/03/2017 passed by the Hon'ble NGT in Application bearing no. 131/2015 in the matter M/s. White Raj Resorts Pvt. Ltd. V/s. State of Goa & Ors.

Background:

1. The complaint letters dated 26/10/2013 and 22/08/2014 was received by the Office of GCZMA from M/s White Raj Resorts Private Ltd. represented by its authorized officer Mr. Stephan Vornokov, R/o Tubki Resorts Pvt. Ltd., Nagorcem-Palolem, Canacona-Goa. The complainant states that there are illegal construction activities of various nature which includes shacks/restaurants/ huts/ tents/ tenements carried out in Sy.No. 80/1 of Nagorcem-Palolem Village Canacona-Goa carried out by Dr. Shaba Rama Naik Gaonkar alias Chandrakant R. Naik Gaonkar & Ors. Further, the complainant states that there is illegal trespass, levelling and illegal construction of houses or structures in the property bearing Sy.No.80/1 of Nagorcem-Palolem Village, Canacona-Goa without obtaining permission/approval from the concerned Authorities done by the illegal occupants.
2. Further, an application bearing no. 131/2015 was filed before the Hon'ble NGT, WZ, Pune by M/s. White Raj Resorts Pvt. Ltd. V/s. State of Goa & Ors. seeking demolition of the illegal construction raised in Sy.No. 80/1 of Village Nagorem-Palolem. Subsequently, vide order dated 02/03/2016, the said Application was disposed off interalia vide Order dated 02/03/2016 with direction to respondent no. (2), GCZMA to act upon the complaints filed by the Applicant and pass orders in accordance with law within two months.
3. The said complaint letters were forwarded to the Inquiry Committee, vide letter dated 04/04/2014 bearing no. GCZMA/ILLE- COMPL/14-15/03/45 for inquiry and report. The Inquiry Committee after conducting site inspections and personal hearings of the concerned parties submitted its report dated 14/03/2017.

4. The Hon'ble NGT vide Order dated 15/03/2017 observed and directed as under:

“As matter of indulgence, we may allow GCZMA to take decision within one month and nothing more. If there is failure to take such decision within stipulated time, the Authority shall pay costs of Rs. 50,000/- to the Applicant”

The said matter was placed in the 145th GCZMA meeting held on 04/04/2017 wherein the Authority noted that the Respondents were not provided with the copy of the Inquiry Committee report and as such decided to provide the copy of the report to the Respondents forthwith. The Respondents provided 3 email ids and Chairman directed that the said Inquiry committee report should be e-mailed to Respondents on the e-mail id's provided by them by Wednesday i.e. 05/04/2017.

The Respondents were informed that the next hearing is scheduled on 11th April at 3.30 pm. The Respondents agreed for the date and time of the next hearing.

In view of above, the matter was placed for personal hearing in the matter.

The Authority perused the list of the Inquiry Committee Reports in the matter of M/s. White Raj Resorts Pvt. Ltd. V/s. State of Goa & Ors. Given herebelow:

Sr. No.	Alleged Violator	Report of the Inquiry Committee
1.	<p>Affected party 1: 1.Suraj Naik,</p> <p>Affected party 2: 2. Dr. Shaba Rama Naik Gaonkar,</p> <p>Affected party 3: 3. Vithal Vasant Naik,</p> <p>Affected party 4: 4. Shataji Rama Naik Gaonkar</p> <p>Affected party 5: 5. Milagres Xavier Corte</p>	<p>In the joint reply of the affected parties 1 to 5 it is stated that the complainant filed the Civil Suit No. 29/15 against the affected parties and others in the Court of District Judge-1 at Margao-Goa for declaration and other reliefs, based on the sale deed dated 27-12-2007, that the affected party 1, 2 and 3 filed detailed written statement in that Civil Suit, submitting that they are in possession by adverse possession of part of the property under Sy.No. 80/1 of an area of 35.000 sq.mts. that the issue of ownership is pending for adjudication before the District Court; that based on the document of possession, the affected party 2 & 3 are doing business in the said property for</p>

more than 15 years by obtaining permission from competent authority for erecting shacks, tents, cottages etc. The affected parties relied on the seasonal permission dated 29-11-2016 granted by Canacona Municipal Council relied on the affected party 2. Dr.Shaba R. Naik Gaonkar.

The site plan attached to the report does not show any structure of the affected parties no. 1 to 5 in the vast property having Sy.No. 80/1 of Village Nagorcem Palolem and within the CRZ lines of 200 mts from HTL. The document produced by the affected parties no. 1 to 5 is the seasonal permission granted by Canacona Municipal Council to the affected party no.2 Dr. Shaba Naik Gaonkar to install 1 shack and 15 temporary structures in the property bearing Sy.No. 80/1 for the period from 29-01-2016 to 30-05-2016. The seasonal permission dated 29-01-2016 is marked as Annexure A-1.

The affected parties No. 1 to 5 produced the Order of the Hon'ble High Court dated 30-01-2017 passed in the Writ Petition nos. 1184/2016 to 1191/2016 and which was filed by White Raj Resorts Pvt. Ltd. against the affected parties. Nine Civil Suits were filed by White Raj Resorts in the Court of Civil Judge Junior Division Canacona and the Special Civil Suit No. 17/2016 also filed by White Raj Resorts against the affected parties is pending before the Civil Judge Senior Division, Margao.

Since all the Civil Suit filed by White Raj Resorts against the affected parties were relating to the

		<p>same subject matter, the Hon'ble High Court by Order dated 30-01-2017 transferred all the nine Civil Suit of the Court J.D. Canacona to the file of Court of Civil Judge Senior Division Margao where the special Civil Suit No.17/2016 is pending. The Order dated 30-01-2017 of the Hon'ble High Court is marked as Annexure A-2. Considering that the all the Civil Suits filed by the complainant White Raj Resorts against the affected parties relating of the same subject matter are pending before the Civil Judge Senior Division, Margao; that there are no order of temporary injunction in any of the suits; that the site plan attached to the report do not show any structures of the affected parties No. 1 to 5 in the vast property surveyed under Sy.No. 80/1 of Village Nagorcem-Palolelm and within 200 mts. CRZ line and that Canacona Municipal Council granted permission dated 29-11-2016 to the affected party Dr. Shaba R. Naik Gaonkar only in respect of seasonal temporary structures in Sy.No. 80/1, the GCZMA to keep in abeyance the complaints against the affected parties 1 to 5 till the decision of the Civil Suits pending before the Court of Senior Division, Margao.</p>
2.	<p>Affected party 7: 7. Yakub Khan</p>	<p>As the affected party no. 7 did not appear in the inquiry and there are number of structures existing in the survey plan prepared in the year 1971-72 of Sy.No. 80/1 of Nagorcem Palolem Village and also shown in the site plan attached to the report, that the complaint did not show any structure of the affected party no. 7 in the property surveyed under Sy.No. 80/1, GCZMA to drop the proceedings against affected party no.7 Yakub Khan.</p>

<p>3. Affected party 8: 8. Harsha Pagi</p>	<p>In the reply it is stated that residential house is registered under number 263/1; that the survey records Form I & XIV the name of her father-in-law Yeshwant Fokru Pagi figures in other right column of the Sy.No. 80/1; that her deceased husband was running Bar & Restaurant for more than 30 years in part portion of the premises and bearing H.No. 263/1, A after obtaining all necessary licences from the concerned authorities. The affected party-8 produced the following documents: Form I & XIV of Sy.No. 80/1 of Village Nagorcem Palolem wherein at serial no. XI in the other rights columns figures the name of Yeshwant Fokru Pagi, the father-in-law of the affected party-8; Form I & XIV is marked as Annexure A-3. The Order dated 02-07-2008 of the Chief Officer, Canacona Municipal Council was passed in view of the directions of Hon'ble High Court in Suo Moto Writ Petition 2/2006. By this Order the notice of Show Cause Notice issued to Santosh Y.Pagi was withdrawn on the ground that the residential house having H.No. 263.1 is old that the said Yeshwant is coming from traditional family having their habitation close to the coast due to their primary occupation and that the house existed prior to the year 1991. The Order dated 02-07-2008 is marked as Annexure A-4.</p> <p>The Affected Party No-8 produced also the bill of payment of electricity charges, receipts of payment of house tax of the part of the house assessed for Trade, licence fee of Trade, paid by Santosh V. Pagi, late husband of the affected party-8 in respect of H.No. 263/1 and the N.O.C issued to Santosh Pagi from the Village</p>
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		<p>Panchayat for release of electrical connection of H.No. 263/1A. The registration certificate issued by Food & Drug Administration, the NOC of the Directorate of Fire and Emergency Services for storage and use of petroleum products, NOC from the health and sanitation point of view issued by the Community Health Centre and the Challans No. 1067 and 1068 of payment of excise licence fees portions to M/s. Yash Restaurant H.No. 263/1-A and are in the name of the affected party 8.</p> <p>As the survey plan prepared in the year 1971-72 shows the existence of a structure in Sy.No. 80/1 and the same is shown by number 11 in the site plan attached to the report; the survey records Form I & XIV at Annexure A-3 shows the name of Yeshwant B. Pagi at serial no. XI (Roman Script of VII) in the other right column of Sy.No. 80/1; that the Show Cause Notice issued by the Canacona Municipality in view of the Suo Moto Writ Petition 2006, was withdrawn by order dated 02-07-2008 at Annexure A-4; the receipt of payment of house tax, trade tax registration certificate and the NOC for the restaurant indicate that the structure H.No. 263/1 and the commercial activities in H.No. 263/1-A were existing prior to the date of CRZ Notification 19-02-1991 and there is no violation of any provisions of CRZ Notification.</p>
4.	<p>Affected party 9: 9. Prashant Chandrakant Kankonkar</p>	<p>In the reply it is stated that the residential house is registered for the purpose of house tax under H.No. 275 in the name of the late father Chandrakant Pagui; that after marriage the affected party started residing in part of the house and obtained separate number H.No. 275/2; that</p>

		<p>the surveyd records Form I & XIV, the name of his late uncle Pai k Bihikaur Pagi figures under number XVIII (18) in the other rights column of Sy.No. 80/1; that the residential structure occupied is within the mundkarial area of 300 sq.mts; that the necessary proceedings for declaration of Mundkar are pending before the concerned authorities.</p> <p>Further in the reply it is stated that in view of the directions of the Hon'ble High Court in Suo Moto Writ Petition 2/2006, the Chier Officer of Canacona Municipal Council in the Order dated 24-06-2008 duly considered that the structure H.No. 275 is very old and was existing prior to 1991 and the notice in respect of the residential house was discharged. The affected party relied on the following documents: Index of land Form I & XIV at Annexure A-3, receipts of payment of House tax, electricity bill and the order dated 24-06-2008 of Chief Officer Canacona Municipal Council marked as Annexure A-5 and the ration card of H.No. 275/2.</p>
5.	<p>Affected party 10: Sudhakar Shankar Pagi</p>	<p>In reply the affected no.10 stated that he having a residential house registered under no. 281; that he is running temporary shack and huts in the property surveyed under Sy.No. 80/1;that in the Form I & XIV the name of his father Shankar Babo Pagi is recorded at sr.no. XIII (13) in other rights column that his father is having his residential house; that he and others had filled mundkarial in the court of Joint-Mamlatdar Canacona & declare them as mundkar of dwelling houses. The affected party 10 relied on 2 licences dated 06-02-2008 issued by Canacona Municipal Council which are marked as Annexure A-6</p>

		(Colly) and Form I & XIV of Sy.No. 80/1 of Village Nagorcem Palolem.
6.	Affected party 11: 11. Ashok Shankar Pagi	In the reply the affected party no.11 stated that he has residential house registered under no. 283 in the landed property surveyed under Sy.No. 80/1; that he is running seasonal temporary shack and huts; that in Form I & XIV the name of his father Shankar Babo Pagi is recorder at sr.no. XIII (13) in the other rights column; that his late father is having his residential house; that he and others have filed mundkar cases in the court of joint Mamlatdar and declare mundkar of dwelling house. The affected party-11 relied on the 2 licences dated 06-02-2008 issued by Canacona Municipal Council and marked as Annexure A-7 (Colly); Form I & XIV of Sy.No. 80/1 of Village Nagorcem-Palolem and general receipt of Canacona Municipal Council of payment of fees for the 1 shack and four temporary structures.
7.	Affected party 12: Praksh Shankar Pagi	In the reply the affected party -12 stated that he traditional fisherman in the property surveyed under Sy.No. 80/1; that with the permission of the landlord his parents has constructed the residential home prior to the liberation of Goa that he is residing in the said house with his family members and stands registered for the purpose of house tax under H.No. 282; that the said house tax, electricity and water connections; that the name of his father Shankar Babu pagi is shown in the other right column at serial no. XIII (13). Further in the reply it is stated that the residential structure occupied by him is within the mundkarial area of 300 sq.mts.; that the necessary proceedings for declaration of mundkar are

pending before the concerned authorities; that his son Rupesh Pagi in the year 2008 erected four temporary stalls within the mundkarial area for doing seasonal structures with the permission of Canacona Municipal Council. The affected party 12 relied on the following documents Index of land Form I & XIV ; house tax receipt, electricity bill; licences dated 06-02-2008 issued by Canacona Municipal Council of Rupesh Pagi to install 4 temporary stalls marked as Annexure A-8 and ration card.

The survey plan prepared in the year 1971-72 show the existence of a structure of residential house marked by number 13 in the survey plan as well as in the site plan attached to the report. The survey records Form I & XIV at Annexure A-3 the name of Shankar Babu Pagi figures in other right column at serial no. XIII (13). The affected parties no.10,11 and 12 are the sons of Shankar Babu Pagi and residing in their portion with their family in the H.No. 382, H.No. 383 and H.No. 382 respectively.

The affected party-10 produced the licence dated 06-02-2008 of Canacona Municipal Council to setup temporary shacks and licence dated 06-02-2008 to install six temporary structure (stalls) in Sy.No. 80/1. The licence for shacks and stalls dated 06-02-2008 are marked as Annexure A-9 (Colly). The affected party-11 produced licence dated 06-02-2008 to setup temporary shacks and licence dated 06-02-2008 to install 4 temporary structures/ stalls in Sy.No. 80/1. The licence for temporary shacks and 4 temporary stalls are marked as Annexure A10 (Colly). The affected party no.12 produced the licence dated 06-02-

2008 to install 4 temporary structures stalls in Sy.No. 80/1. The licence dated 06-02-2010 is marked as Annexure A-11.

Considering that

- a) The survey plan prepared in the year 1971-1972 shows the existence of the structure of residential house marked by number 13 in the site plan;
- b) The Form I & XIV shows the name of Shankar Babu Pagi, the father of the affected party no. 10,11 and 12 as recorded in the right column at serial no. XIII (13) of Sy.No. 80/1;
- c) The affected party no 10. Sudhakar Shankar Pagi is residing in separate portion having H.No. 281, party no. 11 Ashok Shankar Pagi in the separate portion having H.No. 283 and the affected party no. 12 is separate portion having H.No. 382.
- d) The residential structure 13 having H.No. 281, H.No. 283 and H.No. 282 were existing prior to the date of CRZ Notification dated 19-02-1991 and there is no violation of CRZ Notification.

Considering that

- a) The licences at Annexure A-6 (Colly), A-7(Colly) and A-8 are for installing seasonal temporary structures in Sy.No. 80/1 only for the period from 06-02-2008 to 15-06-2008,
- b) The site inspection plan prepared by DSLR, which forms part of the report do not show the existence of shacks and 6 stalls Annexure A-6 (Colly) of the affected party-10, shacks and 4 stalls Annexure A-7

		<p>(Colly) of the affected party no. 11 and 4 stalls at Annexure A-8 of party no. 12 in Sy.No. 80/1 of Village Nagorcem-Palolem,</p> <p>c) If all the shacks and all the stalls are existing in the area of 200 mts from HTL in No Development Zone and unless the affected party no. 10,11 and 12 justifies of the existence of those temporary structure with the licence from GCZMA or other licensing authorities,</p> <p>d) The GCZMA to remove the temporary shacks, 6 temporary stalls of the affected party-10, temporary shacks, and 4 temporary stalls of the affected party no.11, 4 temporary stalls of the affected party no.12 erected in the property surveyed under Sy.No. 80/1 of Village Nagorcem, Palolem.</p>
8.	<p>Affected party 13: 13. Bichin Pai K Pagi alias Bichandra Pagi</p>	<p>This affected party 13 and the affected party 9 Prashant Chandrakant Kankonkar are concerned with the structure marked by number 18 in the survey plan and also in the site plan attached to the report. The survey records Form I& XIV, the name of Pai K Bikar Pagi (father of affected party-13 and uncle of affected party-9) is shown at serial no. XVIII (18) in the other rights Column of Sy.No. 80/1.</p> <p>In the reply of the affected party no. 13 it is stated that his grandparent with the permission of landlord constructed the residential house prior to the liberation of Goa and occupied by his family from the times of his ancestor; that the said house was registered for the purpose of house tax under no. 275/B in the name of his mother; that upon marriage he started residing in past of the house</p>

and obtained separate number H.No. 275/A; that H.No.275/A is electrified and has water connection; that the name of his late father Pai K Bikaner Pagi is shown in other rights column Form I & XIV of Sy.No. 80/1; that the residential structure occupied is within the mundkarial area of 300 sq.mts, that the proceedings for declaration of mundkar is pending before council authorities and that there are no illegal commercial activities.

The affected party 13 relied on the following document Index of land Form I & XIV of Sy.No. 80/1, electricity bill and water bill of H.No. 275/A, ration card and divergence certificate dated 26-12-2012 issued by Canacona Municipal Council certifying that Bichin Pai K Pagi was also known by other name as Bichandra Pai K Pagi and he is once and the same person.

The structure shown under No. 18 in the survey plan as well as in the site plan it is recorded under no. XVIII (18) in the right column of Form no. I & XIV at Annexure A-3 in the name of Pai K Bikaner Pagi, the late father of the affected party 13 and uncle of the affected party 9. The family of Pagi Bichin Pai Pagi and the family of Chandrakant were residing in residential house shown as structure marked by no. 18 in survey plan and having H.No. 275. Subsequently the son of Pai k Bichin Pagi- the affected party no. 13 and the son of Chandrakant Pagi-the affected party no.9 started residing in the separate portion of the house no. 18 having H.No. 275/A and 275/2 respectively of affected party no. 3 to 9.

Considering that

- a) The survey plan prepared in the year 1971-

		<p>1972 shows the existence of the structure of residential house marked as number 18 in the site plan and registered as H.No. 275.</p> <p>b) Form I & XIV shows the name of Pai K Bichin Pagi the father of the affected party no. 13 and uncle of the affected party no. 9; in other right column at serial no. XVIII (18) of the Sy.No. 80/1,</p> <p>c) The affected party no.13 is residing in separate portion of the house having H.No. 275/A and the affected party 9 is residing in the separate portion of the house bearing H.No. 275/2,</p> <p>d) The structure is only a residential house and there is no commercial activities,</p> <p>e) The structure 18 having H.No. 275, 275/A and 275/1 were existing prior to the date of CRZ Notification 19-02-1991 and there is no violation of CRZ Notification.</p>
9.	<p>Affected party 14: Shivanand Anand Pagi</p>	<p>In the reply it is stated he is having his residential house registered under H.No. 286/1; that he is running seasonal temporary shack and hut in the land partly surveyed under Sy.No. 80/1 with prior permission of the landlord; that prior to that his father Anand Shivand Pagi was running seasonal temporary shack and huts; that in the Form I & XIV of Sy.No. 80/1 the name of his father Anand Shiva Pagi is recorded at sr.no. VIII (8) in the other rights column; taht he others had filed mundkar case in the Court of Joint Mamlatdar Canacona to declare as Mundkar of their dwelling house.</p> <p>The affected party-14 relied on the following document. Two licences dated 29-01-2008 issued by Canacona Municipal Council to set up</p>

		<p>temporary shack and 4 temporary stalls; NOC dated 30-01-2008 of Fire Service; application dated 18-09-2000 to the Canacona Municipal Council and Form I & XIV of SY.No. 80/1 of Village Nagorcem Palolem.</p> <p>Survey plan prepared in the year 1971-72 shows the existence of a structure of residential house marked by number 8 in the survey plan as well as in the site plan attached to the report. The survey records, Form I& XIV at Annexure A-3 the name of Ananda Shiva Pagi the father of the affected party-14 figures in other right column at serial no. VIII(8). The structure 8 is having residential house bearing H.No. 286/1.</p> <p>The affected party produced two licence dated 29-01-2008 issued by Canacona Municipal Council. One is to set up temporary shack and the other to install 5 temporary stalls at Colomb in the Sy.No. 80/1 of Nagorcem-Palolem Village. The licences dated 29-01-2008 are marked as Annexure A-9 (Colly).</p> <p>Considering that</p> <ol style="list-style-type: none"> a) The survey plan prepared in the year 1971-72 shows the existence of the structure of residential house marked by number 8 in the site plan attached to the report. b) The survey records Form I & XIV at Annexure A-2 in the name of the affected party-14 is recorder in the other rights column at serial no. VIII (8) of Sy.No. 80/1. c) The residential structure no. 8 having H.No. 286/1 was existing prior to the date of CRZ notification 19-02-1991 and there is no violation of CRZ Notification.
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		<p>Considering that</p> <ol style="list-style-type: none"> a) The licence at Annexure A-9(colly) are for installing seasonal temporary structures only for the period from 29-01-2008 to 15-06-2008. b) In the site inspection plan prepared by DSLR the temporary structures 1 shack and 5 stalls, are not shown in Sy.No. 80/1 c) If the temporary structures of 1 shack and 5 stalls have been erected in the area of 200 mts from HTL and unless the affected party-14 justifies the existence of temporary structures with licences from GCZMA or other licensing authorities. d) The GCZMA to remove the temporary one shack and 5 stalls of the affected party no. 14 erected in No Development Zone in the property surveyed under Sy.No. 80/1 of Village Nagorcem-Palolem.
10.	<p><u>Affected party No.15</u> <u>Pavitra V. Naik Dhuri</u></p>	<p>In the reply it is stated that the affected party-15 is traditional fisherman residing in the property surveyed under Sy.No. 80/1; that with the permission of the landlord his parents have constructed the residential house prior to the liberation of Goa in the said property and the same is occupied by his family for more than 60 years; that somewhere in the year 1987 the affected party-15 have constructed any residential house for the purpose of residential use with the permissions of the owners; that the house was registered for the purpose of house bearing H.No. 261/1; that the said house is duly electrified and has water connection.</p> <p>Further in the reply it is stated that the name of his father Vithal Fokru Pagi is shown in the other</p>

rights columns at serial no. XXII (22); that the residential structure occupied by the affected party -15 is within the mundkarial area of 300 mts. and necessary proceedings for declaration of mundkar is pending before the concerned authorities; that by order dated 27-07-2008 the Chief Officer of Canacona has duly considered that the said structure bearing H.No. 261/1 is very old in existence prior to 1991 and the notice in respect of H.No. 261 was discharged.

