

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE AT PUNE)**

**EXECUTION APPLICATION NO. 40F 2018 (WZ)**

**IN THE MATTER OF:**

**THE COLVA CIVIC AND  
CONSUMER FORUM**

**... APPLICANT**

**VERSUS**

**THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY & ORS. ... RESPONDENTS**

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

**PAPER BOOK**

**(KINDLY SEE INDEX INSIDE)**

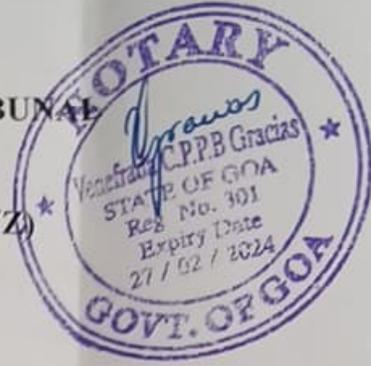
**ABHAY ANIL ANTURKAR  
ADVOCATE FOR RESPONDENT NO. 1**

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE AT PUNE)

EXECUTION APPLICATION NO. 4 OF 2018 (WZ)



**IN THE MATTER OF:**

THE COLVA CIVIC AND  
CONSUMER FORUM

... APPLICANT

VERSUS

THE GOA COASTAL ZONE  
MANAGEMENT AUTHORITY & ORS. ... RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1  
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

I, Johnson Bedy Fernandes, adult, being the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority [hereinafter, "GCZMA"], having my office at: 4<sup>th</sup> Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 2 GCZMA in the captioned original Applicant. I have examined the documents pertaining to the captioned Execution Application as available in my office, and am filing the present Affidavit on the basis of the same.
2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the captioned Execution Application, unless the same is categorically admitted herein. I further submit that nothing in the captioned

*J. B. Fernandes*

Execution Application may be deemed to have been admitted for want of specific denials.

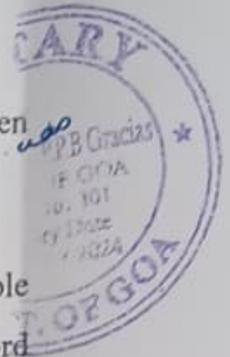
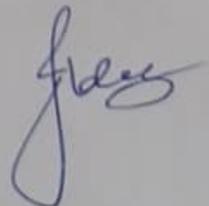
3. The captioned matter was listed before this Hon'ble Tribunal on 25.09.2023. After perusing the record pertaining to the matter, this Hon'ble Court was pleased to direct the answering Respondent to file on record a site inspection report referred to as Annexure-A in the answering Respondent's Affidavit dated 14.02.2019 filed before this Hon'ble Tribunal.

4. The answering Respondent had stated as under in its Affidavit dated 14.02.2019:

*"5. I state that the Answering Respondent further conducted another joint site inspection on 20/06/2018. A report was jointly prepared after discussion and due deliberation inspecting officials. I state that said report has assessed the damage of sand dune and also given recommendation and measures.*

*(Annexed hereto and marked as Annexure A is the copy of the report)"*

5. I say that upon tracing the documents pertaining to the captioned matter as available with the office of the answering Respondent, it has been observed that the aforesaid report of joint site inspection is not traceable in the record. Hence, the answering Respondent is unable to file the same before this Hon'ble Tribunal.

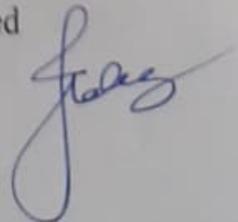


6. The Applicant has filed the captioned Execution Application seeking execution of this Hon'ble Tribunal's directions passed in its judgement dated 03.07.2017 in Original Application No. 44 of 2015. By the said judgement, this Hon'ble tribunal had directed, *inter alia*, as under:

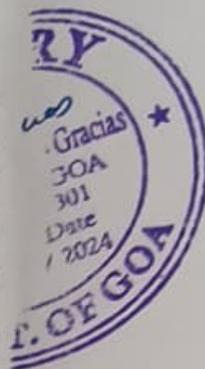
*"1. We constitute a committee headed by the Member Secretary, Goa Coastal Zone Management Authority comprising of the Member Secretary, Goa State Biodiversity Board and the Chief Town and Country Planner, Town and Country Planning Department to ascertain dimensions of the original Bund/pathway of paddy fields at village Navo Vaddo, in Sernabatim-Colva, Salcete-Goa, with reference to the land survey conducted by the Directorate of Settlement and Land Records of Margao, Goa in the year 1970-71 and further to ascertain the extent of sand dune/s destruction due to dumping of soil and mud within three months.*

