

**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**

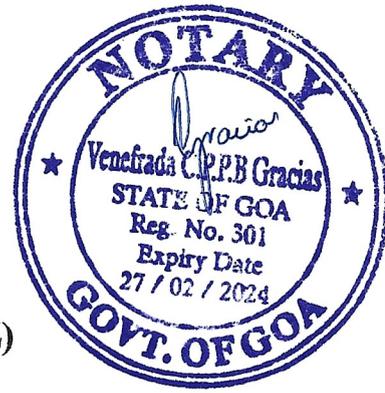
**PAPER BOOK
(KINDLY SEE INDEX INSIDE)**

**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.

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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 answering Respondent has filed Affidavits dated 06.09.2023 and 18.10.2023 in respect of the captioned matter in compliance with the directions of this Hon'ble Tribunal. The contents of the said Affidavits may be read to be a part of the present Affidavit, and are not repeated herein for the sake of brevity.
4. The controversy involved in the captioned Execution Application pertains to the judgement dated 22.11.2022 passed by this Hon'ble Tribunal in the Applicant's captioned Original Application. By the said judgment, this Hon'ble Tribunal had directed the answering Respondent to decide the Applicant's application/complaint dated 12.07.2022 within a period of one month after its re-constitution.
5. I say that the answering Respondent has concluded all proceedings in respect of the Applicant's aforesaid application/complaint during the answering Respondent's 364th Meeting dated 23.10.2023. The answering Respondent has issued an order dated 13.11.2023 in this regard by

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directing Respondent Nos. 4 and 5 to demolish all structure identified by the answering Respondent to be illegal.

A true copy of the minutes of the 364th Meeting dated 23.10.2023 is annexed and is marked as ANNEXURE R-1.

A true copy of the minutes of the demolition order dated 13.11.2023 is annexed and is marked as ANNEXURE R-2.



6. By its order dated 19.10.2023, this Hon'ble Tribunal had directed the answering Respondent to file a compliance report in respect of the implementation of its demolition order dated 30.06.2022. In this regard, I submit that *vide* the aforesaid demolition order dated 13.11.2023, the answering Respondent has directed the demolition of all illegal structures constructed by Respondent Nos. 4 and 5 over the same properties bearing Survey Nos. 176/17 and 175/1 that were the subject matter of the proceedings in the captioned Original Application.
7. The Answering Respondent states that when the Authority went on site to execute the demolition order dated 30.06.2023 the violations described in that order had been merged with the new violations and so was unable to identify the old violation. The Executing team then found it necessary to merge both the old violation which was for demolition with the new violation.
8. The Answering Respondent states that now after passing the fresh demolition dated 13/11/2023 the Authority has to wait

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for the Appeal period i.e till 13/12/2023. The Answering Respondent undertakes that on the 15/12/2023 if no appeal is received by the Authority both the Orders will be executed within 15 days thereafter.

9. The answering Respondent has the utmost respect and regard for the majesty of this Hon'ble Tribunal. It has always strived to uphold and implement all directions of this Hon'ble Tribunal in letter and spirit. The answering Respondent undertakes to implement its aforesaid orders in compliance with the directions of this Hon'ble Tribunal as expeditiously as possible. The answering Respondent tenders its unconditional apology to this Hon'ble Tribunal for the delay caused in implementing its orders. In view of the aforesaid, it is prayed that the captioned Execution Application may kindly be disposed off.



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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.

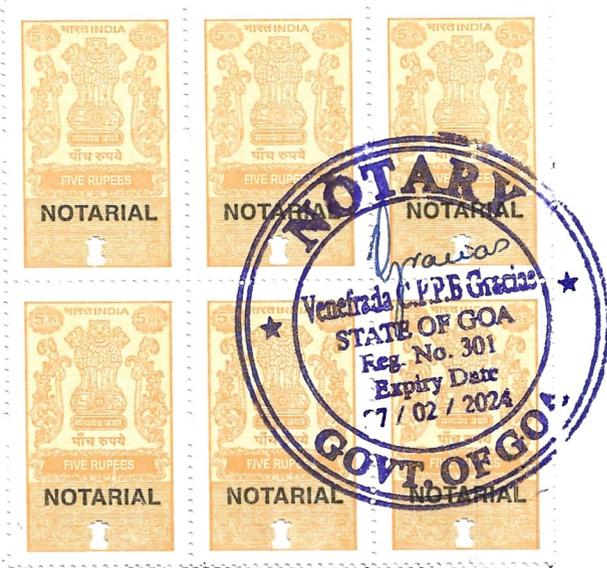
Verified at Panaji on this 30th day of November, 2023.