The affected party no.15 produced the following documents: Index land, Form I & XIV, licence dated 29-01-2008 for temporary structures licences dated 29-01-2008 for 3 temporary structures (stalls); electricity bill, water bill, house tax receipt of H.No. 261/1, ration card, licence for net mending order dated 27-07-2008.

The site plan attached to the Report indicate the existence of two new structure in the property surveyed under Sy.No. 80/1 of village Nagorcem-Palolem and within the area of 200 mts. from HTL. One structure is marked by letter M and other small structure is marked by letter N in the site plan. This structure marked M is a residential house having H.No. 261/1 and structure N is a store room.

The affected party 15 produced the order dated 27-07-2008 passed by the Chief Officer of Canacona Municipal Council, in view of the directions issued by the Hon'ble High Court in Suo Moto Writ Petition no. 2/2006 the Canacona Municipal Council issued Show Cause Notice to the affected party 15 in respect of residential house no. 261/1 structure M and the store room structure N.

The Chief Officer in his Order dated 27-07-2008 relied on the site inspection report of Municipal Engineer stating that the affected party 15 was having mangor from the year 1979; that the affected party-15 has repaired the same in the year 2001 with the permission of the Council, that being from fisherman community the residential house wherein the affected party no.15 resides with this family could be considered to have been constructed prior to 19-02-1991; Based on the Municipal Engineer's site inspection report, permission of Municipal Council; NOC to register the canoe; the Chief Officer passed the Order dated 27-07-2002 to withdraw the notice issued in report of residential house bearing No. 261/1 (structure M).

In respect of structure N the store room as there are no documents to justify its existence in the No Development Zone, the Chief Officer in the same Order dated 27-07-2002 ordered the demolition of the store room structure marked N in the site plan. The order dated 27-07-2008 of Chief Officer Canacona Municipal Council is marked as Annexure A-10.

The site plan attached of the report shows that on the southern side of the structure N there is one large shed closed to the beach and 5 shed of smaller size along the large shed and also close to the beach. The large shed is marked by letter O and the other 5 sheds are marked by letters P ,Q, R, S and T in the site plan.

The affected party produced the 2 licences dated 29-01-2008, one in of seasonal permission to set up temporary shacks in survey No.80/1 for the tourist season from 29-01-2008 to 15-09-2008.

The other is licence to install 3 temporary structures (stalls) in survey no. 80/1 for the season 29-01-2008 to 15-06-2008. The licenses dated 29-01-2008 are marked as Annexure A-11 (colly).

Considering that

- a. The structure H. No 261/1 in a residential house of the affected party N.15,
- b. The repairs to the Mundkarial house H. No. 261/1 was carried with the permission of Canacona Municipal Council.
- c. In view of the direction of the Hon'ble High court in the Suo Moto Writ Petition 2/2006 to all the Panchayats and Municipalities to identify the structures in the No Development Zone , the chief Officer of Municipal Council passed order dated 27/7/2008 at Annexure -9 stating that the structure H.No. 261/1 was constructed prior to 19-02-1991.
- d. The structure H. No. 261/1 shown by letter M in the site plan , was existing prior to the date of CRZ Notification 19-02-1991 and there is no violation of provision of CRZ Notification.
- e. The structure N a store room being a new construction within the area of 200mts HTL and constructed without any permission from GCZMA and other licensing authority.
- f. GCZMA to demolish the structure N shown in the site plan and existing in No Development Zone in the property surveyed under Survey No. 80/1 of village Nagorcem, Palolem and restore the land to

		<p>its original condition.</p> <p>Considering that</p> <ol style="list-style-type: none"> a. The structures marked O, P, Q, R, S, and T are temporary shacks erected in the NO Development Zoe in survey no. 80/1 of village Nagorcem Palolem. b. The permissions to install temporary shacks and 3 temporary stalls at Annexure –A 11 (Colly) are seasonal permissions 6-02-2008 to 15-06-2008. c. The sheds O, P, Q, R, S and T are erected without any permission from GCZMA or any other licensing authority. d. GCZMA to remove all the sheds marked O,P,Q,R,S and T shown in the site plan and existing in the No Development zone in the property surveyed under Survey No. 80/1 of village Nagorcem Palolem. e. Restore the land on its original condition.
11.	<p><u>Affected party N-16</u></p> <p><u>Dilip Raisu Pagi</u></p>	<p>In the reply of the affected party N.16 it is stated that he is traditional fisherman residing in the property surveyed under survey No. 80/1 that his parents with the permission of the landlord constructed the residential house prior to the liberation of Goa, that the said residential house stand rejected for the purpose of house tax under H.No. 261, that the said house is electrified and have water connection, that the name of his late father Raisu Supro Pagi, is shown in the other right column at serial no.XX, that residential structure occupied by him is within the Mundkarial area of 300mt and necessary proceedings are pending before the concerned authorities.</p>

		<p>The affected party No.16 produced the following documents Form I, XIV of survey no. 80/1, electricity bill of H. No. 261, receipt dated 6-7-1998 issued by Canacona Municipal Council, ration card, water bill of H. No. 261.</p> <p>Considering that:</p> <ol style="list-style-type: none"> a. The survey plan prepared in the year 1971-1972 shows the existence of a structure of residential house marked by number 20 in the site plan and registered under H. No. 261. b. Form I & XIV at Annexure A-3, shows the name of Raisu Supro Pagi the late father of the affected party H. No. 16 in the other right column at serial no.XX (20) of survey No. 80/1. c. The structure No. 20 is only a residential house and no commercial activities are existing in the said structure. d. The structure marked 20 in the site plan, having H. No. 261 were existing prior to the date of CRZ Notification 19-2-1991 and there is no violation of the provision of CRZ Notification.
12.	<p style="text-align: center;"><u>Affected party- 17</u> <u>Ratnakar Vitthal Pagi</u></p>	<p>In the reply it is stated that the affected party 17 he is traditional fisherman residing in the property surveyed under survey No. 80/1 that his parents with the permission of the landlord house constructed the residential house that after marriage occupying said house along with the family members that the said residential houses starts registered for the purpose of house Tax under H.No. 250/1 that the said house is duly electrified and water connection that name of the</p>

father Vitthal Fokru Pagi is shown in the other right column at serial No. XXII.

Further in the reply it is stated that the residential structure occupied by the affected party is within the Mundkar area of 300mts that necessary proceedings for declaration of Mundkar are pending before the concerned authorities that the affected party received a show Cause Notice pertaining to the said house whether the said house is existing prior of 1991, that the chief officer Canacona Municipal Council held on 24-06-2001 that the same was built before CRZ Notification and that the affected party is not doing any commercial activities.

The affected party relied on the following documents namely Index of lands, Form I, XIV of survey No. 80/1 of village Nagorcem Palolem, water bill of H.No. 250/1, electricity bill, house tax receipt and order dated 24-06-2008 of the Chief Officer Canacona Municipal Council.

The survey plan prepared in the years 1971-1972 shows the existence of a structure of residential house marked by Mundkar 22 in survey plan as well as in the site plan attached for the report. The survey records Form I, XIV at Annexure A-3, the name of Vitthal Fokru the father of the affected party -17 figures in the other right column at serial XXII (22) this structure 22 is having H. No. 250/1.

The affected party produced the order dated 24-06-2008 passed by the Chief Officer Canacona Municipal Council in view of the directions given by Honble High Court in Suo Moto Writ Petition N.2/2006. The Canacona Municipal Council issued a Show Cause Notice to the affected party

		<p>-17 in respect of the residential house situated in survey No. 80/1 . Based on the documents produced by the affected party No. 17, house tax receipt licenses dated 1979 the Show Cause Notice to the affected party -17 in respect of the residential house No. 250/1 was discharged. The order dated 24-06-2008 Chief officer is marked as Annexure A-12.</p> <p>Considering that</p> <ol style="list-style-type: none"> a. The survey plan prepared in the years 1971-1972 shows the existence of the structure marked by number 22 in the site plan attached to the report. b. The form I , XIV at annexure A-3 in the other right columns of survey no. 80/1 ogf village Nagorcem Palolem, the name of Vitthal Fokru Pagi father of the affected party -17 is recorded at serial no. XX II (22). c. The order dated 26-06-2008 of Chief Officer of Canancona Municipal Council withdrawing the Show Cause Notice issued in respect of residential house No. 250/1. d. The structure marked 22 in the site plan having H.No. 250/1 was existing prior to the date of CRZ Notification 19-2-1991 and there is no violation of CRZ Notification.
13.	<p style="text-align: center;"><u>Affected party 18</u> <u>Dayanand Uttam Pagi</u></p>	<p>In the reply of the affected party 18 it is stated that he is traditional fisherman residing in the property surveyed under Survey No. 80/1 that with the permission of the landlord his parents has constructed the residential houses, that after marriage he is occupying the said house along with his family members, that the said residential</p>

		<p>house for the purpose of house tax in registered under H.No. 290 in the name of his late mother Sumati Uttam Pagi.</p> <p>Further in the reply it is stated that the said residential house has obtained electricity connection on 27-10-1993, that the said residential house having water connection the affected party 18 paying water consumption charges that the name of his father Uttam Supro Pagi is shown in the other right column at serial No. XXI of survey No. 80/1, that the residential structure occupied by the affected party -18 is within the Mundkarial area of 300 sq.mts. and that necessary proceedings for declaration of mundkar are pending before the concerned authorities.</p> <p>The affected party no.18 relied on the following documents: receipt of payment of house tax to Canacona Municipal Council by Somati Pagi; receipt of payment of electrical charges by Somati Pagi showing that the residential house of having connection from 27-10-1993 and Form I & XIV of Sy.No. 80/1 of Village Nagorcem-Palolem.</p>
14.	<p><u>Affected party - 19</u> <u>Shivanand Uttam pagi:</u></p>	<p>In the reply filed by the affected party no.19 it is stated that he is traditional fisherman; that with permission of landlord his parents has constructed the residential house prior to the liberation of Goa; that the said residential house stands registered for the purpose of house tax under H.No. 259, has water connection that the name of his father Uttam Supro Pagi is shown in the other rights column at serial no. XXI; that residential structure occupied is with the mundkarial area of 300 sq.mts. and the necessary proceedings for</p>

declaration of mundkar are pending before the concerned authorities.

The affected party no. 19 relied on the following documents: Form I & XIV of Sy.No. 80/1 of Village Nagorcem-Palolem; electricity bill of Shivanand Uttam Pagi showing the electricity connection id from 01-01-1979, house tax receipt and ration card.

Considering that

- a) The survey plan prepared in the years 1971-1972 shows the existence of the residential structure marked by number 21 in the site plan attached to the report of the property surveyed under Sy.No. 80/1 of Village Nagorcem-Palolem.
- b) The survey records Form I & XIV of Sy.No. 80/1 the name of Uttam Supro Pagi the father of Dayanand Uttam Pagi (affected party-18) and father of Shivanand Uttam Pagi (affected party-19) is recorded at serial no. XXI (21).
- c) The structure of residential house of the affected party-18 is having H.No. 290 and the structure of residential house of the affected party no. 19 is having H.No. 259 and
- d) The structure marked 21 in the site plan having H.No. 290 and H.No. 259.
- e) The residential house H.No. 290 of the affected party no. 18 and the residential house H.No. 259 of the affected party no. 19 were existing prior to the date of CRZ Notification 19-02-1991 and there is no violation of the provisions of CRZ Notification.

		<p>The site plan of the Sy.No. 80/1 attached to the report shows 5 sheds on the southern side of the property surveyed under Sy.No. 80/1 and close to beach. The 5 sheds are marked in the site plan by letters U, V, W, X and Y. As the 5 sheds are temporary structures and there are no licences to install the 5 temporary structures from GCZMA or any other licence authority, the GCZMA to remove the temporary sheds marked U, V, W, X and Y in the site plan and existing in Sy.No. 80/1 of Village Nagorcem-Palolem.</p>
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Proceedings: Advocate Samant was present on behalf of M/s. White Raj Resorts Pvt. Ltd. Advocate V. Gaikar was present on behalf of Respondent Nos. 1 to 5. All other Respondents were present in person to present their case.

Adv. Samant for M/s. White Raj Resorts Pvt. Objected on the report prepared by the Inquiry Committee of the GCZMA and submitted that the said report of the Inquiry Committee is bad in law and cannot be relied upon. He further stated that the property bearing Sy. No. 80/1, Nagorcem-Palolem, Canacona-Goa belongs to M/s. White Raj Resorts Pvt. Ltd. He further submitted that earlier only 30 permanent structures existed in the said property and M/s. White Raj Resorts Pvt. Ltd has no issues in respect of the same. However, now, there are all together around 80 permanent structures as per the Municipality records out of which 30 structures existed prior to 1991 and the remaining 50 structures are illegal. Also, 300 temporary structures in the form of shacks, huts, Restaurants are also erected by the alleged violators / Respondents. He further informed that the said violators has not obtained any permissions / approvals from the GCZMA as well as other concerned Authorities in respect of 50 permanent structures and 300 temporary structures.

He further submitted that in almost all cases there are newly constructed permanent structures and the documents produced by the Respondents in respect of their newly constructed structures (i.e. 50 permanent structures in addition to 30 existing structures) are pertaining to already existing structures (i.e. 30 structures) thus the said Respondents are misleading the Authority.

Party-wise discussion made by the Advocate for the Complainant and the Respondents is given herebelow in tabular format:

Sr. No.	Name of the Affected Parties / Respondents	Submission made by the Complainant	Submission made by the Respondent
1.	<p>Affected party 1: Suraj Naik,</p> <p>Affected party 2: Dr. Shaba Rama Naik Gaonkar,</p> <p>Affected party 3: Vithal Vasant Naik,</p> <p>Affected party 4: Shataji Rama Naik Gaonkar</p> <p>Affected party 5: Milagres Xavier Corte</p>	<p>The Advocate for Complainant submitted that in respect of Respondent Nos. 1 to 5 there are 3 permanent structures and about 35- 40 temporary structures which includes huts wherein liquor and alcohol is being sold, also Restaurant and massage parlour is being run in the said temporary structures.</p> <p>He further submitted that in respect of structures for Respondent Nos. 1 to 5 is concerned the Inquiry Committee in its report has concluded that the GCZMA to keep in abeyance the complaints against the affected parties 1 to 5 till the decision of the Civil Suits pending before the Court of Senior Division, Margao.</p> <p>In view of the same, he submitted that pendency of the matter before the Court of law is not a ground to decide on the complaint and as such the Authority to decide in the matter.</p> <p>In reply to submission made by the Advocate for Respondent he submitted that there is only one permission being granted by the CMC for erection of temporary structures which cannot be applied to remaining temporary structures or relied upon by the Other Respondents.</p>	<p>The Advocate for Respondent Nos. 1 to 5 submitted that seasonal permission is granted in respect of the temporary structures by the Canacona Municipal Council. So also, the Inquiry Committee in its report does not mention about the permanent structures in respect of the Respondents and further states that permissions for temporary structures has been obtained from the Canacona Municipal Council for erection of 1 Shack and 15 temporary structures in name of Dr. Shaba Naik Gaonkar and now the same have been removed by the Respondents around 10 days back.</p>

2.	Affected party 7: Yakub Khan	In respect of Affected party, Yakub Khan, the advocate for the complainant submitted that there are 4-5 permanent and around 8-10 temporary structures which are constructed without permission.	The Affected party, Yakub Khan submitted that there are 3 permanent structures of which 2 belongs to his sons and one is in his possession. In respect of temporary structures he submitted that he had erected 7 temporary structures in the said property.
3.	Affected party 8: Harsha Pagi	In respect of the structure for Affected party, Harsha Pagi, the advocate for the complainant submitted that there is one permanent structure which is being run as a Bar & Restaurant by the Respondent and there is no temporary structure erected by the said Respondent. He further submitted that as per the Inquiry Committee report the structure bearing H.No. 263/1 and the commercial activities in H.No. 263/1-A were existing prior to the date of CRZ Notification 19-02-1991 and there is no violation of any provisions of CRZ Notification. However, there is no justification to prove the existence of the said structure as the said Structure which is used as a Bar & Restaurant is not the same as that shown on survey plan and it is some other structure (i.e. out of 30 existing structures) which was previously existing.	The Affected party, Harsha Pagi submitted that she has only one permanent structure which is a 30 years old structure wherein her Father in law was residing. She further submitted that the said structure is being run as a Bar & Restaurant and there are no any temporary structures erected by her. She further submitted that she has licence the said Restaurant from the Excise Department and Canacona Municipal Council.

4.	<p>Affected party 9: Prashant Chandrakant Kankonkar</p>	<p>In respect of the structure for Affected party, Prashant Chandrakant Kankonkar, the advocate for the complainant submitted that there is one permanent structure and 9 temporary structures all constructed between 50-60 m from the HTL by the said Respondent. He further submitted that the said structures are constructed by the Respondent without obtaining any permissions except that there are proceedings for declaration of Mundkar pending before the concerned authorities.</p>	<p>The Affected party, Prashant Chandrakant Kankonkar, submitted that he has no permissions of the landlord nor any permissions of the other authorities in respect of the said structures.</p>
5.	<p>Affected party 10: Sudhakar Shankar Pagi</p>	<p>In respect of the structure for Affected party, Sudhakar Shankar Pagi, the advocate for the complainant submitted that there is one permanent structure and 9 temporary structures all constructed without any permissions by the said Respondent</p>	<p>The Affected party, Sudhakar Shankar Pagi, submitted that he has one permanent structure for which he is paying house tax. He further submitted that as far as temporary structure are concerned he will remove the same.</p>
6.	<p>Affected party 11: Ashok Shankar Pagi</p>	<p>In respect of the structure for Affected party, Ashok Shankar Pagi, the advocate for the complainant submitted that there is one permanent structure and 12 temporary structures constructed by the said Respondent.</p>	<p>The Affected party, Ashok Shankar Pagi, submitted that he has one permanent structure and 6 temporary structures and he belongs to a fisherman community and in respect of permanent structure he has been paying house and light tax.</p>

7.	Affected party 12: Prakash Shankar Pagi	In respect of the structure for Affected party, Prakash Shankar Pagi, the advocate for the complainant submitted that there is one permanent structure and 10-12 temporary structures constructed by the said Respondent.	The Affected party, Prakash Shankar Pagi,, submitted that he has not constructed / erected any permanent and temporary structures in the said property.
8.	Affected party 13: Bichin Pai K Pagi alias Bichandra Pagi	In respect of the structure for Affected party, Bichin Pai K Pagi alias Bichandra Pagi, the advocate for the complainant submitted that there is one permanent structure and 10 temporary structures constructed by the said Respondent.	The Affected party, Bichin Pai K Pagi alias Bichandra Pagi, submitted that he has only one permanent and has not erected any temporary structures in the said property and is only running a tea stall since 2008. He further submitted that he belongs to a fisherman community.
9.	Affected party 14: Shivanand Anand Pagi	In respect of the structure for Affected party, Shivanand Anand Pagi, the advocate for the complainant submitted that there is one newly constructed permanent structure and 12 temporary structures erected by the said Respondent.	The Affected party, Shivanand Anand Pagi, submitted that he has only one permanent structure and has not erected any temporary structures in the said property.
10.	<u>Affected party No.15</u> Pavitra V. Naik Dhuri	In respect of the structure for Affected party, Pavitra V. Naik Dhuri, the advocate for the complainant submitted that there is one permanent structure and 7 temporary structures constructed / erected by the said Respondent.	The Affected party, Pavitra V. Naik Dhuri, submitted that her structure existed prior to 1991 and she has no NOC / permission / approvals of any Department / Authority.
11.	<u>Affected party No-16</u> Dilip Raisu Pagi	In respect of the structure for Affected party, Dilip Raisu Pagi, the advocate for the complainant	The Affected party, Dilip Raisu Pagi, submitted that his structure existed prior to

		submitted that there is one permanent structure and 4 temporary structures constructed / erected by the said Respondent.	1991.
12.	<u>Affected party- 17</u> Ratnakar Vitthal Pagi	In respect of the structure for Affected party, Ratnakar Vitthal Pagi, the advocate for the complainant submitted that there is one permanent structure and 7 temporary structures constructed / erected by the said Respondent.	The Affected party, Ratnakar Vitthal Pagi, submitted that his structure existed prior to 1991.
13.	<u>Affected party 18</u> Dayanand Uttam Pagi	In respect of the structure for Affected party, Dayanand Uttam Pagi, the advocate for the complainant submitted that there there is only one permanent structure belonging to the Respondent and there are no any temporary structures constructed / erected by the said Respondent.	The wife of Affected party, Dayanand Uttam Pagi, submitted that the structure belongs to her husband and they are fisherfolk community.
14.	<u>Affected party - 19</u> Shivanand Uttam Pagi	In respect of the structure for Affected party, Shivanand Uttam Pagi, the advocate for the complainant submitted that there is only one permanent structure and there is one temporary structure erected by the said Respondent	The Affected party, Shivanand Uttam Pagi submitted that he only has a small gaada / stall meant for selling lime soda.

Decision: The Authority after detailed discussion and due deliberation and upon considering the oral submissions and also upon perusal of the replies filed by the Respondents and all the documents placed on record decided as follows:

- i) To issue Order of demolition under Section 5 of the Environment Protection Act, 1986 in respect the structures belonging to Respondent Nos. 1 to 5 as the same are being used for commercial purpose

- ii) To identify the structures which are being used for residential purpose so also those which are used for carrying out commercial activities and after ascertaining the same to issue Order of demolition in respect of all those structures which are used for commercial activities.
- iii) To demolish / remove all the temporary structures which are being run as shacks / huts / tents etc. existing at site.