*2. GCZMA shall on ascertaining the factual situation aforesaid, to take measures to restore the sand dunes by removal of the mud and soil, etc. dumped on it and such other necessary scientific measures."*

7. In compliance with the abovementioned directions of this Hon'ble Tribunal, the answering Respondent had conducted



a joint site inspection on 06.10.2023 along with the representatives of the Goa State Biodiversity Board [hereinafter, "GSBB"], the District Rural Development Agency [hereinafter, "RDA"], and the Directorate of Settlement and Land Records. The Secretary of the Applicant Forum was also present during the site inspection.



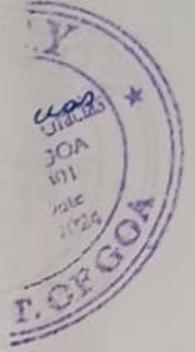
A true copy of the Report of the Joint Site Inspection dated 06.10.2023 is annexed and is marked as ANNEXURE R-1.

8. The aforesaid Report notes, *inter alia*, that the visible attributes of the inspected area indicate high richness of herbs, shrubs, butterfly host plants and other important local species of flora. Furthermore, sand dunes of approximate 15 to 20 m. height resemble a series of sand dunes which are not commonly found everywhere and, hence, the area deserves to be conserved.
9. The aforesaid Report has also recommended the following suggestions:
  - 1) The path made using lateritic soil and boulders should be removed and the area should be levelled upto the low-lying agricultural fields.
  - 2) The excess sand near the culvert may be used to restore the area.
  - 3) The area should be allowed to rejuvenate naturally with vegetation as found in the vicinity.
  - 4) Shovelled lateritic soil should be reused scientifically.

- 5) Whilst removing the soil of the pathway and the concretized culvert built on the path, free movement of the surface water should be ensured.
- 6) Sand dunes should be restored with local vegetation.
- 7) Acacia trees should be replaced.
- 8) Tall trees of *Grewia microcos* (69 cm diameter) on the edge of the sand dune should be conserved and protected by providing support to its base by depositing soil/sand available in the vicinity.

10. In further compliance with the directions of this Hon'ble Tribunal, the aforesaid Report states that a ground verification of the site was done by the Rural Development Agency[hereinafter, "*RDA*"] for removal of the road with the cost estimates available. I say that the RDA has orally informed that probably the costs for restoration would be approximately Rs 23,00,000/- (Rupees Twenty Three Lakhs only) and it would take 140 days for restoration. The said report once received will be placed before this Hon'ble Court.

11. In view of the aforesaid Report, it is submitted that the answering Respondent has complied with the directions issued by this Hon'ble Tribunal in respect of the captioned matter. As stated hereinabove, the RDA is in the process of estimating the costs likely to be incurred in restoring the illegal road constructed by Respondent Nos. 4 to 9. The answering Respondent undertakes to file the estimates received from the RDA before this Hon'ble Tribunal.



12. The answering Respondent is filing the present Affidavit for the limited purpose of appraising this Hon'ble Tribunal about the facts pertaining to the captioned matter in compliance with its order dated 25.09.2023. The answering Respondent craves the liberty of this Hon'ble Tribunal to file a detailed Affidavit at a later stage, if so directed or advised.



*[Signature]*  
DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA.

**VERIFICATION**

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

Verified at Panaji on this 08<sup>th</sup> day of January, 2024.

IDENTIFIED BY:

*[Signature]*  
DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA.

