

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

**EXECUTION APPLICATION NO. 70F 2023 (WZ)
IN
ORIGINAL APPLICATION NO. 101 OF 2022 (WZ)**

IN THE MATTER OF:

RAMA RANI ARORA ... APPLICANT

VERSUS

**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
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

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BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE AT PUNE)



EXECUTION APPLICATION NO. 7 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO. 101 OF 2022 (WZ)

IN THE MATTER OF:

RAMA RANI ARORA ... APPLICANT
VERSUS
GOA COASTAL ZONE
MANAGEMENT AUTHORITY & ORS. ... RESPONDENTS

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

I, Dr. Sneha Gitte (IAS), being the Member Secretary of the Goa Coastal Zone Management Authority, having office at: 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 1 Goa Coastal Zone Management Authority [hereinafter, "GCZMA"] in the captioned Execution Application. I am well-conversant with the facts and circumstances from which the captioned Application arises and am, as such, capable of affirming the present Affidavit. I have examined the documents pertaining to the captioned Application as available in my office, and am affirming the present Affidavit on the basis of the said documents.

2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the captioned Application, unless the same is categorically admitted herein. I further submit that nothing in the captioned Application may be deemed to have been admitted for want of specific denials.

3. The Applicant has filed the captioned Application seeking execution of the order dated 22.11.2022 passed by this Hon'ble Tribunal in the Applicant's Original Application No. 101 of 2022 [hereinafter, "**Original Application**"]. The Applicant had sought the following reliefs in the Original Application:

“(i) The Hon'ble Tribunal, after perusing the Application, direct the Respondent No.1 to decide the complaint dated 12th July 2022 preferred by the Applicant in respect of the illegal structures belonging to the Respondent Nos.4 & 5 and also the structures situated at Survey No.176/17 or 175/1 or House No.155, Umta Vaddo, Calangute, Goa in time bound manner;

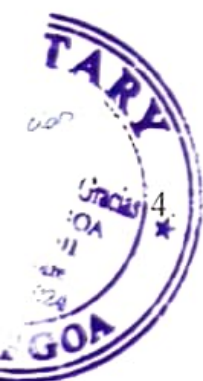
(ii) The Hon'ble Tribunal be pleased to direct the Respondent No.1 to implement the demolition order dated 30th June 2022 in respect of the structures of the Respondent Nos.4 & 5 situated at Survey No.176/17, Calangute, Goa;



(iii) Pending hearing and final disposal, the Respondent Nos. 4 & 5 be restrained from using the said illegal structures which are to be demolished in accordance to the order dated 30th June 2022;

(iv) Ad-interim Interim relief in terms of prayer clause (iii) above;

(v) Any other just and equitable order in the interest of justice may kindly be passed by this Hon'ble Tribunal as it may deem fit in the circumstances.”



This Hon'ble Tribunal was pleased to dispose off the Original Application by its order dated 22.11.2022 by directing the answering Respondent to decide the Applicant's application/complaint dated 12.07.2022 within a period of one month after its reconstitution.

5. At the outset, it is submitted that the issues involved in the present matter pertain to certain illegal construction carried out by the Applicant in Survey No. 176/16-B, and similar violations committed by Respondent Nos. 4 and 5 in Survey No. 176/17, of Calangute Village. The Applicant filed a complaint dated 12.07.2022 with the answering Respondent alleging that the Respondent Nos. 4 and 5 had constructed certain illegal structures in their property. The answering Respondent took cognizance of the Applicant's complaint and conducted an inquiry in respect of the structures situated at Survey Nos. 176/17 and 175/1.

6. After completing its inquiries and hearing the concerned parties, the answering Respondent concluded that certain illegal structures had been constructed by the Respondent Nos. 4 and 5. Thus, the answering Respondent issued a demolition order dated 30.06.2022 in respect of the said structures. However, when the representatives of the answering Respondent visited the illegal structures to implement the said demolition order, various other illegal structures were also found in Survey No. 176/17. In order to verify the factual situation, the answering Respondent directed the Directorate of Settlement and Land Records to conduct a site inspection/mapping of the properties bearing Survey Nos. 176/17 and 176/16-B. The answering Respondent issued a site inspection notice dated 15.09.2022 to the Applicant and Respondent Nos. 4 and 5 in this regard.