Case No. 2.2:

To discuss and decide on the Complaints received from Mr. Menino Gomes with regard to the alleged illegal construction of temporary shed, hauling ramp for fishing trawler and repair of retaining wall in the property bearing Sy. No. 40/2 at Ella Dauji, Old-Goa carried by Mr. Teofilo D'Souza further requesting for revocation of the NOC dated 25/10/2011 issued by the GCZMA.

1. An application dated 15/10/2010 was received by GCZMA from Mr. Teofilo D'Souza seeking permission to renovate the temporary shed, repair of existing hauling ramp for fishing trawler and repairs of demolished retaining wall in the property bearing Sy. No. 40/2 at Ella Dauji, Old-Goa.
2. The said application was placed before the Authority in the 63rd of the GCZMA held on 20/09/2011 and the same was approved subject to certain conditions. Accordingly, NOC bearing no. GCZMA/N/11-12/81/816 dated 25/10/2011 was issued to Mr. Teofilo D'Souza.
3. A complaint was also received from Mr. Menino Gomes requesting the Authority to withdraw / revoke the NOC /permission issued to Mr. Teofilo D'Souza for temporary shed, hauling ramp for fishing trawler and repair of retaining wall in the property bearing Sy. No. 40/2 at Ella Dauji, Old-Goa stating that as per the plans produced to the Authority based on which permission was issued to Mr. Teofilo D'Souza, it clearly proves that the portion of the plot wherein the slip way is shown falls in his property bearing Sy. No. 40/5 and not in Sy. No. 40/2 as shown in the plans accompanying the application.
4. In view of the complaint received from Mr. Menino Gomes, the GCZMA vide letter as referred above at Sr. No. (2) directed Mr. Teofilo D'Souza to submit his detailed reply as to why the permission granted to him vide letter no. GCZMA/N/11-12/81/816 dated 25/10/2011 should not be revoked / cancelled. And, in the meanwhile the permission / NOC dated 25/10/2011 granted was kept in abeyance.

The said matter was placed in the 144th GCZMA meeting held on 21/03/2017 wherein the Authority after detailed discussion and due deliberation and in view of the written as well as oral submissions made by both the parties, decided to inspect the site under reference through its Expert Members alongwith the Officials of DSLR and thereafter to take up the matter before the Authority.

Accordingly, in view of the aforementioned decision the site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule, the Expert Members of the GCZMA.

The site inspection report interalia states as follows:

Inspection and Observation

Upon the directions of the Member Secretary, GCZMA, the site inspection was done on 27/3/2017 by Expert Members Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule along with Mr. Fletcher Fernandes, Tech. Officer of GCZMA. At site Mr. Tiofilo De Souza and his son Mr. Sheldon De Souza were present. Mr. Menino Gomes happened to reach soon after the Expert Members reached the site. Upon reaching the site, Mr. Menino started arguments furiously with the Expert Members at the site's entry point and denied the Authority to enter his property. He even challenged the Expert Members that they have trespassed his property and he would take necessary action.

Under the circumstances, the site could not be inspected in detail because Mr. Menino refused to show the site and explain to the Expert Members. He then departed furiously from the site. However, looking at his plot, no ongoing construction activity could be seen. After the departure of Mr. Menino, Mr. Tiofilo who was present to show and explain showed his approved plans for construction of Slipway, retaining wall and structures falling within Sy. No. 40/2 in his property, having 1075 sq.m. of area. Form I & IV also indicated an area of 1075 sq.m. in the name of Mr. Tiofilo De Souza in Sy. No. 40/2.

Conclusion and Recommendations

This is a case of property dispute which is not the case to be dealt by Expert Members of GCZMA. The survey should be conducted by DSLR and the matter should be decided by the appropriate forum.

However, it is a matter of concern to bring to the notice of this Authority that unwarranted language used by Mr. Menino Gomes is an offence and on going through office records it is seen that such kind of behavioral statement has been taken on record by H'ble High Court of Bombay in writ petition No. 134 of 2014 with writ petition Nos. 433, 436 and 504 of 2014 and his advocate assured the Court that he would instruct his client Mr. Menino Gomes not to precipitate the matters by making baseless allegations and representations.

In view of the above, matter was placed before the Authority in order to grant personal hearing to the parties and for final decision in the matter.

Proceedings: The Complainant, Mr. Menino Gomes was present. Mr. Teofilo D'Souza, the Respondent was also present in person.

Mr. Menino Gomes submitted objected the site inspection report as the inspection was conducted in absence of DSLR Officials / representatives.

The Expert Members, GCZMA informed that Mr. Menino Gomes did not allow them to enter his property and used unwarranted language against them. They further stated that is a case of property dispute and the survey should be conducted by DSLR.

Decision: The Authority after detailed discussion and due deliberation and in view of the above decided to conduct re-inspection of the site through the Officials of the DSLR and to place the matter before the Authority upon receipt of the report from the DSLR. It is further directed that Mr. Menino Gomes shall not obstruct the inspection or he shall be prosecuted under provisions of IPC for that offence.

Case No. 2.3:

To comply with the Order dated 24/02/2017 passed by the Hon'ble NGT, Pune in Application bearing No. 168/2015 (WZ) in the matter of Goa Paryavaran Savrakshan Sangharsh Samitee V/s. M/s. Zeebop & Ors.

1. The Office of GCZMA was in receipt of complaint letter dated 30/10/2015 from Goa Paryavaran Savrakshan Sangharsh Samitee, against resorts in South Goa i.e a) M/s. Planet Hollywood b) M/s. Park hayat, c) M/s. Royal Orchid d) M/s. Zeebop e) M/s. Kenilworth Resort interalia with a request to demolish the illegal buildings/ structures built within the CRZ/NDZ area. Further the complainant also stated that the structure is without land conversion sanad/ duly approved plans.
2. Further a letter dated 21/03/2016 bearing no. GCZMA/GEN-COMPL/15-16/3135 was Issued to the complainant to provide specific details/ relevant documents against alleged violators if any in order to enable this Authority to take effective and timely action interms of provisions of CRZ Notification 2011.
3. An application bearing no. 168/2015 (WZ) was filed before the Hon'ble National Green Tribunal, Pune by Goa Paryavaran Savrakshan Sangharsh Samitee against massive alleged illegal constructions carried out on Utorda beach carried out by M/s. Zeebop Bar and Restaurant. Further, an Order dated 12/01/2016 as referred above at

sr.no.3 was passed directing DSLR to visit Utorda beach and identify any structures in NDZ area i.e within 200 mts from HTL.

4. The said application was disposed off vide order dated 24/02/2017 with following directions:

“1. Liberty granted to the Applicant to make a precise complaint as regards alleged structure of Respondent No.1 M/s Zeebop on the beach of Utorda within a fortnight with a copy to Respondent No.1 M/s Zeebop.

2. The Applicant and Respondent No.1 shall appear before the Respondent No.3 GCZMA on the given date and time upon receipt of Notice of the Application from Respondent No.3 GCZMA. Respondent No.3 shall issue such Notice on receipt of Application from the Applicant to the Applicant as well as Respondent No.1 within two (2) weeks thereof, shall hold inquiry and pass order in accordance of law. All the issues are kept open.”

5. Now, the authority is in receipt of complaint letter dated 20/03/2017 against M/s.

Zeebop, Proprietor Shri. Sergio Dias existing in Sy.No. 54/1 of Village Utorda, salcete-Goa.

In this regard, the matter was placed before the Authority for grant of personal hearing to the parties.

Proceedings: The Complainant remained absent and had telephonically sought for time. Advocate Amey Kakodkar for Respondent also sought for time in the matter.

Decision: The Authority after discussion and in view of the request made by the parties decided to grant time and take up the matter in the next meeting.

Case No. 2.4:

To comply with the Order dated 08/11/2016 passed by the Hon'ble NGT, Pune in Application bearing No. 79/2016 in the matter of Aloysius Leonardo Azavedo V/s. GCZMA.

1. The Office of GCZMA was in receipt of complaint letter dated 12/04/2016 from Mr. Aloysius Azaredo, constituted attorney of Leonard Azaredo, r/o. D-26, Kunj Vihar, vakola bridge, St.Cruz (E), Mumbai 4000 55, stating that he is absolute owner of H.No. 185 (new) in Sy.No. 54/1, Utorda Village, Pereira Vaddo and had began a business in name & style “Zeebop” in the year 1990. Further the complainant stated that his father has appointed Mr. Sergio Dias as mere

supervisor of said “Zeebop bar and restaurant”. The complainant had earlier also sent legal notice dated 23/12/2015 for legal action against Mr. Sergio Dias for alleged illegal/unauthorised construction in NDZ area. On perusal of complaint and legal notice dated 23/12/2015 it is seen that complainant has annexed various reports of concerned Talathi and Dy. Collector wherein it is clearly recorded that there is illegal extension of house. As reports dated 17/04/2008 and 09/01/2009 of Dy. Collector & S.D.O clearly states that as per survey plan one structure which existing was only of 25 m² and alleged violator has further extended the same without taking permission from any authority hence in total violation of CRZ Notification 1991.

2. Further, on perusal of the complaint dated 12/04/2016 a Show Cause Notice dated 28/10/2016 bearing no. GCZMA/S/ILLE-COMPL/16-17/30/1601 was issued to Mr. Sergio Dias, C/o. Zeebop Bar and Restaurant, Utorda, Salcete-Goa. The respondent sought time to file reply to the said Show Cause Notice.
3. Subsequently, an application bearing no. 79/2016 (WZ) was filed before the Hon’ble National Green Tribunal, Pune by Mr. Aloysius Azaredo against massive alleged illegal constructions carried out in Sy.No. 54/1 of Village Utorda carried out by M/s. Zeebop Bar and Restaurant. Further, the said application was disposed off vide order dated 08/11/2016 with a direction to GCZMA to take decision against the illegal construction in accordance with la within 6 weeks from the date of Order and report compliance on or before 15th January 2017.

In this regard, the matter was placed before the Authority for grant of personal hearing to the parties.

Proceedings: The Complainant remained absent and had telephonically sought for time. Advocate Amey Kakodkar for Respondent also sought for time in the matter.

Decision: The Authority after discussion and in view of the request made by the parties decided to grant time and take up the matter in the next meeting.

Case No. 2.5:

To discuss and decide on the complaint dated 13/05/2016 received from Mrs. Sudha G. Toraskar with regards to alleged illegal construction in the property bearing Sy. No. 125/1 at Vaddy, Candolim, Bardez – Goa and also, in respect of issue of NOC for proposed repair and renovation of house bearing H. No. 431 in the property bearing Survey No. 125/1 (part) of Candolim Village, Bardez Taluka by Mr. Ankush Toraskar.

Background: The Applicant had sought permission / NOC to carry out repair and renovation of house bearing H. No. 431 in the property bearing Survey No. 125/1 (part) of Candolim Village, Bardez - Goa. The applicant has submitted a copy of letter of DSLR dated 14/10/2015 wherein it is stated that the said plot bearing Sy. No. 125/1 of Candolim Village, Bardez is partly falling within 200 m from the HTL and partly in the Zone of 200 to 500 m from the HTL extracted from certified CRZ map of Candolim Village and also submitted a copy of Order of the Court of the Joint Mamlatdar of Bardez wherein the applicant has been declared as the Mundkar of the dwelling house in the property bearing Sy. No. 125/1, Candolim and has also submitted various house tax receipts. The name of Mahadeo Babi Toraskar is reflected in Form I & XIV.

Site Inspection Report: The site was inspected by Shri. Ragnath Dhume, Expert Member (GCZMA) on 18/12/2015. The inspection report indicates that the existing land is residential. The proposed plot is between 200 to 500 m from the HTL. There exists a structure within the plot. Presently, there exists a house with manglorian roof. It falls between 200 to 500 m from the HTL. It is residential area. It is shown in survey record.

The said proposal was placed in the 126th GCZMA meeting held on 29/03/2016 wherein after detailed discussion and due deliberations and on considering the report of the site inspection conducted by Shri. Raghunath Dhume, Expert Member (GCZMA) dated 18/12/2015, the Authority decided to approve the said proposal for repair and renovation of house bearing H. No. 431 in the property bearing Survey No. 125/1 (part) of Candolim Village, Bardez - Goa in terms of the CRZ Notification 2011, as amended.

However, the NOC / Permission letter could not be issued to Mr. Ankush Toraskar as subsequently the Office of the GCZMA was in receipt of a complaint letter dated 13/05/2016 from Mrs. Sudha G. Toraskar with regards to alleged illegal construction in the property bearing Sy. No. 125/1 at Vaddy, Candolim, Bardez – Goa carried out by Mr. Ankush Toraskar and Mr. Lavu Toraskar. The said complaint was accordingly forwarded to the Technical Officer of the GCMZA for conducting site inspection. The said site was inspected by the Jr. Scientific Assistant on 28/09/2016 which interalia in brief is as under:

Inspection of the construction under reference is located in the property bearing Survey No. 125/1 of Village Candolim, Taluka bardez was carried out by the undersigned in the presence of Mr.Lavu Toraskar and the Complainant Mrs. Sudha G. Toraskar, on 28th September 2016 which began from 10.30 a.m onwards with respect to the Complaint Letter dated 13/05/16.

The said Mrs.Sudha G. Toraskar, R/o. H.No. 435,Vaddy, Candolim, Bardez –Goa, has filed complaint letter dated 13/05/16, pertaining to alleged illegal construction of structure half with RCC slab & half with manglore tiles and erection of poles being carried out by Mr.Ankush Toraskar & Mr.Lavu Toraskar in the property bearing Sy. No. 125/1 situated at vaddy, Candolim Village, Bardez -Goa.

The following **Documents** were produced by Mr.Lavu Toraskar (the alleged violator) during the site inspection:

- i. Photo copy of Certificate issued by the Village Panchayat Candolim, that the house bearing H.No. 431(new) and 15A/5 (old) is existing since the year 1969 and presently the said house stands in the name of Shri. Ankush Toraskar.
- ii. Photo copy of House Tax Receipt dated 11/11/09 paid for the period from 2005 to 2010.
- iii. Electricity bill dated 11/08/1999 and 14/08/15 in respect of the house.
- iv. D.S.L.R Plan showing the structures and 200 mts. line from HTL.
- v. Form I & XIV.
- vi. Photo copy of the Order dated 29/07/1989 issued by the joint-Mamladar of Bardez, to register Mrs. Yesamati Namdev Naik, as a Mundkar in respect to the suit dwelling House bearing H.No. 15A/5 situated in the property bearing survey No. 125/1.
- vii. Photo copy of Death Certificates of Mrs. Yesumati Namdev Toraskar and Mr. Namdev Babi Toraskar.
- viii. Photo copy of Birth Certificate of Mr. Lavu Namdev Toraskar & Mr. Nameshwar Toraskar.
- ix. Photo copy of School Leaving Certificate of Mr. Ankush Namdev Toraskar.

During site inspection following **observations** were recorded at the site:-

1. The site is located in the property bearing Survey No. 125/1 at Vaddy, of Village Candolim, Taluka Bardez-Goa, between 200 mts. to 500 mts. from the HTL of the Arabian Sea. i.e. in the settlement Zone.
2. On site there is a structure whose major portion is covered with manglore tiles and a small portion is of R.C.C which is an extension of the existing house.
3. The structure is a residential House.
4. The small area of the property near the said house, is used for kitchen gardening and the same is fenced using bamboo and wooden sticks supported by poles.
5. The structure lies between 200 mts. to 500 mts. from the HTL of the Arabian Sea. i.e. in the settlement Zone.
6. The original structure is shown on the D.S.L.R Plan.
7. The residential house is a mundkarial house of late Mrs. Yesamati Namdev Naik alias Mrs. Yesamati Namdev Toraskar w/o of late Mr. Namdeo B. Toraskar. After the death of both Mrs. Yesamati Namdev Toraskar and Mr. Namdeo B. Toraskar., the house now stands in the name of their son's Mr. Lavu N. Toraskar, Mr. Ankush Toraskar and Mr. Dyneshwar N. Toraskar.

The said matter was placed in the 137th GCZMA meeting held on 24/01/2017 wherein the Authority noted that in the present case there is a complaint filed against the Applicant in respect of the said plot surveyed under 125/1 at Vaddy, of Village Candolim and as such decided to grant a personal hearing to the Complainant as well as the Applicant and thereafter to decide further course of action.

In view of the above, the matter was placed before the Authority for grant of personal hearing to both the parties and also in order to decide whether to issue NOC to Mr. Ankush Toraskar .

Proceedings: The Complainant, Mrs. Sudha Toraskar was present. The Respondents, Mr. Ankush Toraskar and Mr. Lavu Toraskar were present.

The Complainant relied on the contents of her complaint and submitted that Mr. Ankush Toraskar & Mr. Lavu Toraskar has carried out illegal construction of structure half with RCC slab & half with manglore tiles and erection of poles and has not left setback from her house. She further stated that the name of the Respondent is not reflected in Form I & XIV and the same is in the name of her Mother -in -law.

The Respondent, Mr. Lavu Toraskar submitted that the structure is an old existing mundkarial house and has all the permissions in respect of the same which was produced during the site inspection and also submitted written reply / submissions alongwith the documents.

Decision: The Authority after detailed discussion and due deliberation and on perusal of the site inspection report prepared by the Jr. Scientific Assistant noted that the site inspection report is not specific and does not reveal / clarify the site specific details or the illegalities carried out as such the Authority after detailed discussion and due deliberation decided to conduct re-inspection of the site under reference through the Expert Members of the GCZMA.

Item No.3: (Approval for the Community Projects)

The GCZMA is in receipt of following project proposals / applications pertaining to the community projects from the concerned Government Departments / Autonomous bodies / local bodies, seeking clearance / NOC from this Authority under the CRZ Notification 2011.

In view of the above, following cases / applications received from various project proponents / Government Departments were placed before the GCZMA for deliberation and decision:

Case No. 3.1:

N.O.C/ Permission for proposed development of Anjuna Property i.e. 5 Star Resort at Sy. Nos. 206/Part, 210/5 (part), 211/1, 211/2, 211/3, 211/4, 211/5, 211/6, 211/7, 211/8, 212/1, 212/2, 212/3, 212/4, 212/5, 212/5, 212/6, 212/11 (part) at Anjuna Village, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed development of Anjuna Property i.e. 5 Star Resort at Sy. Nos. 206/Part, 210/5 (part), 211/1, 211/2, 211/3, 211/4, 211/5, 211/6, 211/7,

211/8, 212/1, 212/2, 212/3, 212/4, 212/5, 212/5, 212/6, 212/11 (part) at Anjuna Village, Bardez – Goa. The Applicant has submitted Form I & XIV in respect of all the survey numbers wherein the name of Government of Goa, Goa Tourism is reflected in Occupants column alongwith other occupants.

Project details:

Total area :76, 012 sq.m

Total FAR area : 19, 803 sq.m

Total construction Built up area: 32, 313 sq.m

Expected cost of the project: 300 crores

Total no. of rooms: 240 rooms along with Restaurants, coffee shop, banquets, Swimming pool, Bar & Spa

Water Requirement:

Construction Phase: 28 CMD (Source – Tankers for construction activity & for domestic and drinking purpose)

Operation Phase: 307 CMD (Source – PWD for domestic and drinking purpose and recycled water from STP for flushing and gardening)

Power Requirement:

Construction Phase: 50 KW (Source- GSEB)

Operation Phase: Approx. 600 KW (DG sets)

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed site falls between 200-500m of CRZ area in Anjuna village.
- ii) In the adjoining property lying between 0-200m already one GTDC project is under construction, which envisages construction of parking facility for vehicles.
- iii) The said plot proposed for 5-star hotel starts from the main road leading to the beach and traverses northwards towards the hillock.
- iv) The 5 – Star accommodation blocks shall be constructed beyond the parking up to the bottom of hillock, i.e. outside the NDZ area.
- v) No sand dunes exist in the proposed area.

Conclusion & Recommendation

- i) Considering that the project is between 200 – 500m of CRZ III area and adjoining project of GTDC in 0-200m is in progress approval can be given for the said project.
- ii) The construction should be G+1 structure only with 33% occupancy.
- iii) Also, FAR of 33% may be maintained for the project.
- iv) The open spaces may be developed for making gardens, lawns, etc
- v) This may be deliberated for granting approval to the project.

In the view of the above, the matter was placed for discussion and decision in the matter.

Decision: The members perused the Agenda note and site inspection report and noted that the project of a Five Star Resort is permissible in terms of regulation 8 read with Annexure III of CRZ Notification 2011. The project details referred to above comply with the requirement of 33% FAR (19,803 sq. mts. which is below 33% of total area 76,012 sq. mts.), 33% coverage, G+1 structure of 9 meters and the open spaces are proposed for development of gardens/landscaping/swimming pool and other permissible amenities. There is compliance with the parameters laid down in Annexure III. The members also noted that as per the Site Inspection Report there are no sand dunes existing in the proposed area.

However there is a proposed basement contemplated in terms of the plan and under the CRZ Notification 2011, the same is permissible subject to Project Proponent obtaining No Objection Certificate from State Ground Water Authority to the effect that the construction shall not affect flow of ground water in that area.

After detailed discussion and due deliberation and in view of the above, the Authority noted that the total construction built up area is more than 20,000 sq. mts. and hence decided to direct the Project Proponent to submit the EIA Report and also, to submit NOC / Approval from the State Ground Water Authority in respect of basement floor.

The matter was examined in terms of the Hotel Policy. The authority noted that the GTDC has not submitted a rapid EIA for the proposed Hotel Project. The authority therefore decided that the GTDC should conduct a Rapid EIA study and submit the same to the Authority.

Case No. 3.2:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Baga, Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 282/ 1 to 48, Baga, Calangute, Bardez Talukaby Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Baga, Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 282/ 1 to 48, Baga, Calangute, Bardez – Goa.

Project details:

Total area :52, 006 sq.m

Number of blocks: 2 nos.

Area of the proposed Tourist Information Centre : 172.00 sq.m

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 360.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public utilities and conveniences are falling within 0 – 200 m of the CRZ area of Baga.
- ii) The said public conveniences include toilets, changing rooms, bathing facilities and the Tourist Information Centre and are of permanent nature.