Solemnly affirmed before me

Johnson B Fernandes

Who is identified before me by

At Panjim - Goa

Sr. No. 06/01/2024

Date. 8/1/2024

*[Signature]*

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





**GOA STATE BIODIVERSITY BOARD**  
Department of Environment & Climate Change  
Opp. Saligao Seminary, Saligao Bardez, Goa – 403511.  
Website: [www.gsbb.goa.gov.in](http://www.gsbb.goa.gov.in); E-mail: [goanbiodiversity@gmail.com](mailto:goanbiodiversity@gmail.com)

No. 7-1-2023/GSBB/Legal/611

Dated: 25/10/2023

To,

1. Dr. Baban Ingole, Expert Member, Goa State Biodiversity Board
2. The Director, District Rural Development Agency, South Goa
3. The Member Secretary, Goa Coastal Zone Management Authority
4. The Director, Directorate of Survey & Land Records
5. The Secretary, Colva Civic & Consumer Forum

**Sub: Report of the joint site inspection held on 06/10/2023 at sy. Nos43/1-A, 43/3 of Novowaddo, Sernabatim, Colva.**

Sir/ Madam,

Kindly find enclosed herewith the report of the joint site inspection held on 06/10/2023 at sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva.

Thanking you.



Yours faithfully,

**Dr. Pradip V. Samokadam**  
Member Secretary, GSBB

जीववैविध्यरक्षास्वास्वजनानामाविमूतये

ध्यानसेसंवर्धनजैव-विविधताका  
उज्ज्वलभविताव्यहोमाअगतीपीडीका

अतमावेगसांकाकजैव-विविधतावेधो  
परजकीतफुडरफुडसेपिकगेधो

काकजीपूर्यकजतनजैव-विविधतेचं  
उज्ज्वलभविताव्यपुडच्यापिडीचं

Careful Conservation of Biodiversity  
Bright Future for Prosperity!

## Joint Site Inspection Report

**Case reference and details:** A joint site inspection was conducted on 05/08/2022 to ascertain the restoration of illegal demolition of sand dunes in terms of judgement of order dated: 03/07/2017 passed by the Hon. NGT, Pune in respect of survey number Nos. 43/1-A, 43/3 of Sernabatim, Colva, Salcete –Goa and notice no. GCZMA/Appeal No.44/15/WL/NGT/05/924 dated:03/08/2022 of GCZMA.

This joint site inspection was conducted to assess the restoration work required and to arrive at fresh estimates and timelines for the same at survey number Nos. 43/1-A, 43/3 of Sernabatim, Colva, Salcete –Goa.

**Site address:** Sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva, Salcete –Goa

**Date of inspection:** GSBB conducted a joint site inspection on 06/10/2023 from 03:30 pm to 05:00 pm at Novowaddo, Sernabatim, Colva, Salcete –Goa.

**Members present for the inspection:** The following representatives were present at the site.

- 1) Dr. Pradip Sarmokadam , Member Secretary-GSBB
- 2) Dr. Baban Ingole, Expert Member-GSBB
- 3) Eng. Chinmay Morajkar, DRDA-South Goa
- 4) Shri. Satish Kumar Naik, Surveyor, GCZMA
- 5) Dr. Varsha Raikar Hoble , Project Assistant I, GSBB
- 6) Shri. Sarvesh Rao , Field Surveyor, DSLR
- 7) Smt. Judith Almeida, Secretary- Colva Civic & Consumer Forum

### **Description of the study site:**

1. The kachha road with sand and stones constructed over the paddy fields (fallow) with the height of about approx. 1.5m is overgrown with weeds.
2. The existing stabilized large sand dunes are thickly vegetated.
3. The paddy fields are not cultivated, water streams are flowing in the area and property embanked waterlog visible.

Some of the flora encountered during the site inspection:

- 1) *Ipomoea pes caprae*
- 2) *Cuscuta sp.*
- 3) *Tamarindus indicus*
- 4) *Mimosa pudica*
- 5) *Mimusops elengi*
- 6) *Celosia argentea*
- 7) *Sesamum indicum*
- 8) *Vitex nigundo*
- 9) *Ipomoea pes-tigridis*
- 10) *Crotalaria sp.*
- 11) *Grewia microcos*

- 12) *Ziziphus oenoplia*
- 13) *Cassia tora*
- 14) *Careya arborea*
- 15) *Mucuna pruriens*
- 16) *Leea indica*
- 17) *Holcus sp.*

#### Conclusion:

Visible attributes of the inspected site indicates high richness of herbs, shrubs, butterfly host plants and other important local species of flora. Traditional pathways and agricultural areas were visible but uncultivated. The list of flora is attached (Annexure).

Sand dunes of approximate 15 to 20 m height resembles a series of sand dunes which are not commonly found everywhere and hence area deserves to be conserved in view of several dune flora & fauna.