IDENTIFIED BY:

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DEPONENT

MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA



Solemnly affirmed before me

Dr. Sneha S. Gitte

Who is identified before me by

_____ At Panjim - Goa

Sr. No. 324/11/2023

Date. 30/11/2023

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

MINUTES OF THE 364th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) TO BE HELD ON 23/10/2023 at 03.30 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

The 364th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment) on 23/10/2023 (Monday) at 03.00 p.m. in the Conference hall, Fourth floor, Dempo Tower, Patto, Panaji - Goa.

The following members were present for the meeting on 23/10/2023:

1. Secretary, Environment & Climate Change/Chairman (GCZMA)
2. Representative on behalf of Director, Department of Tourism, Panaji, Goa
3. Representative on behalf of Director, Directorate of Fisheries, Panaji, Goa
4. Representative on behalf of Principa; Conservation Forest, Department of Forest, Panaji Goa.
5. Mrs. Radha Rao, Expert Member (GCZMA)
6. Shri Ganesh B. Velip, Expert Member (GCZMA)
7. Director, Environment & Climate Change/Member Secretary (GCZMA)

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

Item No.1.1

Case No.1.1

To decide on Complaint letter dated 04/12/2019 from Mr.Prem Pun with regard to use of Khazan land for development/commercial activity in survey no.23/1, village Nerul, Bardez, Goa by Mrs.Pratibha L Kudchadkar. (NGT matter)

Background: The office of GCZMA was in receipt of a complaint letter dated 04/12/2019 from Mr. Prem Pun with regard to use of Khazan land for development/commercial activity in survey no.23/1, village Nerul, Bardez, Goa by Mrs. Pratibha L Kudchadkar. The said complaint was forwarded to District level Committee North Goa vide letter dated 24/02/2020 for inquiry and report. An Original Application bearing no.86/2020 was file before the Hon'ble National Green Tribunal interalia being aggrieved by violation CRZ Regulation by raising construction at Survey No. 23/1 of Village Nerul, Goa, admeasuring 35125 sq. mts. As per applicant Respondent violator is operating a night club and bar by the name of LPK (Love Passion

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505; which as per the Panchayats Records showed that the structures were standing prior 1991. However, the Authority noted that this was just a mere statement made by the Respondent with no substantial documentary evidence placed on record to support the contentions of the Respondent. Hence, the plea of the Respondent that, the two structures both bearing House no 91 and 505 were legal and could not be taken into consideration as the Respondent had failed to produce any valid requisite permissions / documents from any of the Licensing Authorities.

The Respondent had also applied for regularization of the existing structure; thereby admitting and confirming the fact that, the structures erected were without any prior approvals, resulting to now, seeking to regularize the illegal structures existing in Sy No. 72/6 of Arambol Village. The Authority in the course of the proceeding had clearly stated that the CRZ Notification; does not have any provisions to regularise the structures and thereby rejected the plea of regularising the illegally constructed structure in Sy No. 72/6 of Arambol Village.

The Respondent failed to produce any permissions, approved plans, house tax receipts or conversion sanad with regards to the structures mentioned in the SCN as well as the DLC Site Inspection Report. On account of such non-production of any document to substantiating the legality of the structures erected therein by the Respondent and that too, within the CRZ Area of the property bearing Survey No 72/6 of Arambol Village and Further, in blatant admission of the fact that the structures are constructed without any approvals and furthermore, now seeking regularization of the illegal structures; confirms the fact that the structures mentioned in the SCN are illegal and hence need to be demolished.