Conclusion & Recommendation

- i) The said public conveniences are important and essential for public utility and for maintaining cleanliness on the beach as well as for providing guidance to the public/tourists.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) Since these public conveniences are in NDZ area, it is advised to provide extra sullage/sewage tank which can be utilized as emergency and can be evacuated mechanically on failure of sewerage system to keep the area clean.
- iv) This may be deliberated in the board meeting for granting permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

Mr. Badami was present on behalf of the GTDC alongwith the other representatives of the GTDC. Mr. Badami informed that he is representing GTDC in respect of all the proposals from Case No. 3.2 to 3.8 for projects undertaken by the GTDC under Swadesh Darshan Scheme for development of Tourist destination and basic tourist amenities in North Goa (from Siquerim to Keri). He further stated that the CRZ Notification, 2011 permits construction of basic amenities such as dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage and sewerage. The GTDC has developed a standard Shelter cum Information Center and Community Toilet (Public conveniences facilities, permanent & mobile) at various locations across the coastal belt of Goa. He stated that Goa receives about 53 lakh footfalls annually and further highlighted on the Beach Carrying Capacity studies conducted by the NCSCM.

He further highlighted on the need / requirement for the said project wherein he stated that Tourists are facing issues due to lack of basic amenities such as community toilets, changing rooms / shower rooms, and locker facilities and shelter cum tourist Information centers and taking into consideration the need for basic amenities on the coastal areas it is proposed to provide:

- Rain shelter, First aid room, toilets, information center is proposed at 6 locations viz. Candolim, Calangute, Baga, Anjuna, Vagator and Morjim.
- Community toilets with STP facilities is proposed at 5 locations viz. Baga, Calangute, Vagator, Morjim and Querim and portable toilet units at 4 locations viz. Sinkerim, Calangute Baga Road, Arambol and Terekhol.

He further informed that a standard block having a area of 172 sq.m is proposed for providing facilities such as reception, rain shelter / waiting lounge, first aid cabin, tourism / back office and toilets.

In case of community toilets he informed that the project cost is around Rs. 17.14 Crore. He further stated that the community toilets are proposed with STP and informed about the components in respect of the proposed toilets as follows:

- ❖ Gents: Toilets (3), Urinals (5), Shower / changing rooms (4) and wash basins (4).
Ladies: Toilets (4), Shower / changing rooms (4) and wash basins (4).
- ❖ Handicap Toilet: 1 no. , Locker room (1 each)
- ❖ Sewage Treatment Plant (STP) (of not less than 40 KLD), Solar lighting and landscaping etc.
- ❖ Solar Lighting illumination system etc.
- ❖ Drinking water facilities.
- ❖ Rain shelter

He further explained about the locational details in respect of each of proposed location at Baga, Calangute, Candolim, Sinkerim and Anjuna.

Further, in respect of portable toilets he stated that there are two models proposed for portable toilets. The dimensions of which are as follows:

Model – 1: 20 ft x 10 ft = 200 sq. ft.

Model – 2: 8 ft x 8 ft = 64 sq. ft.

The portable toilets shall consists of following facilities:

- Gents block: Toilets (4), Urinals (2), Changing rooms (2) and a wash basin.
- Ladies Block: Toilets (6), changing rooms (2) and a wash basin .

- Handicap toilet: 1 no.
- Provision of Solar Power System has been made for the portable toilet having lighting arrangements, with appropriate size of Solar Panel 200 Wp on MS mounting frame.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalents should be considered for installation.”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Baga, Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 282/ 1 to 48, Baga, Calangute, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.3:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Anjuna Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 212/11, Anjuna, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Anjuna Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh

Darshan Guidelines in the property bearing Sy. No. 212/11, Anjuna, Bardez – Goa. The name of the Director of Tourism is reflected in Form I & XIV.

Project details:

Total area : 3, 950.0 sq.m

Number of blocks: 2 nos.

Area of the proposed Tourist Information Centre : 172.00 sq.m

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 360.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions are within 0 – 200m of the CRZ area of Anjuna.
- ii) The public conveniences include toilets, changing rooms and bathing facilities of permanent nature as well as a tourist information centre.
- iii) The said utilities and conveniences are falling in the area which is adjacent to the road going to Anjuna beach.

Conclusion & Recommendation

- i) Although the position of utilities are within the NDZ area, the same is essential for public /tourists and important for maintaining cleanliness on the beach as well as for providing guidance to the tourists.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) Since these conveniences are near to the beach, it is advised to provide extra sullage tanks which can be mechanically utilized as emergency and evacuated in case of failure of sewerage system.
- iv) Regular maintenance should be kept on toes to keep the area clean.
- v) This may be deliberated in the board meeting for permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalents should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Anjuna Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 212/11, Anjuna, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.4:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 200/1, Calangute, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 200/1, Calangute, Bardez – Goa. The name of the Government of Goa is reflected in Form I & XIV.

Projectdetails:

Total area : 21,800.00 sq.m

Number of blocks: 2 nos.

Area of the proposed Tourist Information Centre : 172.00 sq.m

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 360.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions include toilets, changing rooms and tourist information centre in plot with Sy. No. 200/1 at Calangute.
- ii) The said public convenience is within 0-200m of CRZ and therefore the proposed public convenience falls within the NDZ area.
- iii) The public utilities are proposed to be in the parking area and would be parallel to the main road leading to Calangute beach and are of permanent nature.
- iv) There are no sand dunes anywhere in the plot, and the area is plain with red earth murrum.

Conclusion & Recommendation

- i) The said public conveniences are essential for public utility and important for maintaining cleanliness on the beach by tourists and public.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) Since the public conveniences are abutting the main road to the beach, care may be taken to provide extra sullage/sewage tank which can be used in emergency and evacuated mechanically to keep the area clean.
- iv) Regular maintenance also should be kept on toes to keep the site clean.
- v) This may be deliberated in the board meeting for granting permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalent should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 200/1, Calangute, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.5:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines at Calangute, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines adjoining the Sy. Nos. 211/1 & 239, Calangute, Bardez – Goa.

Project details:

Number of blocks: 2 nos.

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 188.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions include toilets, bathing facility and changing rooms in the plot with the above mentioned Sy. Nos. at Calangute.
- ii) The said public conveniences shall be within 100m of the CRZ area and therefore they fall within the NDZ.
- iii) The provision of mobile structures shall be in sandy coast by avoiding the sand dunes.

- iv) The project shall be made and maintained as per the available material of temporary nature.

Conclusion & Recommendation

- i) The said public conveniences are important and essential for public utility and for maintaining cleanliness on the beach.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) Since the public conveniences shall be of mobile nature, the cleaning of the tanks for sullage and sewage shall be done at regular intervals.
- iv) Mobile units would be kept by avoiding sand dunes, and the sand dunes would be maintained without any disturbance to them.
- v) No temporary road shall be provided of concrete nature.
- vi) This may be deliberated in the board meeting for granting permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalent should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh

Darshan Guidelines at Calangute, Bardez– Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.6:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines at Calangute, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines adjoining the properties bearing Sy. Nos. 243/17, 4, 1 and 244/4, 3 & 5A of Calangute, Bardez – Goa. The name of the Government of Goa is reflected in Form I & XIV.

Project details:

Number of blocks: 2 nos.

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 188.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions include toilets, bathing facility and changing rooms in the plot with the above mentioned Sy. Nos. at Calangute.
- ii) The proposed public conveniences are within 0-200m of the CRZ area and therefore they fall within the NDZ.
- iii) The said units will be mobile structures which shall be erected on sandy beach.
- iv) The sand dunes will be avoided for erecting the units.
- v) No permanent footpaths or approach road shall be provided to the units.

Conclusion & Recommendation

- i) The said public conveniences are important and essential for public utility and for maintaining cleanliness on the beach.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) The units being mobile, shall be kept on flat ground avoiding the sand dunes.
- iv) No approach road or foot path shall be provided of permanent nature.

- v) Cleaning of the units shall be done at regular intervals to avoid any unhealthy situation.
- vi) Regular maintenance should be kept on toes to keep the site clean for public use.
- vii) This may be deliberated in the board meeting for granting permission

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalents should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Calangute Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines at Calangute, Bardez– Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.7:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh

Darshan Guidelines in the property bearing Sy. No. 146/1 & 146/3-B, Candolim, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 146/1 & 146/ 3-B, Candolim, Bardez – Goa. The name of the Government of Goa, Director of Tourism, Panaji – Goa is reflected in Form I & XIV. In Sy. No. 146/1, Candolim, 450 sq.m and in Sy. No. 146/3-B, Candolim, 525 sq.m of the said property belongs to Director of Tourism

Project details:

Number of blocks: 2 nos.

Area of the proposed Tourist Information Centre : 172.00 sq.m

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 360.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions include toilets, changing rooms and tourist information centre in plot with Sy. No. 146/1,3B near the beach at Candolim.
- ii) The said plot lies within 0-200m from the HTL and therefore the proposed public conveniences fall within the NDZ area.
- iii) There are sand dunes somewhere in the plot, which the applicant says will not be touched.
- iv) One of the existing sand dune towards the beach side is seen already damaged by some unknown people.

Conclusion & Recommendation

- i) The said public conveniences are important and essential for public utility and for maintaining cleanliness on the beach.
- ii) Such structures are permitted within the CRZ area as per the CRZ Notification.
- iii) The existing sand dunes should be maintained using proper plantations, mostly by using the species native of the beach / sandy area. If required the help from Biodiversity Board may be obtained.
- iv) Since the permanent structures are proposed, the regular collection of sewage /sullage for disposal through sewage suction tanks should be done to keep the area clean.
- v) It is also advised that the paver blocks be used for parking places.
- vi) Regular maintenance should be kept on toes to keep the site clean.

- vii) This may be deliberated in the board meeting for granting permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalents should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 146/1 & 146/3-B, Candolim, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.8:

N.O.C/ Permission for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Sinkerim, Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 80/0, Sinkerim, Candolim, Bardez Taluka by Goa Tourism Development Corporation Ltd.

Background: The GCZMA is in receipt of a proposal from the Goa Tourism Development Corporation Ltd. for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Sinqerim, Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 80/0, Sinqerim, Candolim, Bardez – Goa.

Project details:

Number of blocks: 1 no .

Area of proposed toilet block : 188.33 sq.m

Total Built up area: 188.33 sq.m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed public provisions include only toilets at one location on the river bank at Sinqerim jetty.
- ii) The identified location is falling within NDZ area of river at Sinqerim.
- iii) The area between the road and the waterline is small in the riverine NDZ where two toilets are proposed.

Conclusion & Recommendation

- i) Though the site area is small, the proposed two toilets can be accommodated comfortably.
- ii) These toilets for tourists/ public are important and essential for maintaining cleanliness on the river bank.
- iii) Such temporary structures are permitted within the CRZ area as per the CRZ Notification.
- iv) However, no permanent structures should be erected, only mobile toilets be provided at the location.
- v) So also, the regular collection of sewage & sullage through sewage suction tanks should be done to keep the area clean.
- vi) This may be deliberated in the board meeting for granting permission.

In the view of the above, the matter was placed for discussion and decision in the matter.

The presentation made by Mr. Badami, representative on behalf of the GTDC in respect of Case No. 3.2 above is also Applicable for the said proposal.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, the Authority after considering the presentation made by the GTDC and noted that the said proposal is for toilet block with STP and tourist information Center which is in public interest.

The Authority further noted that as per the Beach Carrying Capacity report studies under safe disposal of sewage to sewage treatment plants and levy charges on use of public amenities it is provided as follows:

“The GTDC should install public conveniences at locations on top priority in the locations as stated in the **Annexure 4 & 5** of this report. The DRDO – developed eco / bio toilets or equivalents should be considered for installation. ”

The Authority noted that **Annexure 4 & 5** of the Beach Carrying Capacity Report is in respect of the aforementioned proposal. The **Annexure 4** includes Public conveniences across beach locations in Goa to be set up by GTDC (permanent and mobile toilets) and the Annexure 5 is in respect of Proposal locations for setting up of public conveniences.

After detailed discussion and due deliberation and in view of the above the Authority noted that the said proposal is in line with the recommendation in the Beach Carrying Capacity report and decided to approve the said proposal for proposed Provision of Public Conveniences (Permanent / mobile) and Tourist Information Centre at Sinquerim, Candolim Village, Goa under the Up-gradation / Beautification of places of touristic interest in Goa under Swadesh Darshan Guidelines in the property bearing Sy. No. 80/0, Sinquerim, Candolim, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.9:

N.O.C/ Permission for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem Taluka by Water Resources Department, Government of Goa.

Background: The GCZMA is in receipt of a proposal from the Water Resources Department for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem – Goa. The Applicant has submitted the Order dated 14/03/2016 issued by Directorate of Education for carrying out the said work. The name of the Governmnet of Goa, Directorate of Education is reflected in Form I & XIV.

Projectdetails:

Area of the plot: 4100.00 sq.m

Existing gross floor areas: 188.0 sq.m

Proposed ground floor area: 340.67 sq.m

Net area for FAR (Ground floor) : 261.00 sq.m

Proposed First floor area: 335.57 sq.m

Net area for FAR (First floor): 261.63 sq.m

Proposed Second floor area: 322.88 sq.m

Net area for FAR (second floor): 280.41 sq.m

Proposed total area for FAR : 803.04 Sq.m

Existin area for FAR: 188 sq.m

FAR Consumed : 24.17%

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar, and Shri. Audhoot Bhonsule, Expert Members of the GCZMA.

The observations are as follows:

- i) The proposed site falls within 0-200m from the HTL.
- ii) The said project is on the landward side of the hillock across the public road.
- iii) The proposed plan shows a G+2 structure which is not permitted in CRZ area.
- iv) The height of the building would be 12.37m which is also not permitted in CRZ area.

Conclusion & Recommendation

- i) The proposal is not satisfying the CRZ regulations though it is for a good cause of public interest.
- ii) No other cause of use is indicated in the plan and the project has been approved by the World Bank.
- iii) The proposed building would be on the landward side of the hillock and the height of the building would be covered by the hill facing.
- iv) Since it is a CRZ area (0-200m from HTL), only a ground structure is permissible, with 33% occupancy of land and height not exceeding 9m.
- v) Since the project is by the Govt. and of public interest, the applicant with the Architect may be called during the Board meeting for a dialogue before taking any decision.

In the view of the above, the matter was placed for discussion and decision in the matter.

Mr. Badami, representing Water Resources Department informed that it is a project funded by World Bank and the projects under World bank has certain norms wherein in one of the conditions for construction of Multipurpose Cyclone Shelter a G+2 structure is compulsory and the same is for life security during disasters.

Decision: The Authority perused the Agenda note and site inspection report and in view of the above noted that the said proposal is for construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem and is in public interest.

Further, noted that for construction of such multipurpose shelter World Bank has certain norms and the proposal is as per the said norms.

The Authority further noted that the said proposal can be considered as per the provision under para 8 III A. (iii) (j) of the CRZ Notification, 2011, as amended which is in respect of permissible activities in NDZ in CRZ –III areas and is as follows:

- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;

After detailed discussion and due deliberation and in view of the above the Authority decided to approve the said proposal for proposed construction of Multipurpose Cyclone Shelter (MPCS) Building at Junaswada – Mandrem in the property bearing Sy. No. 279/1 in Pernem – Goa in terms of the CRZ Notification, 2011, as amended.

Case No. 3.10

NOC for proposed construction of Tower for Bungee Jumping near Anjuna Beach in the property bearing Sy. No. 206 of Anjuna Village, Bardez Taluka by the Goa Tourism Development Corporation Ltd.

Background: The Office is in receipt of an Application dated 24/08/2016 received from the Office Of Goa Tourism Development Corporation Ltd. for proposed construction of Tower for Bungee Jumping near Anjuna Beach in the property bearing Sy. No. 206 of Anjuna Village with the objective for providing new Tourism Services has decided to introduce Bungee Jumping activity in Goa.

Site Inspection Report: The site was inspected by Shri. Ragnath Dhume, then Expert Member (GCZMA). The inspection report indicates that the existing land is vacant. There exists a mud road. The proposed plot is within 200 m of the HTL. The site falls on volatile and erosion prone and cracked cliff edge. The project proponent was asked to carry out soil testing. The soil testing was carried out by npsah creativity at core and found that “sub-soil starata at site is stiff to very stiff clay with $M > 50$, hence probability of soil erosion is very low”. Authority may decide.

The said matter was placed in the 142nd GCZMA meeting held on 28/02/2017 wherein the Authority raised concern in respect of proposed height of the tower i.e. 54 m and after detailed discussion and due deliberation and on considering the site inspection report of the Expert members of the GCZMA, decided to re-inspect the site under reference inorder to verify certain aspects on site.

Accordingly, in view of the aforementioned decision of the Authority, the said site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhounsule, Expert Members of the GCZMA on 17/03/2017. The inspection report will be circulated during the meeting.

In view of the site inspection conducted, the GTDC has submitted additional information which includes:

1) Sheet – 1 indicates:

- i) GPS location of Tower
- ii) GPS Location of Landing point
- iii) Detail of Surface Preparation at Landing Point

2) Sheet – 2 Access Path to the Tower:

- i) Through GTDC land from Nyex Beach Club Side
- ii) Through Comunidade Land from Ozran Beach Road side

3) Sheet No 3:

- i) Boundry Line Between Comunidade Land & GTDC Land
- ii) Showing 200 m CRZ (Coastal Regulation Zone) Line
- iii) Showing (A) Tower (B) Landing Point
- iv) Showing Route from Landing to Tower

4) Schematic Plan and detail of Bungy Tower

5) Copy of council of Architecture of Architect

6) Copy of letter to the Comunidade of Anjuna, requesting access through their land.

In the view of the above, the matter was placed for discussion and decision in the matter.

Mr. Manoj Kumar, Executive Director of Jumping Adventures Pvt. Ltd. was present. He informed that he has already submitted the necessary documents with regards to the queries raised in the site inspection report of the Expert Members of the GCZMA. He further submitted that there will be 2 access path to the Tower, one is through the GTDC land from Nyex Beach Club Side and the other through Comunidade Land from Ozran Beach Road side. He submitted that it is an adventure sports activity and it only exists in Uttarakhand for past 7 years. He further informed the Authority that the project consists of only a Tower and a Cantilever and the rope for landing which will be a rubber chord. He further clarified that the minimum height required for the said activity is 54 m and the chord does not work to a height lesser than that hence they have proposed for a minimum height.

Decision: The Authority perused the Agenda note and inspection report of the Expert Members so also, after considering the aforementioned presentation made by the Executive Director of Jumping Adventures Pvt. Ltd. and noted that the said proposal is for construction of

Tower for Bungee Jumping near Anjuna Beach in the property bearing Sy. No. 206 of Anjuna Village, Bardez – Goa.

The Authority further noted that the said proposal can be considered as per the provision under para 8 III A. (iii) (a) of the CRZ Notification, 2011, as amended which is in respect of permissible activities in NDZ in CRZ –III areas and is as follows:

“(iii) however, the following activities may be permitted in NDZ –

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;”

The said proposal is a Adventure sports activity and can be considered under play field as per the aforementioned provision.

After detailed discussion and due deliberation and in view of the above the Authority decided to approve the said proposal for proposed construction of Tower for Bungee Jumping near Anjuna Beach in the property bearing Sy. No. 206 of Anjuna Village, Bardez – Goa in terms of the CRZ Notification, 2011, as amended.

Item No. 4: To discuss and decide on the applications received seeking approval/ permission / NOC / Recommendations pertaining to construction / reconstruction / repair/ renovation of structures etc

Case No. 4.1

Recommendation for proposed reconstruction of house bearing H. No. 40 located in the property bearing Sy. No. 103/11, Nagorcem - Palolem Village, Canacona Taluka by Mr. Manuel Lobo.

Background: The said proposal was placed in the 127th GCZMA meeting held on 29/04/2016 wherein after detailed discussion and due deliberations and on considering the report of the site inspection conducted by Dr. Antonio Mascarenhas and Shri. Rangunath Dhume, then Expert Members (GCZMA) dated 09/02/2016, the Authority decided to defer the aforementioned proposal and direct the Chief Officer of Canacona Municipal Council, Canacona to provide all the requisite details with respect to the legality of house under reference available in their office records including that of date of existence of structure etc. so as to decide the application in terms of CRZ Notification 2011.

It may be noted that the applicant had sought permission / recommendation for proposed reconstruction of house bearing H. No. 40 located in the property bearing Sy. No. 103/11, Nagorcem - Palolem Village, Canacona - Goa. The applicant has submitted a copy of letter dated 05/11/2015 issued by the DSLR wherein it is stated that the property bearing Sy. no. 103/11, Nagorcem - Palolem Village is falling within 200 m from HTL extracted from certified CRZ map of Nagorcem – Palolem, Canacona, a copy of Certificate dated 14/05/2012 issued by the Office of Canacona Municipal Council stating that the house bearing No. 230 stands registered in the name of Andru Sequeira in the year 1980-81 and

after reassessment in the year 1996-97 the house bearing No. 40 W. No. IX stands registered in the name of Shri. Manuel Lobo and a copy of Affidavit cum No objection of Mr. Dhillon V. Desai issued to Mr. Manuel Lobo to repair / renovate / reconstruct the said house, a copy of challan issued by the Department of Excise as a licence fee for one palm still for manufacture of palm still liquor out of toddy drawn for the period from June 2012 to December 2012, a receipt issued by Toddy Tappers Welfare Fund Board, a copy of certificate issued by All Goa Toddy Tapper's Association wherein it is stated that Manuel Lobo belongs to the "Christian Renders" Community / Class. The name of Mr. Dhillon V. Desai is reflected in Form I & XIV.

Subsequently, the site was inspected by Dr. Antonio Mascarenhas and Shri. Rangunath Dhume, Expert Members (GCZMA) on 09/02/2016. The inspection report prepared by Dr. Antonio Mascarenhas indicates that the applicant Mr. Manuel lobo intends to rebuild his house in Sy. No. 103/11, Palolem. His name does not feature in Form I & XIV. The owner of the property is Mr. Dhillon Desai. The house is located about 100 m from the HTL. The owner Mr. Dhillon Desai has given an Affidavit stating that he has no objection to the reconstruction of the above house. The Chief Officer has certified that house no. 40 is registered in the name of Mr. Lobo since 1996-1997, under Canacona Municipality. Note that this house does not feature in the DSLR plan, but seems to be existing atleast since 1996.