One of the species of flora *Grewia microcos* was found to be growing at the height of 7m (approximate) and is unique feature of the area.

Due to its stabilized sand dunes inner village areas are protected as they act as line of defense.

#### Suggestions:

1. Path made using lateritic soil and boulders should be removed and the area should be leveled upto the low lying agricultural fields.
2. The excess sand near the culvert may be used to restore the area.
3. This area should be allowed to rejuvenate naturally with vegetation as is found in the vicinity.
4. Shoveled lateritic soil should be reused scientifically.
5. Whilst removing the soil of the pathway and the concretized culvert built on the path, free movement of the surface water should be ensured.
6. Sand dune should be restored with local vegetation.
7. Acacia trees should be replaced.
8. Tall tree of *Grewia microcos* (69 cm diameter) on the edge of the sand dune should be conserved and protected by providing support to its base by depositing soil/ sand available in the vicinity.
9. As directed by NGT ground verification was done by RDA for removal of road with the cost estimate available and after receipt the same will be submitted.

Prepared by: Dr. Varsha Raikar Hoble, Project Assistant I-

*Varsha*  
20/10/2023

Checked by: Ms. Reshma Kerker, Scientific & Administrative Officer-

*Reshma*  
20/10/2023

Approved by: Dr. Pradip Sarmokadam, Member Secretary-

*Pradip*  
20/10/23



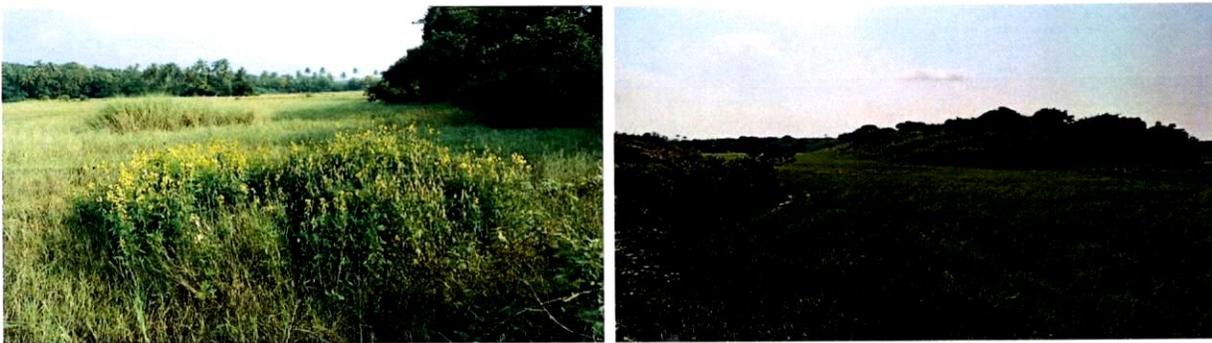
## Annexure



(a)

(b)

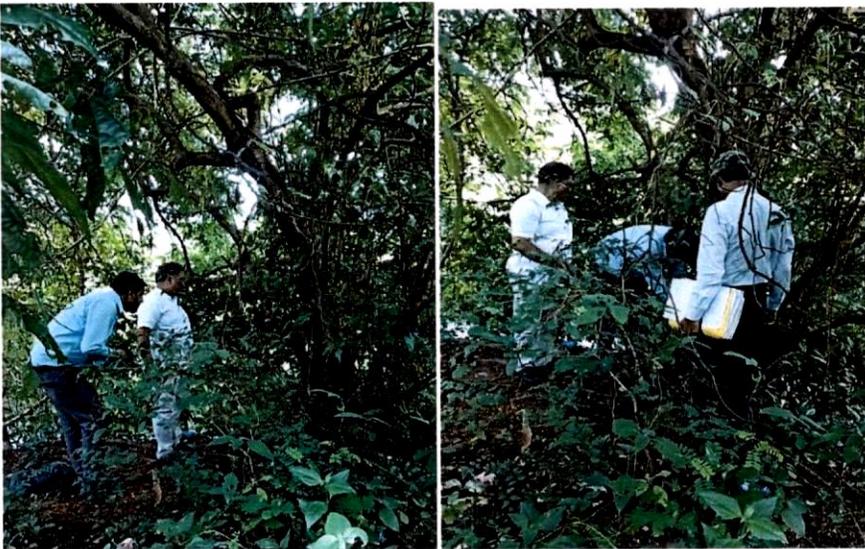
Figures (a) & (b): The lateritic path constructed over the paddy fields (fallow) at Sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva, Salcete –Goa