Case No.1.8

To decide on complaint from Rama Rani Arora illegal structures come up in the property bearing Sy. No. 176/17, of Calangute Village by Mr John Jude Adolfo Crecencio Lobo .

Background: 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.

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.

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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.

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 Mr RajibTontobar, 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.

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.

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.

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.

During 359th GCZMA meeting held on 07/09/2023. Adv. Gosavi appeared for Respondent and sought time to file reply. Advocate Caroline Collaso appeared for the Complainant.

The Authority after hearing both the parties decided to grant additional time and decided to post the matter on 14/09/2023 at 3.00 pm.

The said matter was placed in 361th Meeting of GCZMA held on 14/09/2023 the minutes to be read as under: Complainant absent. Advocate Gosavi present for the Respondent and submitted that he has filed reply to the fresh Show Cause notice and his reply may considered as arguments. The Authority after hearing the Respondent posted the matter for orders.

Decision: That the Respondent Mr. John Jude Adolfo Crecencio Lobo filed his reply to the SCN on 27/12/2021. The Respondent in his reply has stated that the documents were not furnished, however the same was furnished on a later date, after which the Respondent filed his detailed reply on the 22/11/2022.

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Issue No. 1. Whether the Respondent tried to misguide the Authority with regards to the Illegalities carried out in Sy. No.176/17, of the Village of Calangute.

That the Respondent has mislead the Authority by stating in para 4 of his reply that, the metal stage erected on the beach does not belong to him and as such belongs to a third Party namely, Mr Viren Shirodkar; thereby misguiding the Authority to issue a SCN in the name of one Viren Shirodkar. Further, there was also a letter dated 08/04/2022; wherein the Respondent has deceitfully given the name and address of the so called Third Party as Mr Virendra Shirodkar; who was also issued a SCN and further given a personal hearing. At the hearing Mr Shirodkar vide his reply dated 08/06/2022 has clearly stated that he has no connection with any structures in Sy No. 176/17 of the Village of Calangute; and that the Authority may take appropriate steps without involving him into any manner. Upon further perusal of the documents i.e. Form I & XIV it has been noted by the Authority that the property stands in Sy. No. 176/17 of the Village of Calangute and further stands registered in the name of the Respondent.

The Authority noted that the order could not be executed due to the identification process, however when the Executing team of the GCZMA went on site it was observed that there were several other violations noted on site to which SCN was issued the Respondent had submitted a plan issued by the erstwhile GSCCE wherein it showed that the stage formed part of the approved plan. The plan of which does not form part of the records maintained by the GCZMA. Having the knowledge that the stage on the beach was part of his approved plan, the Respondent misguided the Authority thereby trying to delay the process and wasting the revenue of the Authority which warrants action in terms of law against the Respondent.

The issue is answered in the affirmative.

Issue No.2. Whether the Respondent proves that the structures erected in the property bearing Sy. No. 176/17 are legal structures?

The Respondent states that the structures were existing prior to 1991 and that the Respondent had applied for repairs and renovation of the existing structure. The Authority noted that this contention of the Respondent that he has approval is shown in the approval of the Erstwhile Authority i.e. the GSCCE. However it is strange that the GSCCE has granted permission for the repairs and renovation as these structure falls within the NDZ and even close to Intertidal Area. Secondly, this permission bearing No DB/8465/TCP-94/1920 dated 27/5/94 never formed part of the records of the neither GSCCE nor GCZMA. The Authority noted that the old structure as shown on the survey plan does not exist/stand at loco in the same position.

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This approved plan does not tally with the structures plotted on site by the DSLR. The structures plotted on the Approved Plan could not have been approved for the simple reason, the approved plan shows that, the structures are for repairs and renovation of the existing structures and since the structure falls within the NDZ; the permission ought to have been given for the area of the house which was existing then and as shown in the Survey Plan only. However since the approval is placed on record to substantiate that the structure is approved and since the approval is not challenged before any competent Court the Authority has to go with the approval dated 27/05/1994.