Accordingly in view of the decision taken in the 127th GCZMA meeting, the Office of the GCZMA issued a letter dated 17/05/2016 to the Chief Officer, Canacona Municipal Council seeking for necessary information in respect of the legality of the said structure.

The Chief Officer, Canacona Municipal Council vide letter dated 28/07/2016 informed that as per the records available in this Office, the original house No. 230 was recorded in the name of Mr. Andru Sequeira for the period from the year 1980-81 to till year 1995-96 and subsequently after assessment of houses ward wise, house number 40 is recorded in the name of Manuel Lobo from period 1996-97 onwards and has further stated thta the house tax paid receipt of the period prior to the year 1991 is not available in the Office, however, the structure is registered in this Office and there is no any illegality.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for reconstruction of house bearing H. No. 40 located in the property bearing Sy. No. 103/11, Nagorcem - Palolem Village, Canacona – Goa which is within 100 m from the HTL, and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m.

Case No. 4.2:

Clearance for proposed repair and renovation of house / bungalow bearing H. No. 199/B located in the property bearing bearing Sy. No. 111/7 at Candolim, Bardez Taluka by Mr. Aniceto Fermino Fernandes.

Background: The applicant has sought clearance for proposed repair and renovation of house / bungalow bearing H. No. 199/B located in the property bearing in the property bearing Sy. No. 111/7 at Candolim, Bardez – Goa. The applicant has submitted Deed of Sale executed between Mr. HectorD’Souza & 2 Ors. (referred to as the Vendors) and Mr. Aniceto Fermino Fernandes (referred to as the Purchaser) and has also submitted a copy of DSLR survey plan wherein the structure is reflected. The name of the applicant is reflected in Form I & XIV.

Site Inspection Report: The site was inspected by Shri. A. Untawale, the then Expert Member (GCZMA). The inspection report indicates that in the existing land there exists a new house. There exists an access. The proposed plot falls beyond 200 m from the HTL. There exists a new house within the plot. The Applicant does not have CRZ NOC for constructing the house. The Applicant wants to repair the house. Unless the Applicant submits all the relevant documents his proposal cannot be considered.

As per the Inspection report the said property is located beyond 200 m from the HTL.

Details of the project:

Area of the plot	575.00 sq.m
Net effective plot area	433.52 sq.m
Covered area of proposed Bungalow	111.00 sq.m
Ground floor area	111.00 sq.m
First floor area	103.50 sq.m
FAR Consumed	44.65 %

The said proposal was placed in the 142nd GCZMA meeting held on 28/02/2017 wherein the Authority noted that as per the site inspection report of the then Expert Member of the GCZMA the Applicant is required to submit relevant documents in respect of the structure. The Authority after detailed discussion and due deliberation and in view of the above decided to direct the Applicant to submit all the relevant documents which includes all the permissions / approvals with respect to the structure and if the party fails to produce the same the Authority to decide accordingly based on the documents available on record.

It may be noted that there was a complaint received for illegal construction of a compound wall and a G+1 guest house in Sy. No. 111/7 of Candolim Village carried out by Mr. Aniceto Fermino Fernandes without obtaining approvals from the concerned authorities . The said matter was forwarded to the Inquiry Committee for conducting inquiry in the matter and submission of report. The Inquiry Committee accordingly submitted their report dated 28/10/2014 which in brief states that considering that the survey plan shows the existence of a structure in Sy. No. 111/7 of Candolim Village from the time the survey records were prepared in the year 1971 and the structure in site plan was reconstructed in the area of old structure only in the year 1994 and considering that the CRZ Notification permits the reconstruction of the existing structure within 200 to 500 m it would be proper that the Authority may regularise reconstruction of the structure existing in Sy. No.111/7 of Candolim Village in accordance with law.

The Applicant had accordingly submitted a copy of the Certificate issued by the Village Panchayat, Candolim dated 08/10/2010 wherein it is stated that the said house bearing H. No. 199/B situated at Dando, Candolim was registered in the name of Mrs. Carlota Fernnades which existed prior to 1971 and the said house is transferred in the name of her son Mr. Aniceto Fermino Fernandes in the year 1994. The Applicant also submitted copies of the house tax receipts in respect of the said house for the year 1994-95, 1997-98, 1998-99.

The said matter was placed in the 144th GCZMA meeting held on 21/03/2017 wherein the Authority noted that it is an old proposal which was inspected by the Expert members of the erstwhile GCZMA and the current Expert members of the newly constituted Authority are not aware of the existing site reality. As such the Authority after detailed discussion and due deliberation and in view of the above decided to inspect the said site afresh alongwith the Expert Members of the GCZMA and decide the matter upon receipt of the report.

Accordingly, the site was inspected by Dr. Prabhakar Shirodkar, Prof. Suhas Godse and Eng. Audhoot Bhonsule, Expert Members of the GCZMA which interalia in brief states as follows:

- i) At site already a G+1 structure is existing.
- ii) The said construction falls within 200-500m of the CRZ area.
- iii) The applicant has not submitted any construction licenses of the original structure.
- iv) The certificate from the VP of Candolim dated 8/10/2010 has been submitted indicating that the house was registered prior to 1971 in the name of Mrs. Carlot Fernandes which was then transferred in the name of her son Mr. Aniceto Fernandes in 1994.
- v) The house tax receipts produced from the year 1994 – 95 onwards are in the name of Mr. Aniceto Fernandes.
- vi) The certificate from the Dy. Collector, Mapusa showing that the applicant is a fisher folk community has been submitted by the applicant.

- vii) The survey plan dated 7/11/2012 submitted shows the existing house in Sy. No. 111/7.

Conclusion & Recommendation

After going through all the records including the enquiry report of the Enquiry Committee of GCZMA, it is concluded that the said structure of Mr. Aniceto Fernandes could be regularized by the Board, subject to the condition that the case will be subject to the approval of local Town and Country Planning Rules with the overall height of construction not exceeding 9m with G+1 structure only.

The Authority upon perusal of the site inspection report noted that there exists a G+1 structure located between 200 to 500 m and is meeting the requirement of 33% FAR and 9 m height and the Applicant has produced a Certificate from the Dy. Collector, Mapusa stating that the Applicant belongs to a fishing community .

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for repair and renovation of house / bungalow bearing H. No. 199/B located in the property bearing bearing Sy. No. 111/7 at Candolim, Bardez – Goa which is between 200 to 500 m from the HTL, and the same is permissible as per Para 8 III B (vii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same in terms of CRZ Notification, 2011, as amended.

Case No. 4.3:

Recommendation for proposed reconstruction of the house bearing H. No. 252 located in the property bearing Sy. No. 79/1, Nagorcem - Palolem Village, Canacona Taluka by Mr. Abhay P. Dhuri.

Background: The said proposal was placed in the 127th GCZMA meeting held on 29/04/2016 wherein after detailed discussion and due deliberations and on considering the report of the site inspection conducted by Dr. Antonio Mascarenhas and Shri. Rangunath Dhume, Expert Members (GCZMA) dated 09/02/2016, the Authority decided to defer the said proposal and direct the Chief Officer of Canacona Municipal Council to provide all the requisite details with respect to the legality of house under reference available in their office records including that of date of existence of structure etc. so as to decide the application in terms of CRZ Notification 2011.

It may be noted that the applicant had sought permission / recommendation for proposed reconstruction of the house bearing H. No. 252 located in the property bearing Sy. No. 79/1, Nagorcem - Palolem Village, Canacona - Goa. The applicant has submitted a copy of certificate issued by the Canacona Municipal Council dated 01/04/2008 wherein it is

stated that as per the house tax register the house bearing No. 717 & H. No. 718 at Patnem – Colomb was registered in the name of Pandurang Dhuri up to 1995-96 subsequently after re-assessment in the year 1996-97 the house bearing No. 249 & H. No. 252 is register in name of Mr. Abhay P. Dhuri. A copy of Order bearing No. CRZ / MATTER/27/2008 dated 29/05/2008 of the Chief Officer of Canacona Municipal Council wherein the Show Cause notice issued to Mr. Abhay Dhuri with regard to the house under reference, cow shed and store are discharged as the said structures existed prior to 1991. The applicant has also submitted various copies of house tax receipts pertaining to H. No. 718. The name of Pandurang Dhuri is reflected in Form I & XIV in other rights column as a occupant of the house and a hut.

Subsequently, the site was inspected by Dr. Antonio Mascarenhas and Shri. Rangunath Dhume, Expert Members (GCZMA) on 09/02/2016. The inspection report prepared by Dr. Antonio Mascarenhas indicates that the applicant Mr. Abhay Dhuri intend to reconstruct his house. His name does not feature in Form I & XIV; however the name of Shanu Dhuri is found. The plot is owned by three individuals. An old house exists in the plot and it is shown in the DSLR plan. The structure is located about 20 m from the HTL. A certificate issued by the Chief Officer of Canacona Municipal Council states that the house is registered in the name of Abhay Dhuri (H. No. 249) since the year 1996.

Accordingly in view of the decision taken in the 127th GCZMA meeting, the Office of the GCZMA issued a letter dated 17/05/2016 to the Chief Officer, Canacona Municipal Council seeking for necessary information in respect of the legality of the said structure.

The Chief Officer, Canacona Municipal Council vide letter dated 28/06/2016 informed that as per the records available in their Office, the original house No. 717 and 718 were recorded in the name of Mr. Pandurang Shanu Dhuri for the period from the year 1980-81 to till year 1995-96 and subsequently after assessment of houses ward wise, house numbers 249 and 252 are recorded in the name of the Applicant from period 1996-97 to till date and has further stated that the house tax paid receipt of the period prior to the year 1991 is not available in the Office and there is no illegality.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for proposed reconstruction of the house bearing H. No. 252 located in the property bearing Sy. No. 79/1, Nagorcem - Palolem Village, Canacona – Goa which is within 100 m from the HTL, and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m.

Case No. 4.4

Recommendation for proposed reconstruction of house bearing H. No. 63 located in the property bearing Sy. No. 153/2E, Ambelim Village, Salcete Taluka by Mr. Albin Michael D'Silva.

Background: The said proposal was placed in the 127th GCZMA meeting held on 29/04/2016 wherein after detailed discussion and due deliberations and on considering the report of the site inspection conducted by Dr. Antonio Mascarenhas and Shri. Ragnath Dhume, Expert Members (GCZMA) dated 26/03/2016, the Authority decided to defer the aforementioned proposal and direct the Mamlatdar of Salcete to provide information with respect to the legality of house under reference available in their office records.

The applicant had sought permission / recommendation for proposed reconstruction of house bearing H. No. 63 in the property bearing Sy. No. 153/2E, Ambelim Village, Salcete - Goa. The applicant has submitted a copy of deed of gift between Mr. Caetano V. D'Silva & 6 Ors. (referred to as the Donors) and Mr. Albin Michael D'Silva, S/o. Joaquim Mathew D'Silva (referred to as the Donee), copy of certificate issued by the Mamlatdar of Salcete wherein it is stated that Mr. Albin Michael D'Silva is residing at H. No. 63, Ambelim since birth, copies of tax receipts, death certificate of Joaquim Mathew D'Silva. The applicants name is reflected in Form I & XIV.

Subsequently, the site was inspected by Dr. Antonio Mascarenhas and Shri. Ragnath Dhume, Expert Members (GCZMA) on 26/03/2016. The inspection report prepared by Dr. Antonio Mascarenhas indicates that the applicant is Mr. Albin M. D'Silva desires to reconstruct his residential house. He is one of the owners of the property (S. No. 153/2E) as seen in Form I & XIV. The existing house is not shown in DSLR plan. The plot falls in the NDZ. File records show that house tax is paid since 1987 and the electricity meter was fixed in 1997 (H. No. 63). However, the certificate from the Mamlatdar shows that the applicant is residing in H. No. 63 at Ambelim since his birth.

Accordingly in view of the decision taken in the 127th GCZMA meeting, the Office of the GCZMA issued a letter dated 17/05/2016 to the Mamlatdar (Salcete) seeking for necessary information in respect of the legality of the said structure.

The Mamlatdar (Salcete) vide letter dated 15/09/2016 informed that the inquiry was conducted by their office through the Talathi of Ambelim and it is reported that Mr. Albin M. D'Silva is residing in the house bearing No. 63. It is further stated that the name of Mr. Albin M. D'Silva and Ella Cardozo is recorded as occupants in Survey index of Sy. No. 153/2-E of Ambelim.

The letter of the Talathi of Ambelim dated 22/06/2016 states that Mr. Albin M. D'Silva is residing in H. No. 63 in the property bearing Sy. No. 153/2-E of Ambelim since 1990-91 till date. The party has submitted following documents at the time of inquiry:

Residence certificate issued in the year 1991, Certificate from the Village Panchayat, Ambelim, Ration Card, Election ID Card and letter issued by the Directorate of Fisheries.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for proposed reconstruction of the house bearing H. No. 63 located in the property bearing Sy. No. 153/2E, Ambelim Village, Salcete – Goa which is within No Development Zone (NDZ) , and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m.

Case No.4.5:

Recommendation / Permission for proposed reconstruction of house bearing H. No. 83/2 located in the property bearing Sy. No. 103/5A, Nagorcem Palolem Village, Canacona Taluka by Mr. Ashank Manju Naik Gaonkar.

Background: The applicant has sought permission / recommendation for proposed reconstruction of house bearing H. No. 83/2 located in the property bearing Sy. No. 103/5, Nagorcem Palolem Village, Canacona - Goa. The applicant has submitted a copy of letter dated 20/06/2016 issued by the DSLR stating that the said property is falling within 200 m from HTL, also submitted survey plan for 103/5A wherein no structure is shown and also a survey plan for the whole plot bearing Sy. No. 103/5. The applicant has also submitted tax receipts for the said house issued by the Canacona Municipal Council and a copy of house tax transfer receipt, copy of letter dated 10/08/2016 issued by the Canacona Municipal Council stating that the tax for the said house is been transferred in the name of Mr. Ashank M. Naik Gaonkar, also a copy of Order dated 12/06/2008 wherein the structure bearing No. 83/2 in Sy. No. 103/5 was in question in S.M.W.P No. 2/06 and as per the Order the said structure was a store room existing prior to 19/02/1991. The Applicant has also submitted a copies of Deed of Partition and Deed of Rectification. The name of Mr. Ashank Manju Naik Gaonkar is reflected in Form I & XIV.

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA) on 08/03/2017. The inspection report indicates that:

- i) The said house of Mr. Ashank Gaonkar is an old house situated in Sy. No. 103/5A and is only a ground floor structure with GI Sheet roofing.
- ii) The said house is falling within 0-200 m of the HTL and is in NDZ area.

- iii) As per the Order of Chief Officer of Canacona Municipality dated 12/06/2008, the existing old house is only a store room provided at site which was existing prior to 1991 and has been allotted with independent house No. 83/2.

Conclusions & Recommendations:

- i) As the house is an old house existing in NDZ area, the reconstruction can be permitted only for ground floor on the plinth of the old existing house, with Mangalore tile roofing.
- ii) The plan submitted by the applicant needs to be revised and resubmitted for consideration by the Authority.
- iii) As the store room forms a part of the shacks already existing in the said property, an affidavit may be obtained from the applicant that the said house will not be used for any commercial activity but only for residential activity.

Accordingly, the Applicant has now submitted revised plans only to the extent of ground floor and on the existing plinth.

Area details:

Area of the plot: 1625.00 Sq.m

Covered area of the existing building proposed to be demolished: 73.70 sq.m

Covered area of the proposed building: 73.70 sq.m

In view of the above, the matter was placed before the Authority for discussion and decision in the matter.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for proposed proposed reconstruction of house bearing H. No. 83/2 located in the property bearing Sy. No. 103/5A, Nagorcem Palolem Village, Canacona – Goa which is within 0-200 m from the HTL, and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m and subject to the condition that the structure is not used for commercial purpose.

Case No. 4.6:

Recommendation / Permission for proposed reconstruction of house bearing H. No. 62/A located in the property bearing Sy. No. 103/5, Palolem Village, Canacona Taluka by Mr. Constancio Menino De Souza.

Background: The applicant has sought permission / recommendation for proposed reconstruction of house bearing H. No. 62/A located in the property bearing Sy. No. 103/5, Palolem Village, Canacona - Goa. The applicant has submitted a copy of letter dated 27/06/2016 issued by the DSLR stating that the said property is falling within 200 m from HTL, and also a survey plan for the whole plot bearing Sy. No. 103/5. The applicant has also submitted tax receipts for the said house issued by the Canacona Municipal Council for the year 1987-88 and has also submitted a copy of Affidavit Cum No objection of Smt. Kamala Naik Gaonkar stating that Mr. Domingo D'Souza is the mundcar having his mundacarial house bearing its house Nos. 62 and 62/A and after his death his two sons namely Mr. Constancio Menino D'Souza and Mr. Lourdes Victorino D'Souza are in possession of same. The Applicant has also submitted the death certificate of Mr. Domingo D'Souza. The name of Mr. Domingo D'Souza is reflected in Form I & XIV under other rights column occupying a hut.

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA) on 09/03/2017. The inspection report indicates that:

- i) The existing house is a ground floor structure with Mangalore tile roofing.
- ii) The house is falling within 200 m from the HTL.
- iii) The Survey plan also shows the existing structure.
- iv) The tax receipt from Canacona Municipal Council attached pertains to the year 1989.
- v) In the file, the plan of the existing house is submitted, but no reconstruction plan is attached.
- vi) The applicant said that he would submit the reconstruction plan after the inspection by GCZMA team.

Conclusions & Recommendations:

- i) Since no plan of reconstruction is submitted, the file cannot be taken up in the Board meeting.
- ii) The Applicant is informed to submit his reconstruction plan.
- iii) The proposal may be taken up in the Board meeting only after submission of all the documents.

Accordingly, the Applicant has now submitted revised plans. The details of which are as follows:

Area of Sy. No. 103/5 : 300.00 sq.m

Covered area of Existing H. No. 62 : 65.70 sq.m

Covered area of Existing H. No. 62A : 102.10 sq.m

Total covered area of H. Nos. 62 & 62 A: 167.80 sq.m

Proposed reconstruction of H. No. 62 A: 102.10 sq.m

In view of the above, the matter was placed before the Authority for discussion and decision in the matter.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for proposed proposed reconstruction of house bearing H. No. 62/A located in the property bearing Sy. No. 103/5, Palolem Village, Canacona – Goa which is within 200 m from the HTL, and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m.

Case No. 4.7:

Recommendation / Permission for proposed reconstruction of house bearing H. No.8 located in the property bearing Sy. No. 43/2 (Part), Morjim Village, Pernem Taluka by Mr. Narayan Bhagwan Parab.

Background: The applicant has sought permission / recommendation for proposed reconstruction of house bearing H. No.8 located in the property bearing Sy. No. 43/2 (Part), Morjim Village, Pernem - Goa. The applicant has submitted a copy of Certificate of Purchase dated 29/11/2012 in respect of the said property issued by the Office of the Deputy Collector & S.D.O, Pernem and has also submitted a DSLR Survey plan wherein the structure is reflected. The Applicant has submitted an unsigned copy of Consent terms in Reg. Civil Appeal No. 120/2011 in the Court of District Judge –I (North Goa). The name of the Applicant is reflected in Form I & XIV.

Area details:

Area of plot : 100.00 sq.m

Covered area of Existing House & hut : 63.00 sq.m

Covered area of Proposed reconstruction: 26.32 sq.m

Area of the house to be demolished : 63.00 sq.m

It may be noted that earlier an Application for proposed repair and renovation of existing house in Sy. No. 43/2, Morjim was received by this Office from Mr. Narayan B. Parab. Accordingly, the site inspection was conducted by Shri. Rangunath Dhume, then Expert Member (GCZMA) on 08/01/2014. The inspection report indicated that the existing land is residential. There exists an access. The proposed plot is within 100 m from River

Chapora. There exists a structure within the plot. The house belongs to three brothers as informed by Applicant. Hence NOC by the other brothers needed. Part of the house is damaged.

Accordingly, the said proposal was placed earlier placed in the 99th GCZMA meeting held on 20/02/2014 wherein after detailed discussion and due deliberation and on considering the site inspection report submitted by the Expert Mmembers, the Members decided to reject the proposal as the matter is pending before the Civil Court and the concerned party may approach the GCZMA only after the final disposal of the matter pending before the Court of Law.

It is pertinent to note that Mr. Narayan B. Parab has filed an Application before Goa Human Rights Commission, Panaji – Goa stating that the Application seeking for NOC for reconstruction of the aforementioned house is inwarded in the office of the GCZMA in the year 2016 which is still not decided and thus requesting necessary directions.

In view of the above, the matter was placed before the Authority for discussion and decision in the matter.

Decision: The Authority noted that there is a property dispute between two brothers in respect of the said property and further noted that the Applicant has submitted an unsigned copy of the Consent terms in Reg. Civil Appeal No. 120/2011 in the Court of District Judge –I (North Goa) as such the Authority decided to direct the Applicant to produce a certified copy of the Order passed by the Court of District Judge –I (North Goa) and to take up the matter for decision thereafter.

Case No. 4.8:

Recommendation / Permission for proposed reconstruction of house bearing H. No. 130/1 located in the property bearing Sy. No. 36/9-J, Patnem, Nagorcem Palolem Village, Canacona Taluka by Mr. Cedrick Jordan De Silva.

Background: The said matter was placed in the 1455th GCZMA meeting held on 04/04/2017 wherein the members perused the agenda note, inspection report of the Expert Members and noted that the proposal is for proposed reconstruction of house bearing H. No. 130/1 located in the property bearing Sy. No. 36/9-J, Patnem, Nagorcem Palolem Village, Canacona – Goa which is within 200 m from the HTL, with total plinth area of 252.52 sq.m. The Authority also noted that as per the certificate produced from the Canacona Municipal Council, the height of the existing old house with a mezzanine floor is 9 m from the ground, however, the Authority was of the opinion that there should be physical verification as far as the height of the structure is concerned as it being in NDZ area. As such the Authority decided to conduct survey in respect of the said structure alongwith the DSLR Officials.