7. Thereafter, a site inspection was conducted at the aforesaid properties on 16.09.2022 by the Field Surveyors of the answering Respondent GCZMA as well as the Directorate of Settlement and Land Records. The Applicant's Manager, viz. Mr. Rajib Tontobar, and Respondent No. 4 were present during the site inspection. The site inspection team prepared a report dated 22.09.2022 which indicated the presence of certain illegal structures in Survey Nos. 176/16-B (belonging to the Applicant) and 176/17 (belonging to Respondent Nos. 4 and 5). Pursuant to the findings of the said report, the answering Respondent issued fresh show cause notices to the parties.

Chitra

8. Respondent Nos. 4 and 5 produced an approved plan before the answering Respondent during the course of its hearings. In order to identify the legality of the structures in question, the answering Respondent directed the Respondent Nos. 4 and 5 to superimpose the approved structures on the plan drawn by the site inspection team. The said Respondents produced the superimposed plans before the answering Respondent on 04.05.2023. Upon inspecting the superimposed plans, the answering Respondent noticed certain discrepancies. Hence, the answering Respondent issued another Show Cause Notice cum Personal Hearing dated 04/09/2023 to Respondent Nos. 4 and 5. The answering Respondent has, accordingly, directed Respondent Nos. 4 and 5 to remain present for a personal hearing before it on 07.09.2023. The answering Respondent categorically clarified that no adjournments would be granted since this is a time-bound matter.

A true copy of the Notice dated 04/09/2023 is annexed and is marked as **ANNEXURE R – 1. 8-10**

9. The answering Respondent is still *in seisin* of the Applicant's complaint for the aforesaid reasons. Since it is yet to decide the Applicant's complaint in accordance with the applicable provisions of law, the answering Respondent is refraining from commenting upon the merits of the parties' contentions at this stage. However, the answering Respondent is cognizant of the directions of this Hon'ble Tribunal, and is duty-bound to comply with them. Hence,

the answering Respondent undertakes to decide the Applicant's complaint expeditiously.

10. It is submitted that the answering Respondent took all necessary steps in order to comply with the directions of this Hon'ble Tribunal and, at the same time, grant a lawfully-mandated hearing to the parties in compliance with the principles of natural justice. The delay in deciding the Applicant's complaint has arisen due to the time taken to verify the documents on record and provide a hearing to the parties in this regard. No such delay can be attributable to the answering Respondent, which is duty-bound to deal with all violations of the coastal and environmental norms, and also act in consonance with the legal obligations cast upon a quasi-judicial authority.

11. The answering Respondent has utmost respect and regard for the orders of this Hon'ble Tribunal. It has always strived to uphold the majesty of this Hon'ble Tribunal by complying with its directions in letter and in spirit. Thus, it is prayed that the captioned Application may kindly be disposed off.

Bittu
DEPONENT

VERIFICATION

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

I, the abovenamed Deponent, do hereby state on solemn oath and affirmation that the facts stated hereinabove in this Counter

Bittu

Affidavit are true and correct to the best of knowledge, information and belief, and nothing has been concealed.

Verified at Panaji on this 06th day of September, 2023

IDENTIFIED BY:

Gitte
DEPONENT

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

Gitte
B Gracias
GOA
01
2023



Solemnly affirmed before me
Dr Sncha S. Gitte

Who is identified before me by

_____ At Panjim - Goa

Sr. No. 159/09/2023

Date. 06/09/2023

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

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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

4th Floor, Dempo Towers, Patto Panaji Goa.

Website: www.czma.goa.gov.in

Ref. No. GCZMA/N/ILLE-Compl/21-22/67/1514

Date: 04/08/2023
09

NOTICE

WHEREAS, the Goa Coastal Zone Management Authority (hereinafter referred to as 'the GCZMA' in short) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violation of the Coastal Regulation Zone (CRZ) Notification 2011 and implementation of the CRZ Notification.