The Authority directed the Respondent to produce the Original Plan and the Approval Granted by the GSCCE. Upon perusing the Original Permission it was noted that the plans submitted was not an old approval as the old permission produced before the Authority seemed to be as fresh as a notarized copy and further when checked with the records of the GSCCE and the GCZMA this document was not available in official records. But the fact that it bears the stamp of the erstwhile GSCCE and since the approval has not been challenged and set aside, the Authority has to go with the document placed before them in deciding the matter.

The Authority noted that the old structure shown on the survey plan drawn by the DSLR, was a Restaurant having all the valid approvals but the Authority is not on the business of the Respondent. Rather, the Authority has it's jurisdiction only to check the validity of the structures.

The Authority noted that as per the survey records show that there existed a Structure as shown in a dotted line on the survey plan. However, the Respondent has extended the old structure by demolishing the old structure and erecting a fresh new structure beyond the permissible limits thereby encroaching within the intertidal area. It is true that the Respondent has an aged old family run Restaurant Business, which was running in the old structure as shown on the photographs produced. Since the structure 'L' is on the submitted approved plan dated 27/05/1994 by the Respondent the structure "L" as plotted on the plan attached to the Site Inspection Report dated 22/09/2022 is discharged.

The Authority noted that the approval dated 27/5/1994 does show that the structure designated as "M" on the approved plan. The Respondent has also failed to show or produce any documentary evidence on record to prove that the structure designated as M which is G+2; has been erected with approvals Since the Respondent has not produced approved plan the structure M is illegal and warrants demolition.

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With regards to the easementary rights to the property, the GCZMA does not have any jurisdiction to decide on that subject matter and that the Respondent may take necessary action in accordance with the law.

With regards to structure “K” the Authority noted that the plinth of the Structure as per Survey plan is not in its original shape at loco hence has to be demolished and the land restored to its original position. With regards to the structure shown on the Gut book, incidentally; the GUT Book maintained by the Village Talathi does not have any legal bearing and is only a referential book given to the Concerned Office of the Local Panchayat Talathi for mere reference purposes only. The GUT Book being a sketch book given to the Talathi, does not have any legal bearing nor can it be considered as a document to be relied upon to prove the legality of the structure.

With regards to structures at “O” and “N” these structures are erected without any approvals and the Respondent has not substantiated the legality with any documentary evidence and hence these structures cannot be term legal structures. The Authority decided to issue demolition order with regards to the Structure at “O” and “N” as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

With regards to structures at “P” the Respondent has not come clear on the legality of the structure and since it falls in the No Development Zone. The Authority noted that no new structures can be erected even if it amounts to a temporary shed. The Respondent has failed to produce and permission for the erection of the temporary shed in the NDZ and hence it is illegal. The Authority decided to issue demolition order with regards to the Structure at “P” as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

With regards to development / laid pavers “Q”, the Pavers too are laid without any prior approvals and in gross violation of the CRZ Notification and hence has to be removed. The Authority decided to issue demolition order with regards to the Structure at “Q” as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

The Authority noted that even though the Respondent is claiming that the illegalities at “G” and “H” are legal in nature and belong to the Respondent, there are no documents placed on record to show the Respondent’s basic right to the property bearing Sy. No. 176/16-B; 176/25-A and 176/24-A. Moreover, the Respondent also admits that Ms Conventional Hotel Pvt. Ltd has been Show Caused on that illegalities and asked for demolition of the compound wall and removal of pavers. The very fact Mr. Lobo the Respondent was Not Show Caused on the illegalities at G and H; he does not have the rights to demolish the illegalities carried out in G and H the violations falls in the different survey number of which Mr lobo is not the owner. This Authority cannot grant



relief to the traditional access as this is not a Civil Court and it is beyond the Jurisdiction of this Authority.

The Authority noted that there is a staircase in the intertidal zone, the Respondents have failed to produce any documentary evidence regarding the legality of the staircase hence warrants demolition.

The Authority noted that the structure/stage at “I” shows that the stage has been erected on the government land. The Respondent states that the portion marked as “I” and “J” has to be demolished as the same comes in the intertidal area and the Respondent has not taken any approval from any Authority for erecting the stage hence the area marked as “I” and “J” has to be demolished.