The applicant had sought permission / recommendation for proposed reconstruction of house bearing H. No. 130/1 located in the property bearing Sy. No. 36/9-J, Patnem, Nagorcem Palolem Village, Canacona - Goa. The applicant has submitted a copy of Deed of Sale executed between Mr. Manuel Emeliano Eugenio Fernandes & Anr. (referred to as the Vendors) and Mr. Cedrick Jordan Da Silva (referred to as the Purchaser) and has also submitted a survey plan of the property bearing Sy. No. 36/9-J, Nagorcem – Palolem wherein no structure is reflected in the plan. The Applicant has also submitted a copy of Order dated 01/07/2008 of the Chief Officer, Canacona Municipal Council wherein it is stated that the said house / structure is in existence prior to 1991 and thus discharging the Show cause notice issued in view of the directions issued by the Hon'ble High Court in S.M.W.P. No. 2/2006 and a copy of house tax receipt for the year 01/04/1996 issued by the Canacona Municipal Council and also submitted NOC dated 14/03/1990 issued by the Office of Canacona Municipal Council stating that the Office of CMC has no objection to Mr. Ghanasham D. Varik to carry out repair works of existing structure by replacing existing mud wall into laterite stone wall and replacing palm leaves roof with mangalore tiles within existing plinth area. The Applicant has also submitted a Certificate issued by CMC that the structure is admeasuring 21.40 x 11.8 sq.m and is registered in the name of Manuel Emelino Fernandes. The name of Mr. Cedrick Jordan Da Silva is reflected in Form I & XIV.

Area details:

Area of the plot: 575.0 Sq.m

Covered area of existing building: 252.52 sq.m

Height of the building: 9.0 m

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA). The inspection report indicates that:

- i) The plinth of existing structure was seen at site in Sy. No. 36/9J.
- ii) The existing house had a no. 130/1 and is lying within 200 m from the HTL.
- iii) The said project is therefore falling within NDZ of the CRZ area.
- iv) The covered area of the new proposal is 252.52 sq.m as against the plot area of 575.0 sq.m.
- v) The Applicant has produced the documents and the order from the Chief Officer of Canacona Municipal Council indicating that the old house was existing prior to 1991.
- vi) As per the certificate produced from the Canacona Municipal Council, the height of the existing old house with a mezzanine floor is 9 m from the ground.

Conclusions & Recommendations:

- i) Since the reconstruction is on existing plinth and is within 200 m of the HTL, reconstruction can be permitted without increasing FSI.

ii) However, the proposed structure with a floor on top (G+1 Structure) as shown in the plan can only be accepted if the old structure was a G+1 Structure.

iii) As the Applicant has produced the certificate from Canacona Municipality indicating that the earlier structure, prior to 1991 was a G+1 structure, with a mezzanine floor, the permission can be granted to the Applicant.

In this regard, the Applicant requested for an opportunity for a presentation before the Authority.

In view of the above, the matter was placed before the Authority for presentation by the Applicant.

The Applicant was present during the meeting and informed that he has bought up the property along with the house. He informed that the said house is not a mud house but is constructed with laterite stone. He stated that prior to he bought up the property the said house / structure was rented for running as a Bar & Restaurant.

The Authority upon inquiring about the existing structure, the Applicant informed that it is now a ruin house which has collapsed and only half of the structure is standing at the site with existing plinth and it is difficult to identify the height of the house or structure in present condition. He claims that previously there was a G+1 structure existing with a mezzanine floor supporting which the Applicant also produced a letter issued by the Canacona Municipal Council stating that the earlier structure, prior to 1991 was a G+1 structure, with a mezzanine floor having 9 m height.

Decision: The Authority perused the Agenda note and site inspection report of the Expert Members of the GCZMA and considering the submissions made by the Applicant, the Authority noted that since the said structure / house has collapsed and it is difficult to ascertain the existence of First floor to the said structure so also the height of the structure and as such decided to direct the Applicant to submit revised plans only with respect to the ground floor on the existing plinth and to take up the proposal thereafter.

Case No. 4.9:

Recommendation / Permission for proposed reconstruction of house bearing H. No. K/5 B and construction of Compound wall in the property bearing Sy. No. 97/1-E, Reis Magos Village, Bardez Taluka by Mr. Francis D. Silveira and Mrs. Justiniana D. Silveira.

Background: The applicant has sought permission / recommendation for proposed reconstruction of house bearing H. No. K/5 B and construction of Compound wall in the property bearing Sy. No. 97/1-E, Reis Magos Village, Bardez - Goa. The applicant has

submitted a copy of Deed of sale dated 02/01/2002 executed between Narcinva Panvelkar & Anr. (referred to as the Vendors) and Mr. Francis D. Siveira and Mrs. Justiniana D. Silveira (referred to as the Purchasers) and also submitted the Judgment & Order in Reg. Civil Suit No.115/04/B in the Court of Civil Judge Senior Division at Mapusa wherein Mr. Francis D. Siveira and Mrs. Justiniana D. Silveira are declared as the exclusive owners of the said suit property admeasuring 350.10 sq.m. The Applicant has also submitted house tax, electricity payment receipts. The name of the Applicants are reflected in Form I & XIV.

Area details:

Area of plot : 950.00 sq.m

Area occupied by the existing building: 90.11 sq.m

Area of the building to be demolished: 90.11 sq.m

Covered area of hte proposed building: 83.81 sq.m

Utilised FAR: 8.82 %

Parking Proposed : 3 Nos.

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Suhas Godse , Expert Members (GCZMA).

The site inspection report indicates as follows:

1. The existing structures are in the NDZ of river bank, with main road separating the site from river bank.
2. Of the two structures at the site, the main one is covered with Mangalore tiles , while the other, smaller one is covered with G.I. roofing sheets.
3. Applicant has consented to submit cadastral survey plan to show that the structures existed before 1991.
4. The submitted plan shows proposed G+1 structure, which is not admissible in NDZ.
5. Adjacent houses to the site are G+1, possibly in violation of CRZ guidelines.
6. The applicant has consented to submit copy of NOCs issued to the structures in adjacent plots.

Conclusion & Recommendations:

1. The structures proposed are in the NDZ, but, beyond main road on landward side, hence eligible for repairs/reconstruction adhering to CRZ guidelines.
2. The application may be taken up for consideration in the board meeting on submission of revised plan following CRZ guidelines.

In view of the above, the matter was placed before the Authority for discussion and decision in the matter.

Decision: The Authority perused the Agenda note and site inspection report of the Expert Members of the GCZMA and noted that the said proposal is for proposed reconstruction

of house bearing H. No. K/5 B and construction of Compound wall in the property bearing Sy. No. 97/1-E, Reis Magos Village, Bardez – Goa which is within NDZ, and the same is permissible as per Para 8 III A (ii) of the CRZ Notification, 2011, as amended. As such the Authority after detailed discussion and due deliberation decided to grant approval for the same not exceeding existing Floor Space Index, existing Plinth area, and height less than 9 m. Further, the Authority noted that as far as proposal in respect of construction of compound wall is concerned the same is not permissible within NDZ as such the Authority decided to grant approval for fencing (Bio-fencing or mesh fencing) in the property bearing Sy. No. 97/1-E, Reis Magos Village, Bardez – Goa.

Case No. 4.10:

Recommendation / Permission for proposed construction of Villas for Directors / Shareholders of Sampoorna Yoga Shala Resort in the property bearing Sy. No. 102/12 of Agonda Village, Canacona Taluka by Mr. Deepak Sharma.

Background: The applicant has sought permission / recommendation for proposed construction of Villas in the property bearing Sy. No. 102/12 of Agonda Village, Canacona - Goa. The applicant has submitted a copy of Deed of Sale dated 25/01/2017 executed between Birring Luxury Resorts Pvt. Ltd. (referred to as the vendors) and Sampoorna Yoga Shala Pvt. Ltd. (referred to as the Purchasers) . The name of Birring Luxury Resorts Pvt. Ltd. is reflected in Form I & XIV.

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA) on 08/03/2017. The inspection report indicates that:

- i) The plot having Sy. No.102/12 in Agonda village is partly falling within 0-200m from the HTL and the rest within 200-500m from the HTL.
- ii) An existing structure is lying within 0-200m from the HTL and there are no structures within 200-500m from the HTL.
- iii) The proponent intends to demolish the existing old structure and construct a new G+1 structure (Villa A) within 0-200m.
- iv) Besides this, he intends to construct 5 new G+1 structures (Villa B – Villa F) within 200-500m as per the drawings submitted.
- v) The height of the buildings would be within 9 m and FAR to be consumed is 29.42% i.e. within 33%.

Conclusion & Recommendation

- i) A total of 6 new structures (Villa A to Villa F) to be constructed would be on the leeward side of the land towards the hillock, where no sandy stretch is seen but lateritic soil is observed.

- ii) One proposed G+1 structure is between 0-200m of the HTL and is falling within the NDZ area, where construction is possible only on the plinth of the existing old house and no G+1 structure can be permitted. Only a ground floor structure can be permitted.
- iii) The other 5 proposed constructions (Villa B - Villa F) are falling within the 200-500m of the CRZ area, where G+1 structures can be permitted, if the height is within 9m and the FRA is 33%.
- iv) Since the 5 proposed G+1 constructions are within 200-500m of CRZ area and are within 9 m height and the FAR is 29.42%, which is less than 33%, the permission can be granted.
- v) Considering the above mentioned points, the Board may deliberate for a decision.

The Applicant has now submitted revised plans:

Area details:

Area of the plot: 4400.00 sq.m

Area under CRZ between 0-200 m: 1237.00 sq.m

Area under CRZ between 200-500 m: 3163.00 sq.m

Area to be demolished : 781.37 sq.m

Area reconstructed: 200.00 sq.m

There are all together 6 Villas proposed (out of which 1 Villa is for reconstruction and remaining 5 Villas are for new construction)

Proposed Covered area:

Villa 'A' (to be reconstructed) = 200 sq.m

Villa 'B' = 140.83 sq.m

Villa 'C' = 132.82 sq.m

Villa 'D' = 142.18 sq.m

Villa 'E' = 194.96 sq.m

Villa 'F' = 174.99 sq.m

Total Covered area: 985.78 sq.m

Coverage Consumed: 22.40 %

Proposed Built Up area:

Villa 'A' (to be reconstructed) = 161.0 sq.m

Villa 'B' = 195.52 sq.m

Villa 'C' = 178.74 sq.m

Villa 'D' = 191.38 sq.m

Villa 'E' = 251.73 sq.m

Villa 'F' = 246.88 sq.m

FAR Consumed : 27.84 %

The said matter was placed in the 145th GCZMA meeting held on 04/04/2017 wherein the members perused the agenda note, copy of the inspection report and noted that the said proposal is for:

- i) A total of 6 new structures (Villa A to Villa F) to be constructed would be on the leeward side of the land towards the hillock, where no sandy stretch is seen but lateritic soil is observed.
- ii) One proposed G+1 structure is between 0-200m of the HTL and is falling within the NDZ area, where construction is possible only on the plinth of the existing old house and no G+1 structure can be permitted. Only a ground floor structure can be permitted.
- iii) The other 5 proposed constructions (Villa B - Villa F) are falling within the 200-500m of the CRZ area, where G+1 structures can be permitted, if the height is within 9m and the FRA is 33%.
- iv) Since the 5 proposed G+1 constructions are within 200-500m of CRZ area and are within 9 m height and the FAR is 29.42%, which is less than 33%, the permission can be granted.

The said proposal meets the requirements of the CRZ Notification for Hotel project as per the para 8 III B (i) of the CRZ Notification, 2011, as amended i.e. Annexure – III which provides for guidelines for development of Beach Resorts or Hotels in the designated areas of CRZ – III & CRZ – II for occupation of tourists or visitors with prior approval of the MoEF and also taking into consideration the Policy for utilisation of open plots in CRZ – III areas for the purpose of establishing Hotels and Beach Resorts and hence decided to consider the proposal and recommend the proposal to the MoEF & CC as the term of the SEAC/SEIAA has expired and is not yet reconstituted.

In this regards, the Applicant / Project proponent has requested for a presentation in respect of the proposal.

In view of the above, the matter was placed before the Authority for presentation in the matter.

The Applicant Mr. Deepak Sharma was present during the meeting. He informed that the said proposal was placed in the last Authority meeting and the Authority considered the same under the Hotel Policy and guidelines for development of Beach Resorts or Hotels and decided to recommend the proposal to the MoEF & CC.

In view of the aforementioned decision he stated that the proposal is not for construction of hotel / Resort and the same includes construction of Villas which will be strictly used for residential purpose for the Directors / Shareholders of Sampoorana Yoga Shala and the same will be in no way used for commercial purpose.

Decision: The Authority noted that the said property was bought up in the name of the company vide Deed of Sale dated 25/01/2017 executed between Birring Luxury Resorts Pvt. Ltd. (referred to as the vendors) and Sampoorna Yoga Shala Pvt. Ltd. (referred to as the Purchasers) . The name of Birring Luxury Resorts Pvt. Ltd. is reflected in Form I & XIV. The property has been bought up in the name of a Company and as such the Authority was of the concern that the Applicant may obtain permission for residential purpose and subsequently may convert the same for commercial purpose under the Company's name. The Authority after detailed discussion and due deliberation and in view of the above, decided to seek legal opinion as to whether the said proposal is to be considered under Hotel Policy and to be recommended to the MoEF & CC or the GCZMA Authority to grant approval for the same considering it a residential project.

Case No. 4.11:

Recommendation / Permission for proposed construction of residential bungalow in the property bearing Sy. No. 35/1, Anjuna Village, Bardez Taluka by Mr. Edwin Nunes.

Background: The applicant has sought permission / recommendation for proposed construction of residential bungalow in the property bearing Sy. No. 35/1, Anjuna Village, Bardez - Goa. The applicant has submitted a copy of Deed of sale dated 17/03/2006 executed between Mrs. Christina Almeida (referred to as the Seller) and Mr. Edwin Nunes (referred to as the Purchaser) The name of the Applicant is reflected in Form I & XIV.

Area details:

Area of plot : 2050.00 sq.m

Existing structure covered area: 69.00 sq.m

Proposed covered area: 398.50 sq.m

Total covered area: 467.50 sq.m

Coverage Consumed: 22.90 %

Site Inspection Report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA). The inspection report indicates that:

- i) The whole proposed site area land of 2050 sq. m. is lying at western side in south Anjuna village and has a hilly terrain.
- ii) The entry to the plot has a gate, inside which, the land has 3 terraces in the middle portion with lot of ornamental plants and dwarf coconut trees.
- iii) Surrounding the plants from all the 3 sides there are structures, with 2 permanent structures towards the west and the rest temporary wooden structures all over.

- iv) The proponent intends to remove the existing permanent and wooden structures and the plants as well as flatten the terraces and construct a residential bungalow.
- v) The said plot falls within 200-500m from the HTL.
- vi) By the side of the plot towards the west there exists a nulla for draining the water from the upper land towards the sea.
- vii) The proposed construction is G+1 structure with a FAR of 32.88%, which is closer to the acceptable limit of 33%.
- viii) No basement has been proposed.
- ix) The height of the proposed construction is within 9m.
- x) However, the plan is drawn in such a way that the mid portion of the house shows an open terrace with a stair case going from the first floor to the open terrace on top.
- xi) Similarly, a STP has been proposed for the waste towards west by the side of nulla.

Conclusion & Recommendations

- i) Since the plot is within 200-500m, the CRZ notification allows construction of residential bungalow within the said CRZ area.
- ii) The proposed G+1 structure, with height not exceeding 9m and FAR less than 33% can be permitted.
- iii) However, the proponent should be requested to submit the revised plan indicating a sloppy roof with Mangalore tiles for the full house, instead of showing an open terrace on top of the first floor with a stair case to the open terrace above the first floor.
- iv) The proponent should be instructed that the said house should be strictly used for residential purpose and not for any commercial purpose.
- v) The Board may deliberate for a decision.

In view of the above, the matter is placed before the Authority for discussion and decision in the matter.

Decision: The members perused the agenda note, inspection report of the then Expert Members and noted that the proposal is for proposed construction of residential bungalow in the property bearing Sy. No. 35/1, Anjuna Village, Bardez – Goa, the Authority after detailed discussion and due deliberation decided to direct the Applicant to submit revised plans indicating a slopy roof with Mangalore tiles for the said Bungalow.

Item No.: 5: To discuss and decide on the applications received by GCZMA pertaining to hotel projects

Case No. 5.1:

Recommendation for proposed construction of a Hotel project in the property bearing Survey No. 345/1, 5 at Anjuna Village, Bardez Taluka by Mr. Sebastian Lazarus Albuquerque

Background: The Office of the GCZMA is in receipt of a project proposal seeking Approval for proposed construction of a Hotel project in the property bearing Survey No. 345/1, 5 at Anjuna Village, Bardez – Goa. The Applicant has submitted copy of the letter dated 12/10/2015 issued by the DSLE wherein it is stated that the said property is falling in the zone of 200 to 500 m from the HTL as extracted from certified map of Anjuna Village and has also submitted a DSLR survey plan. The name of Applicant is reflected in Form I & XIV. The Applicant has also submitted copy of Certificate dated 10/08/2015 with regard to conformity with Goa Land Development and Building Construction Regulations, 2010.

Area details:

Area of Plot: 6734 sq.m

Area under road widening: 219 sq.m

Net effective area: 6515.00 sq.m

Maximum Permissible coverage (33% of 6515) : 2149.95 sq.m

Maximum Permissible FAR (33% of 6734) : 2222.22 sq.m

Total covered area of proposed structures:

Block A: 224.33 Sq.m

Block B: 348.17 Sq.m

Block C (3 Nos.): 258.24 Sq.m

Block D (25 Nos.) : 952.50 Sq.m

Block E: 110.56 Sq.m

Total Covered area : 1885.83 sq.m

Coverage consumed: 28.95 %

Site inspection report: The site was inspected by Dr. Prabhakar Shirodkar and Shri. Audhoot Bhonsule , Expert Members (GCZMA). The site inspection report indicates that:

- i) The total site area has been created after amalgamating the two plots, one with Sy. No. 345/1 and other with Sy. No. 345/5.

- ii) Form I & IV of both the Sy. Nos. 345/1 and 345/5 indicate the name of Mr. Sebastian Albuquerque.
- iii) The proposed site area starts from the main road to Vagator beach and extends northwards.
- iv) As it starts from the main road, it is slopping towards the north and also from the north it is slopping towards south, forming a small valley approximately in the mid portion of the plot.
- v) There is a nulla in the valley portion of the plot which is for draining the water from the upper land towards the sea during the monsoon season.
- vi) During non-monsoon months, the nulla remains totally dry as was seen by us during the site inspection.
- vii) The whole plot area falls within 200-500m from the HTL as per the DSLR certificate dt. 12/10/2015 produced by the proponent.
- viii) The Restaurant of the proposed project will lie closer to the entrance from the main road, followed by parking. The whole hotel rooms will follow after the parking area and are aligned in the surrounding region of the plot.
- ix) All the structures are ground floor structures with no basement.
- x) A swimming pool has been proposed in the mid portion i.e. in the valley part of the plot. Rest of the area will be used for lawns and gardening.
- xi) One STP has been proposed behind the Restaurant and another for the hotel rooms in the western region whereas, for rooms in the northernmost region and for rooms towards the east, no STP has been shown.
- xii) Similarly, a Vermi composting for the wet waste has been shown for the northern most part.

Conclusion & Recommendations

- i) Since the plot is within 200-500m, the hotel project can be permitted within the said CRZ area.
- ii) The proponent should properly maintain the existing nulla which is important for draining the monsoonal water from the surroundings region to the sea.
- iii) The proponent should clearly indicate the provision of STP to the rooms in the northern and the eastern side rooms for proper sewage treatment.
- iv) Since the FAR of the proposed construction is less than 33% (i.e. 25.43%) and the structures are only ground floor structures and also the plot is devoid of trees of significant importance, the project can be recommended for approval by the competent authority.
- v) The Board may deliberate for a decision.

In view of the above, the matter was placed before the Authority for discussion and decision in the matter.

Decision: The members perused the agenda note, inspection report and noted that the said proposal is for construction of a Hotel project in the property bearing Survey No. 345/1, 5 at Anjuna Village, Bardez – Goa. The said proposal meets the requirements of the CRZ Notification for Hotel project as per the para 8 III B (i) of the CRZ Notification, 2011, as amended i.e. Annexure – III which provides for guidelines for development of Beach Resorts or Hotels in the designated areas of CRZ – III & CRZ – II for occupation of tourists or visitors with prior approval of the MoEF and also taking into consideration the Policy for utilisation of open plots in CRZ – III areas for the purpose of establishing Hotels and Beach Resorts and hence decided to consider the proposal and recommend the proposal to the MoEF & CC as the term of the SEAC/SEIAA has expired and is not yet reconstituted.

Item No. 6:

To discuss on the Status / Action taken Report of the meetings held after reconstitution of the GCZMA i.e. 134th GCZMA meeting held on 04/11/2016 onwards. The Annexure of the same will be circulated during the meeting.

Decision: The Authority decided to defer this Agenda item due to paucity of time and further decided to take up the same in the next Authority meeting.

ADDITIONAL AGENDA:

Case No. 7.1:

To comply with the order dated 30/3/2017 passed by the Hon'ble Tribunal (Western Zone) at Pune in the matter of Old Cross Fishing Canoe Owners Co-op Society Ltd v/s Mormugao Port Trust &ors.

Background:

The present matter is an appeal filed by Old Cross Fishing Canoe Owners Co-op Society Ltd and BainaRamponkar& fishing canoe owners society interlia challenging the Environmental clearance granted by the Ministry of Environment, Forest & Climate Change (MOEF & CC), Government of India to Mormugao Port Trust vide clearance dated 9/2/2016 for a project of deepening of approach channel for capsized vessels at Mormugao Port.

The Hon'ble Tribunal vide order dated 4/5/2016 was pleased to pass detailed directions contained in Para 24 (I) to (4) of the said order. As said order a Committee was constituted comprising Dr. Antonio Mascarenhas, Member GCZMA, one Marine Biologist/water quality specialist from NIO Goa; the Deputy Collector of the area and Senior officer of Goa Pollution Control Board, at para-2, directed to inspect and carry out

Inspection Report to Access List of Alleged Violators and Inquiry Committee Reports in the Matter of M/s White Raj Resorts Pvt Ltd v/s State of Goa and Others.

Background

As per the NGT order to demolish the illegal structures within one month, the file was placed before the GCZMA meeting on 11/4/2017 along with Inquiry Committee Report and a decision for assessment was taken.