AND WHEREAS, the Authority when visited the site to implement the demolition order dated 30/06/2022; it has come to the knowledge of the Authority that there are various other illegal structures come up in the property bearing Sy. No. 176/17, of Calangute Village.

AND WHEREAS, the Authority directed the Directorate of Settlement and Land Records to conduct a site inspection /mapping of the property bearing Sy No 176/17 and 176/16-B of Calangute Village.

AND WHEREAS, the Site Inspection notice was issued to all the parties Mr John Jude Adolfo Crecencio Lobo, MrsL Lobo and Mrs Rani Arora vide letter bearing No GCZMA/N/ILLE-COMPL/21-22/67/1183 dated 15/09/2022 directing them to remain present for the Site Inspection on 16/09/2022 at 11 am onwards.

AND WHEREAS, the Authority through the Field Surveyor of the GCZMA and the Field Surveyor of the DSLR carried out a Site inspection in the presence of Mr John Jude Adolfo Crecencio Lobo and MrRajibTontobar, Manager of Rama Rani. The Surveying Team of the DSLR mapped the existing structures on site of both the Complainant Rama Rani and the alleged violator Mr John Jude Adolfo Crecencio Lobo.

AND WHEREAS, based on the report drawn by the surveying team of the GCZMA and the DSLR the violations were notice, and the parties were issued fresh Show Cause Notice, to which both the parties were heard, Arguments were advanced and the matter was posted for clarification/orders.

AND WHEREAS, at the hearing before the GCZMA the Respondent in their reply had produced an approved plan. The Authority directed the Respondent's Advocate to superimpose the approved structure on the plan drawn by the DSLR dated 16/09/2022 which showed all the illegalities.

AND WHEREAS, the Respondent submitted the plan on 04/05/2023; along with the superimposed structures. However, at the time of drawing the order there are certain

discrepancies noted by the Authority hence this notice of personal hearing is issued to clarify the issues in hand.

AND WHEREAS, the Authority Show Causes the Respondent Mr. John Jude Adolfo Crecencio Lobo, Mrs. L. Lobo under section 5 of the EPA read With Rule 4 Of The Environment (Protection) Rules, 1986.with regards to the item shown as 'I' in the DSLR plan dated 16/09/2022:

LETTER	S.No/ S.Div	Total Area in Sq. mtrs as per Form I & XIV records	Name of Occupant as per Form I & XIV records	Legend as per Site Plan	Remarks/Observati ons
'I'	Beach Area of Arabian Sea	—	—	Stage (Pink Colour diagonallin es)	The Stage is erected on in the beach area of Arabian Sea and the graphical area works out to 215 Sq.mtrs.

AND

NAME OF THE VIOLATOR	Sy No and VILLAGE	VIOLATION	Distance from HTL
Mr John Jude Adolfo Crecencio Lobo	175/1; 175/1A of Calangute	Illegal extension of the structures in Sy No 176/17 in this survey number	Within the NDZ

AND WHEREAS, you are directed to remain present with the clarification sought for in the form of documentary evidence before the GCZMA on **07/09/2023 from 03.00 p.m.** onwards.

KINDLY NOTE THAT THIS IS A TIME BOUND MATTER. NO ADJOURNMENTS WILL BE GRANTED.

NOW THEREFORE, you are hereby required to remain present for the personal hearing or depute your duly authorized representative with all the CLARIFICATION

SOUGHT FOR, before the Authority, at the 4th Floor, Conference Hall, Dempo Towers,
Patto, Panaji, Goa 07/09/2023 from 03.00 p.m. onwards

Gitte
(Dr. Sneha S Gitte, IAS)
Member Secretary (GCZMA)
o/c

To,

1. John Jude Adolfo Crecencio Lobo alias Jude Lobo, resident of House No. 5/155A, UmtaVaddo, Calangute Bardez Goa.
2. Laverne Joana Lobo, resident of House No. 5/155A, UmtaVaddo, Calangute Bardez Goa.

Copy to:

Mrs.Rama Rani Arora, resident at H.No. 5/154, Umtavaddo, Calangute, Bardez Goa.