(c)

(d)

Figures (c) & (d): Fallow paddy fields existing on both the sides of lateritic path constructed at Sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva, Salcete –Goa



(e)

(f)

Figures (e) & (f): Member Secretary, GSBB & representatives from DSLR & GCZMA are seen measuring the width of a huge tree of *Grewia microcos* at Novowaddo, Sernabatim, Colva, Salcete –Goa



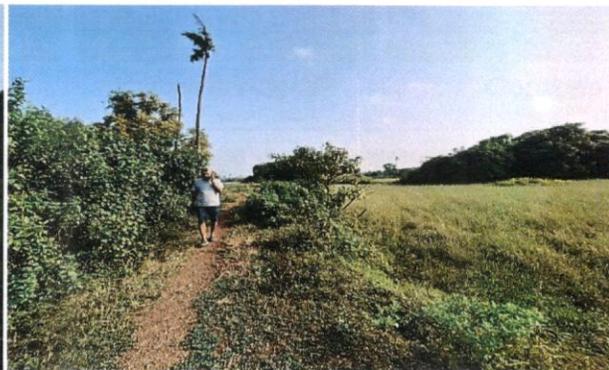
(g)



(h)



(i)



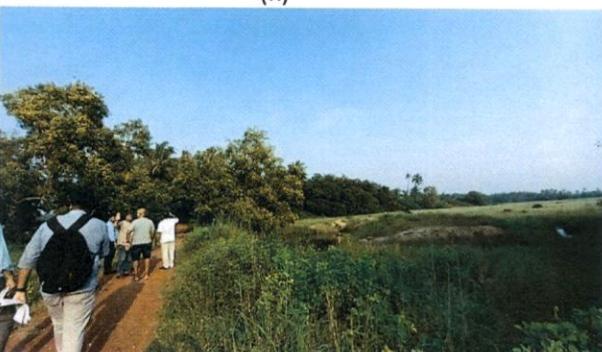
(j)



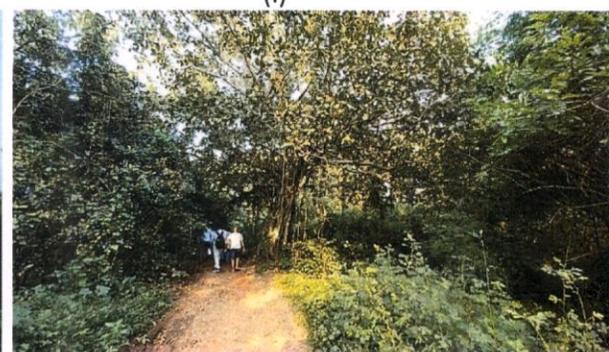
(k)



(l)



(m)



(n)

Figures (g) to (n): Representatives from various departments are seen inspecting the site at Sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva, Salcete –Goa



*Celosia argentea*



*Sesamum indicum*



*Ipomoea pes-tigridis*



*Crotalaria sp.*



*Grewia microcos*



*Ziziphus oenoplia*



*Cassia tora*



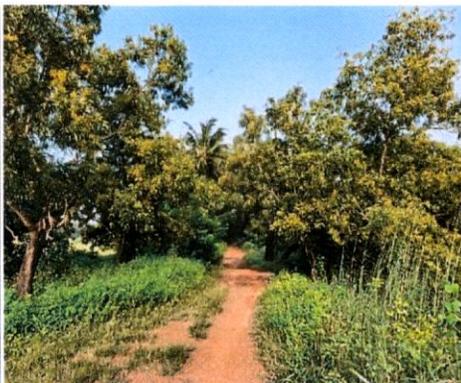
*Leea indica*



*Holcus sp.*



*Grewia microcos*



*Acacia sp.*



*Ficus benghalensis*

Plate 1: This plate depicts some of the floral species existing on/ on both the sides of lateritic path constructed at Sy. Nos. 43/1-A, 43/3 of Novowaddo, Sernabatim, Colva, Salcete –Goa