Inspection & Observation

Upon instructions from the Member Secretary GCZMA, the site was inspected by Expert Members Eng. Audhoot Bhonsule and Mr. Shirirang Jambhale along with Shri. Lavesh Shirodkar of GCZMA and the DSLR Surveyors. The Manager of White Raj, Mr. Stephen Vernicove and his Adv. Govind Bhohe were present. The observations are as below;

- i) The list of permanent and temporary structures is prepared and enclosed.
- ii) There are in all 20 permanent structures and 84 temporary structures which are listed.
- iii) All the listed structures are on the sea shore and are within the NDZ area.
- iv) The temporary structures erected by owners were found to be removed by the owners themselves.
- v) As regards some of the permanent structures, the occupants produced the documents which indicated that the structures were existing prior to 1991. They have been asked to submit the said documents to CCZMA office within 4 days.
- vi) One defaulter, Mr. Walter Fernandes owning 12 starred structures with A/C fittings and 1 permanent structure in the name of Vallis Top Notch Cottages, Colomb with a toilet facility did not remain present at the site whereas, his Manager could not produce any relevant documents.

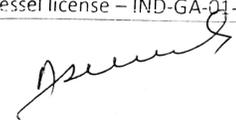
Conclusion & Recommendation

- i) The owners started demolishing their temporary structures and asked for 4-5 days time to clear the site.
- ii) Adv. Bhohe of representative from M/s White Raj agreed for allowing 4-5 days time for clearing the site.
- iii) Adv. Bhohe agreed to confirm the demolition after 5 days and shall intimate the GCZMA office about the status of demolition work.
- iv) The occupants have been directed to submit their documents indicating their permanent residences to GCZMA office within 4 days.
- v) After obtaining the documents, both the parties should be called during the Authority meeting and if the complainant agrees on the said documents, then a final decision be taken to be conveyed to National Green Tribunal.
- vi) The Authority may deliberate for a suitable decision on the matter.


(Shrirang Jambhale)


(Audhoot Bhonsule)

Sr. No.	NAME	PARTICULARS	REMARKS
1.	Dr. Shaba Rama Naik Gaonkar	<ul style="list-style-type: none"> - 1 no. permanent structure with two temporary toilet blocks. - 2 nos tarpaulin sheds and - 1 no closed materials shack. 	<ul style="list-style-type: none"> -Dr. Shaba told that the house is old and legal. Documents are submitted to GCZMA office. -Temporary structure removed but cemented floor still exists.
2.	Mr. Ashok Shankar Pagi	<ul style="list-style-type: none"> -1 no. permanent structure having fishing materials for fishing activity. Directed to submit the documents to GCZMA office by 17/4/2017. - 6 nos of temporary structures. 	<ul style="list-style-type: none"> - Fishing canoe licence MFR – 94- CAN, dt. 1994. - Temporary structures are under demolition.
3.	Mr. Prashant Chandrakant Kankonkar	<ul style="list-style-type: none"> -1 no. permanent structure having H. No. 275. -9 nos. Temporary structures 	<ul style="list-style-type: none"> Directed to submit documents by 17/4/2017. Canoe license MFR-181-CAN, dt. 1999. Fisherman ID 20-GA -02-TR-029479. 7 nos temporary structures are demolished. 2 nos temporary structures are under demolition process.
4.	Mr. Sudhakar Shankar Pagi	<ul style="list-style-type: none"> -1no. permanent structure admeasuring 90m² and identified as A-22. -9 nos temporary structures. -1 no temporary Restaurant. 	<ul style="list-style-type: none"> -Having Sea Gill net registration – 290, dt. 5/1/2017. - 9 temporary structures under the process of demolition. -1 no temporary restaurant is under demolition as seen during inspection.
5.	Mr. Suraj Naik Balliker	<ul style="list-style-type: none"> -1 no permanent structure prior to 1991. -10 nos temporary structures. 	<ul style="list-style-type: none"> - Party told to submit documents of permanent structure to GCZMA by 17/4/2017. -Party has undertaken the demolition of temporary structures by himself.
6.	Mr. Bichin Naik Pagi alias Bichandra Pagi.	<ul style="list-style-type: none"> -1 permanent house with Mangalore tiles roof and laterite masonry. -1 no Fish mending structure of temporary materials. 	<ul style="list-style-type: none"> --Directed to submit documents of permanent house by 17/4/2017. -Fishing canoe license MFR-381-CAN, dt. 18/11/2011. Net license – C-592. Fisherman ID- GA-02-TR-024573.
7.	Mr. Shivanand Anand Pagi	<ul style="list-style-type: none"> -1no. permanent structure right at the beach near the sea. -1no temporary shed having fishing net and materials. 	<ul style="list-style-type: none"> - Residential house existing prior to CRZ Notification (as per the certificate by CEO, Canacona Municipal Council) -Vessel license – IND-GA-01-MM-1114, dt

		<ul style="list-style-type: none"> -6 nos temporary structures. - 1no Store having laterite columns. 	<p>9/11/2015.</p> <p>-6 nos structures the owner has consented to remove. Also consented to remove the laterite columns.</p>
8.	Mr. Pavitra V. Naik Dhuri	<ul style="list-style-type: none"> -1no permanent residential structure and laterite store of Net mending. -7 nos temporary structures 	<ul style="list-style-type: none"> -Shall produce Municipal Order to prove that the house is prior to 1991. Also Net mending fishing license to be procured. - 7 nos temporary structures are demolished by the owner.
9.	Mr. Yakub Khan/ Mr. Walter Fernandes is the owner who remained absent during inspection. Manager – Mr. Ajaykumar.	<ul style="list-style-type: none"> -1no permanent structure with Mangalore tiles, having lateritic masonry walls. -12 nos temporary structures built of wooden walls with bamboo strips roof, structures are provided with external A/C. Garden with well developed land scaping with broken tiles and river shingles. -1no toilet structure. 	<ul style="list-style-type: none"> - The owner Mr. Walter Fernandes remained absent. -Manager could not produce any valid documents and the shacks are starred accommodation. -Notice for demolition is to be initiated.
10.	Mr. Prakash Shankar Pagi	<ul style="list-style-type: none"> -1no permanent room with Mangalore tiles roof in dilapidated condition. -No temporary structures 	<p>Residential structure existing prior to 1991 as per the order of CEO of Canacona Municipality. Vessel Reg. IND-GA-01-MM-715, dt. 1/6/2015.</p>
11.	Mr. Milagrice Xavier (Sera villa) Manager – Kiran Shirodkar	<ul style="list-style-type: none"> -1no permanent structure of wooden poles and Mangalore tiles used as office Hall. -13 nos temporary structures -1 no temporary Restaurant - 1no permanent toilet block. 	<ul style="list-style-type: none"> - Owner remained absent. -Manager could not produce any document. -13 nos temporary structures are being demolished. -1 no restaurant is demolished but cemented platform is not removed. Instructed to remove the same.
12.	Mr. Dayanand Uttam Pagi	<ul style="list-style-type: none"> -1no permanent house for residence with temporary store abutting the house. 	<ul style="list-style-type: none"> -Produced electricity bill No. 737620 showing connection on 8/9/1989 in the name of Sumati Pagi, the mother of Mr. Dayanand Pagi. -Fishing boat license IND-GA-01-MM 1324, dt. 19/5/2016. Fisherman ID –CNT/885/2014.
13.	Mr. Shivanand Uttam Pagi	<ul style="list-style-type: none"> -1no permanent structure of laterite stones with GI sheets extension with bamboos base and coconut leaves for car parking. 	<ul style="list-style-type: none"> -Electricity bill showing connections from 1/1/1979 produced. -Fishing license shall be produced later.

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14.	Mr. Ratnakar Vitthal Pagi	-1no Residential house with lateritic masonry and Mangalore tiles roofing. Verandhas are of GI sheets.	- Municipal CEO order showing house is prior to 1991 was produced. - Fisherman community license since 1929, documents shall be produced.
15.	Mr. Dilip Raisu Pagi	-4 nos temporary structures which he promised to be removed. -1no residential house.	--House tax paid from 1983-89 was shown (Sr. No. 714). -Fisherman license :GA-02-TF-028982 (21/10/1970 to 8/12/2012)
16.	Mrs. Harsha Pagi	-1no permanent structure of lateritic masonry with GI sheet roofing. -Extension of this shed to full length of house with GI pipes and GI roofing which was being operated as Bar & Restaurant.	- All documents are submitted during the last Board meeting on 11/4/2017. -Presently, the house & Bar is closed and non-operative.
17.	Mr Yakub Khan (Hanky Manky Bar & Restaurant)	-2nos permanent structures, one house and other guest house, having house nos. 307 and 308. -	-Produced Municipal Order indicating the house was existing prior to 1991. -Certificate of house tax is from 1980 – 81 onwards.

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OFFICE OF THE DEPUTY COLLECTOR & SUB DIVISIONAL OFFICER,
CANACONA - GOA.

Tel. No.: 0832-2643696

E-mail: sdm-canacona.goa@nic.in

Fax: 0832-2643696

No. SDO/CAN/CRZ/DEMOLITION/2017/1872

Dated: 29/06/2017

CRZ MATTER

To,

The Member Secretary,
GCZMA, C/o Dept. of Science, Technology & Environment,
1st Floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar,
Alto Porvorim, Bardez-Goa - 403 521

**Sub: - Directions to demolish the Illegal huts/shacks in Sy No.
80/1 of Village Nagorcem-Palolem of Canacona Taluka.**

Ref: - Order No. SDO/SAL/DEMO/2017/172 dated 27/06/2017.

In compliance to above referred directions received from your good office, this is to submit that this office has carried out demolition drive on 29/06/2017 at 10.00 a. m. onwards pertaining to below mentioned structures of the alleged violators with the help of demolition squad provided by Dy. Collector & In-charge demolition squad, Sub-division, Margao and structures identified by official deputed by GCZMA, Patto, Panaji, Goa.

S r. No.	Name of the alleged violator	Village & Survey number in which alleged structure are located	No. of structure Ordered for demolition	Type of alleged construction
1	Dr. Shaba Rama Naik	80/1, Nagorcem-Palolem	03 Temporary seasonal structure	Demolished 1 structure and 2 structure were found to be dismantled & kept at site by violator.
2	Mr. Suraj Naik Balikar	80/1, Nagorcem-Palolem	10 Temporary seasonal structure	Demolished 10 structure as identified by GCZMA official.
3	Mr. Sudhakar Shankar Pagi	80/1, Nagorcem-Palolem	10 Temporary seasonal structure	Demolished 2 structure and 8 structure were found to be dismantled & kept at site by party.

Chair

4	Mr. Yakub Khan	80/1, Nagorcem-Palolem	12 Temporary seasonal structure	Demolished 3 structure and 9 structure were found to be dismantled & kept at site by party
5	Mr. Shivanand Anand Pagi	80/1, Nagorcem-Palolem	06 Temporary seasonal structure	6 structure were found to be dismantled & kept at site by party.
6	Mr. Ashok Shankar Pagi	80/1, Nagorcem-Palolem	06 Temporary seasonal structure	6 structure were found to be dismantled & kept at site by party
7	Mr. Prashant Chandrakant Kanokonkar	80/1, Nagorcem-Palolem	02 Temporary seasonal structure	2 structure were found to be dismantled & kept at site by party
8	Mr. Dilip Raysu Pagi	80/1, Nagorcem-Palolem	04 Temporary seasonal structure	Demolished 1 structure and 3 structure were found to be dismantled & kept at site by party
9	Mr. Milagres Xavier Corte	80/1, Nagorcem-Palolem	13 Temporary seasonal structure	Demolished 3 structures & 10 plinth Foundation

The demolition drive started at 10.00 a.m onwards wherein first site pertaining to Mr. Milagres Xavier Corte in survey no. 80/1 of village Nagorcem-Palolem was identified by official deputed by GCZMA and demolish 3 structure and 10 plinths Foundation demolished with the help of JCB & 10 Laboures.

Further the demolition squad proceeded to the structure pertaining to Mr. Yakub Khan in same survey no. 80/1 of village Nagorcem-Palolem, wherein it was noticed that there are 3 structures were existing at the site, hence the same were demolished with the help of JCB by demolition squad. However it was noticed that Mr. Yakub Khan had already dismantled 9 shack & huts & stored at site.

Further the demolition squad reached at the site of Mr. Suraj Naik Balikar in same survey no. 80/1 of Village Nagorcem Palolem, wherein it was noticed that there were 20 structures standing at the site, out of which 10 structure as identified by Shri Lavesh Shirodkar, deputed by GCZMA were demolished & 10 temporary structures still remained at site. Photo copies of the same are enclosed herewith for your kind perusal.

Khair

Further the demolition squad reached at the site of Mr. Shivanand Anand Pagi, Mr. Prashant Kankonkar & Mr. Ashok Shankar Pagi in same Survey No. 80/1 of Village Nagorcem Palolem; however it was noticed that all strcutre were dismantled & kept at site by party.

Further the demolition squad reached at the site of Dr. Shaba Rama Naik in same survey no. 80/1 of Village Nagorcem Palolem wherein it was noticed that One structure was existing at the site, the same was dismentled by Laboreres of demolition squad. Further the demolition squad reached at site of Mr. Sudhakar Shankar Pagi in same survey no. 80/1 of Village Nagorcem-Palolem wherein noticed that 2 structure existing at the site were demolished by Laboreres of demolition squad, remaining 8 strcutre were already dismentled by the party.

At last, the demolition squad reached at the site of Mr. Dilip Rayasu Pagi in same survey no. 80/1 of village Nagorcem-Palolem wherein it was noticed that one structure is existing at the site, the same was demolished by JCB and 3 strcutre were dismentled by the violator and the site was cleared. Photo copies are enclosed herewith for your kind perusal as ANNEXURE "A".

Hence submitted for further appropriate action and necessary directions.

Yours Faithfully,



(Kedar A. Naik)
Dy. Collector & S.D.M,
Canacona- Goa.

Copy submitted for information to: - The Collector South Goa District, Margao.

"ANNEXURE "A"

) Demolition Structure, Dr. Shaba Rama Naik

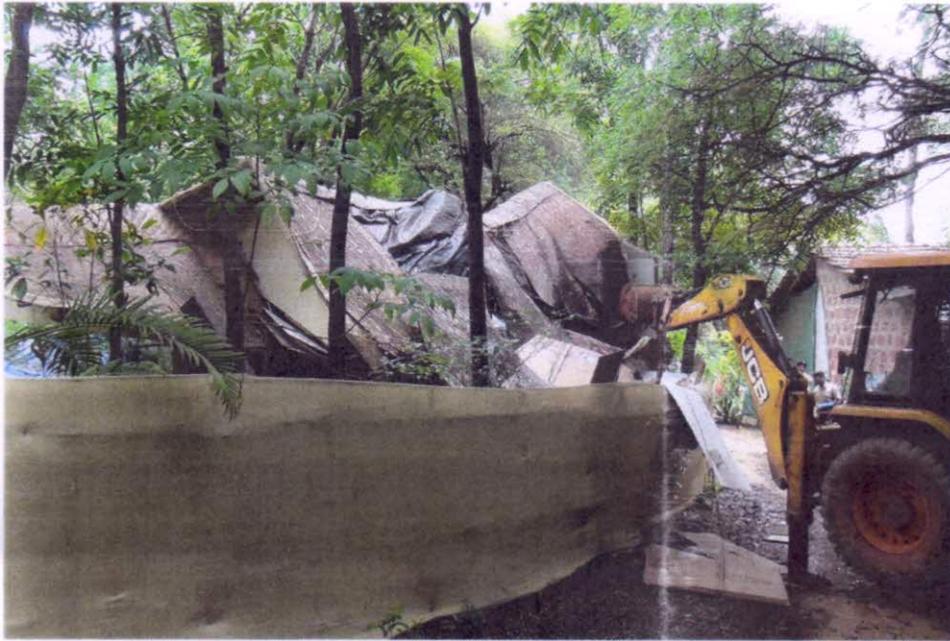
























GOA COASTAL ZONE MANAGEMENT AUTHORITY

166

1st Floor, Pandit Deendayal Updhyay Bhavan,
Near Pundalik Devasthan,
Pundalik Nagar, Porvorim Goa 403521
www.czma.goa.gov.in

ANNEXURE R/4

Ref. No. GCZMA/ILLE- Compl/ 14- 15/03 /1517

Date: 16 /11 /2018

MOST URGENT
NGT MATTER

To,
The Deputy Collector and
Sub divisional Officer (S.D.O)
of Cancona,
having office at Canacona, -Goa.

Sub: Demolition of huts / cottages / shacks/ structures in Syno.80/1 of
village Nagorcem, Palolem, Canacona.

- Ref:1) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15 / 03 /395 dated 16/05/2017 issued to Mr.Ashok Shankar Pagi. — 6
- 2) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15/03/393 dated 16/05/2017 issued to Mr.Milagres Xavier Corte.
 - 3) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15/03/ 391 dated 16/05/2017 issued to Dr.Shaba Rama Naik Alias Chandrakant Rama Naik.
 - 4) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15/03/390 dated 16/05/2017 issued to Mr.Shivanand Anand Pagi.
 - 5) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15/03/389 dated 16/05/2017 issued to Mr.Sudhakar Shankar Pagi.
 - 6) Demolition order bearing no. GCZMA/ ILLE- Compl/ 14- 15/03/388 dated 16/05/2017 issued to Mr.Suraj Naik Balikar.
 - 7) Report bearing no. SDO/ CAN/ CRZ/ Demolition/2017/1872 Dated 29/06/2017.

Sir,

With regard to abovementioned subject matter I am to inform you that the earlier the GCZMA had vide directions referred to at serial no1 to 6 had directed the respondent violators to demolish all the illegal structures in Syno.80/1, Nagorcem village and copy of the said orders were also marked to your office for initiation of necessary action incase of failure/non execution of said order on the part of the respondent violators.

In this regard, a demolition drive had been carried out by your office on 29/06/2017 pertaining to said respondent violators. Accordingly a report dated 29/06/2017 referred to at serial no.7 was also submitted by your office.

Now, office is in receipt of Application bearing no. 12/2018 filed by M/s White Raj resorts Pvt Ltd before the Hon'ble NGT, Pune interalia stating non-execution of demolition orders dated 16/05/2017. It is informed that this office has not granted any licenses to said respondent violators for purpose of erection of shacks / huts/ cottages etc. Hence construction/erection of shacks / huts/ cottages by said respondent violators would be wholly illegal and violative CRZ Notification 2011.

A copy of the said Application bearing no. 12/2018 filed by M/s White Raj resorts Pvt Ltd before the Hon'ble NGT, Pune is annexed hereto and marked as Annexure A colly.

In the light of the above, you are directed to ensure execution of all the demolition orders dated 16/05/2017 pertaining to respondent violators issued by GCZMA in letter and spirit. Further you are directed to submit compliance report on this subject within 15 days of receipt of this letter.

Yours Faithfully ,



(Ravi Jha, IAS)

Member Secretary (GCZMA)

o/c

Copy to:

1. The Collector and District Magistrate (South), Office of Collector (South), Manthany Saldanha Administrative Complex, Margao-Goa... *for information and necessary action.*
2. White Raj Resorts Private Ltd, represented by authorize officer Mr. Stepan Vornokov, R/o Hno. B002, Chowdi, Canacona, Goa. ... *for information.*

OFFICE OF THE DEPUTY COLLECTOR & SUB DIVISIONAL OFFICER,
CANACONA - GOA.

Tel. No.: 0832-2643696 E-mail: sdm-canacona.goa.nic.in Fax: 0832-2643696

No. SDO/CAN/CRZ/DEMOLITION/18/120

Dated: 02/01/2019

To,
The Dy. Collector &
In-charge Demolition Squad,
Sub Division, Margao-Goa.*Place
Ch. Venk
DAN**Li
17/01
SSD
L*Sub: - Regarding NOC for 8 huts in Sy. No. 80/1 of Village Nagoreem
Palolem of Canacona Taluka.

Re: - Order No. SDO/SAL/DEMO/2018/98 dated 25/10/2018

Sir,

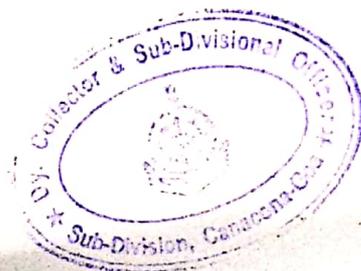
With reference to the above cited subject, it is to submit that the above referred order No. SDO/SAL/DEMO/2018/98 dated 25/10/2018 issued by the office of the Dy. Collector and In-Charge Demolition Squad, Sub-Division, Margao Goa the identifying officer of GCZMA expert Dr. Prabhakar Shirodkar, Devendra Gaonkar Field surveyor of GCZMA, Staff of P.W.D WD. XX SD.IV Canacona, PWD WD. XXV SD.III and Electricity Department assembled on given date. The Jt. Mamlatdar of Canacona Taluka Shri Dattaraj Gauns Dessai was appointed as Executive Magistrate vide No. SDM/CAN/MAG/LAW&ORD/2018/2633 dated 13/11/2018 along with Police staff by this office.

As per the order constitute team reported at site under survey no. 80/1 of village Nagoreem Palolem and inspection was identified by Dr. Prabhakar Shridkar. It is seen that no huts are erected but material are at the spot and some cement pole were erected. However, same are removed at the satisfaction of identifying officers wherein after completion of said work and agreed by identifying officer constitute team reported back to the office.

The detail list of official present for demolition squad enclosed herewith. As per this office demolition is carried out upon the identification done by identifying Officer Dr Prabhakar Shirodkar at site as per the the direction issued.

This is for your kind information and further needful.

Yours faithfully,



(Rajit R. Dessai)
(Rajit R. Dessai)
Dy. Collector & S.D.O.
Canacona- Goa.

Copy to: The Member Secretary, GCZMA, Alto Porvorim, Bardez-Goa.

To,
The Mmlatdar of Canacona
Canacona Goa.

Sub : Verification of demolished structures in property bearing
Survey No. 80/1 of Village Nagorcem-Palolem.

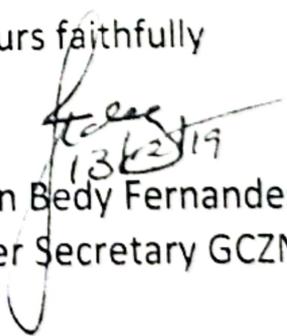
Ref : Order of demolition dated 16/5/2017 and it's execution
carried out in May 2017.

Sir,

Whiteraj Resorts Pvt. Ltd. Has filed an execution application bearing OA No. 12/2018 (WZ) before the NGT (WZ) at Pune whereby he has submitted that the demolished structures have been reconstructed in property bearing Survey No. 80/1 of village Nagorcem – Palolem. The said matter is slated to come up for hearing on

You are requested to kindly carry out inspection of the site and verify the position on loco as to whether the demolished structures have been reconstructed or not. Your report may please be submitted by email latest by 16.00 hours today itself.

Yours faithfully


13/12/19
Johnson Bedy Fernandes
Member Secretary GCZMA

**OFFICE OF THE MAMLATDAR OF CANACONA TALUKA,
CANACONA-GOA**

Phone: 0832-2643329, Fax: 0832-2643329

Email: mam-canacona.goa@nic.in

No.MAM/CAN/CRZ/2019/1693

Date: 13/12/2019

To,
The Member Secretary
Goa Coastal Zone
Management Authority,
Behind PundalikDevasthan,
Porvorim Goa

Sub:-Verification of demolished structures in property bearing
Survey No. 80/1 of Village Nagorcem-Palolem.
Ref:- Order of demolition dated 16/05/2017 and it's execution
carried out in May 2017.

Sir,

With reference to above cited subject it is to submit that the Circle
Inspector attached to this office along with the Talathi of Nag-Palolem Saza were
directed to inspect the site and verify the position on loco as to whether the
demolished structures have been re-constructed or not.

In view of above it has been report by the Circle Inspector and Talathi of
Nag-Palolem Saza that they have conducted the site inspection and has
reported as under:-

Sr. No.	Name of the alleged violators	Address	Village	Sy.No and Sub Div No.	Temporary seasonal shacks and huts No of restaurant	Huts	Present status	remarks
1	Dr. Shaba Ram Naik	Kindlem, Canacona	Nag-Palolem	80/1	1 restaurant	12	Exist	Presently Erected (Reconstructed)
2	Shri Suraj Ballikar	Ballim, Quepem	Nag-Palolem	80/1	1 restaurant	10	Exist	Presently Erected (Reconstructed)

Shri. Sudhakar Shankar Pagi	Patnem Canacona	Nag- Palolem	80/1	NIL	17	Exist	Presently Erected (Reconstru
Mr. Yakub Khan	Patnem Canacona	Nag- Palolem	80/1	NIL	NIL	NIL	NIL
Shri. Shivanand Pagi	Patnem Canacona	Nag- Palolem	80/1	1 restaurant	2	Exist	Presently Erected (Reconstru
Shri Ashok Shankar Pagi	Patnem Canacona	Nag- Palolem	80/1	NIL	8	Exist	Presently Erected (Reconstru
Shri. Prashant Chandrakant Kankonar	Patnem Canacona	Nag- Palolem	80/1	1 restaurant	10	Exist	Presently Erected (Reconstru
Dilip Rasu Pagi	Patnem Canacona	Nag- Palolem	80/1	1 restaurant	NIL	Exist	Presently Erected (Reconstru
Shri. Milagres Xavier Corre	Lolem. Canacona	Nag- Palolem	80/1	1 restaurant	16	Exist	Presently Erected (Reconstru

This is for your kind information and needful action.

Yours Faithfully

(Raghuraj A. Faldesai)
Mamlatdar of Canacona Taluka
Canacona

**Extract of Minutes of 230th GCZMA
meeting held on 09/10/2020**

Case 1.14

To decide on complaints dated 26/08/2014 from White Raj Resorts Pvt. Ltd pertaining to erection of huts /hutments /structures erected in property bearing survey no. 80/1 of village Nagorcem-Palolem.

Background: The Authority was in receipt of complaints dated 26/08/2014 from white Raj resorts Pvt. Ltd pertaining to erection of huts /hutments /structures erected in property bearing survey no. 80/1 of village Nagorcem-Palolem. The Hon'ble NGT Pune had also passed directions in Application No. 131/2015 on 02/03/10 and 15/03/2017 to take decisions in respect of the complaint filed by the complainant. After duly allowing the opportunity of hearing the parties , the Authority passed directions to demolish the illegal structures of the following persons.

Sr. No	Name	No. of Huts	No. of Restaurant
1	Dr. Shaba Rama Naik	12	1
2	Suraj Ballikar	10	1
3	Sudhakar Shankar Pagi	17	0
4	Shivanand Pagi	2	1
5	Ashok Shankar Pagi	8	0
6	Prashant C Kankonkar	10	1



7	Dilip Raisu Pagi	0	1
8	Milagres Xavier Corte	16	1

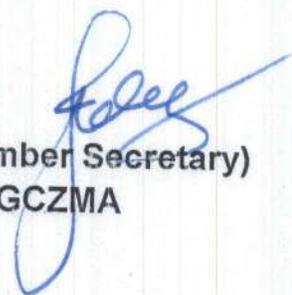
The authority has now received a report from the Mamlatdar of Canancona stating that the offenders have re erected the structures without any permission from the Authority. This report of the Mamlatdar is placed before the Authority for deliberations.

Decision: The authority after going through the records was shocked to note that the offenders had scant respect to the directions passed by the authority who have brazenly re-erected the structures without impunity. Quite surprisingly the local body has also issued them the NOC for electricity and water connection which should not have been done by them.

This has emboldened the offenders to go on with their commercial activities of illegal hut/hutments/ structures. The Hon'ble High Court of Bombay in WP 4765 to 4767 of 1995 and the Hon'ble Supreme Court in Civil Appeal 7627 and 7626 of 2019 have clearly held that in the event, if a report is received about reconstruction of a demolished structure without permission /approval of the competent authority the need to give a notice of personal hearing is the prerogative of the Authority. The Authority thus felt that the offenders need not be given any further opportunity of hearing but issue orders of demolition and penalty of Rs 500000/- on each the violator. In the event of failure to do so in 2 weeks, the Mamlatdar of Canancona shall take coercive steps to demolish the structures and recover the penalty and cost of demolition from respondents.

The Authority also decided to issue Show Cause Notice on the violators as to why action in terms of section 15 of the Environment Protection Act should not be initiated against them.

Meeting ended with thanks to the chair.


(Member Secretary)
GCZMA


Chairman (GCZMA)

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)

1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,

Porvorim, Bardez- Goa-403 521, Phone (0832) 2416561

www.czma.goa.gov.in

Ref.No.GCZMA/ILLE-COMPL/14-15/03/ 776

Dated:15/10/2020

DIRECTIONS OF DEMOLITION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

Sub: Direction to demolish illegal huts/ hutments/ structures in property bearing

survey no 80/1 of village Nag-Palolem, Canacona Taluka

Ref: (i) Directions of Demolition issued on 16/05/2017 .

(ii) Compliance report of the Deputy Collector of Canacona bearing No.

SDO/CAN/CRZ/DEMOLITION/2017/1872 dated 29/06/2017.

(iii) Verification report of the Mamlatdar of Canacona bearing No.

MAM/CAN/CRZ/2019/1693 dated 13/12/2019.

WHEREAS, the GCZMA upon hearing the Complainant and the Respondents had inter alia issued directions for demolition on 16/05 2017 pursuant to which the demolitions were executed and a compliance report was received from the Deputy Collector of Canacona dated 29/06/2017

AND WHEREAS, the Complainant has approached the Hon'ble NGT by filing an Original Application bearing No. 12/2018; stating that the Authority has not acted upon to ensure complete demolition of the offending structures located in the property bearing survey no 80/1 of village Nag-Palolem

AND WHEREAS, the Member Secretary GCZMA had sought for a verification report of a demolished structure from the Mamlatdar of Canacona who has given a report on 13/12/2019 stating that the offenders have re-constructed/ re erected the structures in the very same property.

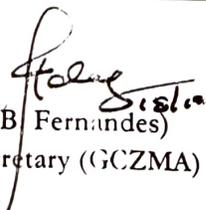
AND WHEREAS, the report of the Mamlatdar of Canacona was placed for deliberations in the 230th Meeting of the Authority held on 09/10/2020 and it decided that as follows. *"The authority after going through the records was shocked to note that the offenders had scant respect to the directions passed by the authority who have brazenly re-erected the structures without impunity. Quite surprisingly the local body has also issued them the NOC for electricity and water connection which should not have been done by them. This has emboldened the offenders to go on with their commercial activities of illegal hut hutments structures. The Hon'ble High Court of Bombay in WP*

Hoce

4765 to 4767 of 1995 and the Hon'ble Supreme Court in Civil Appeal 7627 and 7626 of 2019 have clearly held that in the event, if a report is received about reconstruction of a demolished structure without permission approval of the competent authority the need to give a notice of personal hearing is the prerogative of the Authority. The Authority thus felt that the offenders need not be given any further opportunity of hearing but issue orders of demolition and by imposing penalty of Rs 500000 - on each the violator in the event of failure. The Mamlatdar of Canacona shall take coercive steps to demolish the structures and recover the penalty. The Authority also decided to issue a fresh Show Cause Notice on the violators seeking justification as to why action in terms of section 15 of the Environment Protection Act should not be initiated against them"

NOW THEREFORE, by this present directions the Deputy Collector of Canacona shall ensure demolitions of the structures of the below mentioned offenders including recovery of penalty from each of the offender as mentioned against their name and report compliance within a period of 15 days from the date of receipt of these directions. In the event, if the erection of huts is much more than what is mentioned herein below, the same should also be demolished as they have been erected without prior approval of the Authority.

Sr. No	Name	No. of Huts	No. of Restaurant	Penalty
1	Dr. Shaba Rama Naik	12	1	5,00,000/-
2	Suraj Bolikar	10	1	5,00,000/-
3	Sudhakar Shankar pagi	17	0	5,00,000/-
4	Shivanand pagi	2	1	5,00,000/-
5	Ashok Shankar pagi	8	0	5,00,000/-
6	Prashany C kankonkar	10	1	5,00,000/-
7	Dilip rasu pagi	0	1	5,00,000/-
8	Milagres Xavier Corte	16	1	5,00,000/-


 (Johnson B. Fernandes)
 Member Secretary (GCZMA)

To,

1. The Collector South, for necessary action and directions in the matter.
2. Dy. Collector & S.D.O Canacona, Canacona, Goa with a kind request to comply with the direction.
3. White Raj Resorts Pvt Ltd, C/o Stephen Vornokov, resident of Tubki Resorts Pvt Ltd, Nag-Palolem, Canacona Goa for information.

GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Science, Technology and Environment (Govt of Goa)
1st floor, Pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto,
Porvorim, Bardez- Goa-403 521, Phone: (0832) 2416561

www.czma.goa.gov.in

Ref.No.GCZMA/ILLE-COMPL/14-15/03/2020

Dated 19/10/2020

CORRIGENDUM

**DIRECTIONS OF DEMOLITION UNDER SECTION 5 OF THE ENVIRONMENT
(PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT
(PROTECTION) RULES, 1986.**

Sub: Direction to demolish illegal huts/ hutments/ structures in property bearing survey no 80/1 of village Nag-Palolem, Canacona Taluka.

Read: Directions of Demolition issued bearing no. GCZMA/ ILLE-COMPL/14
15/03/776 dated 15/10/2020.

In partial modification to the order dated 15/10/2020 the names of the offenders stand corrected which shall hence forth be read as under:

Sr. No	Name	No. of Huts	No. of Restaurant	Penalty
1	Dr. Shaba Rama Naik	12	1	5,00,000/-
2	Suraj Ballikar	10	1	5,00,000/-
3	Sudhakar Shankar Pagi	17	0	5,00,000/-
4	Shivanand pagi	2	1	5,00,000/-
5	Ashok Shankar Pagi	8	0	5,00,000/-
6	Prashant C kankonkar	10	1	5,00,000/-
7	Dilip Raisu Pagi	0	1	5,00,000/-
8	Milagres Xavier Corte	16	1	5,00,000/-

Rest of the contents of the order will remain unchanged.

(Johnson B. Fernandes)
Member Secretary (GCZMA)

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To,

1. The Collector South,for necessary action and directions in the matter.
2. Dy. Collector & S.D.O Canacona, Canacona, Goa with a kind request to comply with the direction.
3. White Raj Resorts Pvt Ltd, C/o Stephen Vornokov, resident of Tubki Resorts Pvt Ltd. Nag-Palolem, Canacona Goafor information.



OFFICE OF THE DEPUTY COLLECTOR & SUB-DIVISIONAL OFFICER, CANACONA
CANACONA-GOIA

Phone: 0832-2643696, Fax: 0832-2643696

Email: sdm-canacona.goa@nic.in

No. DYC/SDO/CRZ/DEMOLITION/2020/3062

Dated:- 22/10/2020

MEMORANDUM

Member Secretary

G. C. Z. M. A.

Inward No. 1560

Date: 22/10/2020

Sub:- Direction to demolish illegal huts/hutments/structures in property bearing sy. no. 80/1 of village Nagarcem-Palolem, Canacona Taluka.

Ref:- No. GCZMA/ILLE-COMPL/14-15/03/776 Dated:- 15/10/2020.

Corrigendum No. GCZMA/ILLE-COMPL/14-15/03/803 Dated:- 19/10/2020.

The Member Secretary, GCZMA has proposed penalty on the below mentioned violators vide order No. GCZMA/ILLE-COMPL/14-15/03/776 Dated:- 15/10/2020

The following are the details of the violators.

Sr. No.	Name of Violators	Ref No. of GCZMA.	Penalty
1	2	3	4
1.	Dr. Shaba Rama Naik	GCZMA/ILLE-COMPL/14-15/03/776	Rs. 5,00,000/-
2.	Suraj Ballikar		Rs. 5,00,000/-
3.	Sudhakar Shankar Pagi		Rs. 5,00,000/-
4.	Shivanand Pagi		Rs. 5,00,000/-
5.	Ashok Shankar Pagi		Rs. 5,00,000/-
6.	Prashant C. Kankonkar		Rs. 5,00,000/-
7.	Dilip Raisu Pagi		Rs. 5,00,000/-
8.	Milagres Xavier Corte		Rs. 5,00,000/-

Accordingly, the Mamlatdar of Canacona Taluka, is hereby directed to recover the penalty imposed by the GCZMA against the above mentioned violators and to submit the information on or before 23/10/2020 to the undersigned from the receipt this memorandum.

Encl: As above.

To,
The Mamlatdar of Canacona Taluka, Canacona - Goa.

Copy submitted for information to:

1) The Collector, South Goa District, Margao - Goa.

2) The Member Secretary, GCZMA, Dept of Science, Technology and Environment (Govt of Goa) 1st floor, pt. Deendayal Upadhyay Bhavan, Pundalik Nagar, Alto Porvorim, Bardez - Goa.

(Sanksh R. Prabhu)
Deputy Collector & SDO,
Canacona - Goa.



OFFICE OF THE DEPUTY COLLECTOR & SUB-DIVISIONAL OFFICER
CANACONA TALUKA,
CANACONA-GOIA

Phone: 0832-2643696, Fax: 0832-2643696

Email: sdm-canacona.goa@nic.in

No.DYC/ SDO/CRZ/DEMOLITION/2020/4052

Dated:-31/10/2020

COMPLIANCE REPORT

The Goa Coastal Zone Management Authority vide order no GCZMA/ILLE-COMPL/14-15/03/776 dated-15/10/2020 directed the Deputy Collector & SDO Canacona to demolish illegal huts/hutments/structures in property bearing survey no-80/1 of village Nagorcem-Palolem ,Canacona Taluka

Accordingly request was made to the Dy. Collector & In-charge of Demolition Squad, Sub Division Margao Goa to provide demolition squad ON 30/10/2020 FROM 9.30 AM onwards who in turn vide order No.SDO/SAL/DEMO/2020/84 dated-21/10/2020 ordered the demolition squad however due to administrative problem again request was made to postpone the demolition on 31/10/2020 from 9.00am onwards and the request was granted. The Dy. Collector & In-charge of Demolition Squad, Sub Division Margao Goa vide corrigendum No.SDO/SAL/DEMO/2020/89 dated 28/10/2020 fixed the demolition on 31/10/2020 from 9.30 am onwards.

Accordingly on 31/10/2020 the following teams reported at the demolition site i.e survey no 80/1 of Nagorcem-Palolem village:-

1. Deputy Collector & SDO Canacona, reported at 9.00 am.
2. Mamlatdar Canacona, reported at 9.00 am.
3. Superintendent of Police South, Dy.SP Quepem(SDPO) & PI Canacona along with 03 PI,06 PSI and 133 Police Personnel and 10 home guard reported at 9.00 am
4. Shri.Devendra S. Gaonkar and Satishkumar G Naik representative of Goa Coastal Zone Management Authority to identify the structure to be demolished reported at 10.00am.

SW
31/10/2020

[Signature]
31/10/2020

[Signature]
31/10/20

[Signature]
31/10/20

[Signature]
31/10/20

[Signature]
31/10/20

5. Two Assistant plumbers of PWD(Water supply)Sub-Div -IV,WD-XX,PHE,PWD Canacona along with 08 Labourers reported at 9 00am.
6. AE Electricity ,WD XVI,Sub Div-III,Electricity Canacona along with JE and 4 lineman reported at 9.00am .
7. AE PWD ,WD XXV,SD III(Roads) along with JE and 100 labourers reported at 9.00am

The representative of GCZMA identified the structures to be demolished. The representative of GCZMA also ensured and reported that the structures which are identified to be demolished have not been granted any stay by competent court. Accordingly the demolition commenced at 10.00am on 31/10/2020 the details of which are as under:-

Sr.no	Date	Name of Violator	Number of structures Demolished	Remarks
1	31/10/2020	Dr. Shaba Rama Naik	Demolition order of GCZMA/Collector complied	-
2	31/10/2020	Suraj Ballikar	Demolition order of GCZMA/Collector complied	-
3	31/10/2020	Sudhakar Shankar Pagi	Demolition order of GCZMA/Collector complied	-
4	31/10/2020	Shivanand Pagi	Demolition order of GCZMA/Collector complied	-
5	31/10/2020	Ashok Shankar Pagi	Demolition order of GCZMA/Collector complied	-
6	31/10/2020	Prashant C. Kankonkar	Demolition order of GCZMA/Collector complied	-
7	31/10/2020	Dilip Raisu Pagi	Self demolished	Restaurant does not exist on loco same is verified by Representative of GCZMA
8	31/10/2020	Milagres Xavier Corte	Demolition order of GCZMA/Collector complied	-

Sr. No
31/10/2020

31/10/2020

31/10/2020

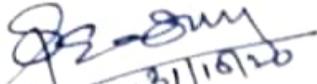
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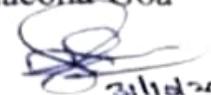
31/10/2020

The demolition concluded at 4.30 p.m. on 31/10/2020. The same was once again verified by the representative of GCZMA

The signature of all the officials present for the demolition on 31/10/2020 is being obtained here below:-


(Satish Prabhu)
Deputy Collector & SDO
Canacona-Goa


(Vimod M. Dalal)
Mamlatdar of Canacona Taluka
Canacona-Goa


(Shri. Devendra S. Gaonkar)
Representative of Goa Coastal Zone
Management Authority


(Satishkumar G Naik)
Representative of Goa Coastal Zone
Management Authority


(Tukaram Chavan)
PI Canacona


(Sanjay Gaonkar)
AE Electricity



**OFFICE OF THE DEPUTY COLLECTOR & SUB-DIVISIONAL OFFICER, CANACONA
CANACONA-GOA**

Phone: 0832-2643696, Fax: 0832-2643696

Email: sdm-canacona.goa@nic.in

No. DY/SDO/CRZ/DEMOLITION/2020/24049

Dated:- 30/10/2020

ORDER

Whereas, as per the direction received from the Deputy Collector & in-charge Demolition squad, Sub-Division, Margao - Goa, vide order No. SDO/SAL/DEMO/2020/84 dated 21/10/2020 and subsequent Corrigendum No. SDO/SAL/DEMO/2020/84 dated 21/10/2020 has directed to this office to demolish the huts/hutments/structures in property bearing Sy. No. 80/1 of village Nagarcem-Palolem of a Taluka

And Whereas, The Deputy Collector & In-charge Demolition Squad, Sub Division, Margao- Goa has fixed a demolition drive on 31/10/2020 at 9:00 a.m. and provided demolition squad in order to demolish the above mention structures. (Copy enclosed)

Now Therefore, The Mamlatdar of Canacona Taluka is hereby appointed as Executive Magistrate to maintain Law & Order Situation during the said demolition drive. He is further directed to report compliance alongwith photograph of demolished site.




(Satish R. Prabhu)
Deputy Collector & SDO,
Canacona - Goa.

To,
Shri. Vimod M. Dalal
Mamlatdar of Canacona Taluka.
Canacona - Goa.

Copy submitted for information:-



1) The Collector, South Goa District, Margao - Goa.

2) The Deputy Collector & In-charge of Demolition Squad, Salcete, Margao - Goa.

3) The Police Inspector Canacona Police Station Canacona - Goa.

OFFICE OF MAMLATDAR
CANACONA-GOA

REWARD NO.

DATE: 30/10/2020

5:15 PM

JRB

File-6850
by-30/10/20
17:30 h



Urvi Kapoor <urvikapoor@chambersofrg.com>

OA NO.12/2018- White Raj Resorts Pvt Ltd vs GCZMA- NGT Pune

1 message

Urvi Kapoor <urvikapoor@chambersofrg.com>

24 February 2023 at 20:17

To: "shankar@chambers.net.in" <shankar@chambers.net.in>

Cc: Ruchira Gupta <ruchira@chambersofrg.com>, Ruchira Gupta <ruchiragupta2010@gmail.com>, Harshita Sharma <harshitasharma@chambersofrg.com>

Dear Sir,

Please find attached herewith the reply affidavit being filed on behalf of the respondent in the captioned O.A. pending adjudication before the Hon'ble NGT, Pune.

This is for your kind information and record. Kindly consider this as service.

--

Urvi Kapoor

(Advocate)

Ph: 9873880830

CHAMBERS of
Ruchira Gupta

E-31, Basement, Jangpura Extension,

New Delhi - 110014 L 011-43562646

 **Final Reply Affidavit (1).pdf**
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