In view of the above the Authority concluded that the Structures “L” is discharged and structures from “I”, “J”, “K”, “M”, “N”, “O”, “P”, and “Q” have to be demolished/ removed and site restored to its original condition.

However the issue is answered partly in affirmative to the extent that the Structures “L” is discharged and partly in negative that the structures from “I”, “J”, “K”, “M”, “N”, “O”, “P”, “Q” have to be demolished/ removed and site restored to its original condition.

Case No 1.9

To decide on site inspection report regarding violations carried out by Rama Rani Arora176/16-B of Calangute Village.

Background: 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.

The Authority directed the Directorate of Settlement and Land Records(DSLR) to conduct a site inspection /mapping of the property bearing Sy.No176/17 and 176/16-B of Calangute Village.

The Site Inspection notice was issued to all the parties Mr John Jude Adolfo Crecencio Lobo, Mrs 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.

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

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Crecencio Lobo and Mr Rajib Tontobar, 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.

Following violations are noticed during execution of demolition by Rama Rani Arora.

1. The plinth of the Structure as per Survey plan is not in its original shape at loco. However the graphical area of Structure as per Survey plan works out to 129 Sq.mtrs. As per Form I & XIV records the Class (a) area is mentioned as 221 Sq.mtrs. **(marked as A).**
2. The New Structure is constructed on the plinth of Structure as per Survey plan in Sy.No. 176/16-B and further extends in S.No.176/25-A and does not match with the plinth of the Structure as per Survey plan. The graphical area of New structure works out to 132 Sq.mtrs**(marked as B).**
3. The plinth is laid in Sy.No. 176/16-B and further extends in S.No. 176/ 25-A & 24-A.and the graphical area works out to 90 Sq.mtrs. **(marked as C).**
4. The Compound Wall is erected in Sy.No. 176/16-B and further extends in 176/ 25-A & 24-A. **(marked as D).**
5. Two Gates are fixed on the Compound Wall. The 1st gate is erected in Sy.No. 176/24-A and the 2nd Gate is erected in Sy.No 176/16-B & 25-A**(marked as E).**
6. The Temporary Shed is erected in Sy.No. 176/16-B and the graphical area works out to 13 Sq.mtrs**(marked as F).**
7. Laterite Masonry Compound Wall is erected in Sy.No. 176/16-B and extends in Sy.No 176/ 25-A & 24-A having a length of 9 mtrs. **(marked as G).**
8. The Pavers are laid in Sy.No. 176/16-B and extends in Sy.No. 176/25-A & 24-A and partly in the beach area of Arabian Sea and the graphical area works out to 38 Sq.mtrs. **(marked as H).**
9. The Stage is erected on in the beach area of Arabian Sea and the graphical area works out to 215 Sq.mtrs. **(marked as I).**
10. The Temporary Shed is erected in the beach area of Arabian Sea and the graphical area works out to 19 Sq.mtrs. **(marked as J).**

The said matter was placed on 326th GCZMA meeting held on 27/10/2022 Advocate Abhijit Gosavi present on behalf of John Jude Lobo. Ld None appeared for Rama Rani Arora.

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The Authority decided to post the matter on 17/11/2022 at 3.30 pm. and meanwhile issue fresh notices on Rama Rani Arora.

The Matter were posted in the subsequent meetings and was decided to communicate the order.

DECISION:

The Authority perused the reply of both the Respondent Rama Rani and the complaint of the Complainant Mr. John Jude Lobo and also the Site Inspection report drawn by the GCZMA and the DSLR team and has arrived at a decision that:

When the Authority visited the site to implement the demolition Order dated 30/06/2022; it had come to the knowledge of the Authority that there were various other illegal structures erected in the property bearing Sy. No. 176/16-B, of Calangute Village. Seeing this, 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. The Surveying Team of the DSLR mapped the existing structures on site and it was specifically noted that there were violations from A to J as mentioned in the Report

With regards to violation shown at 'A'; the violation noted was that *"the plinth of the structure erected on site does not tally with the approval granted as there is an extension of the area of plinth"*. The Authority also noted that the area of the structure shown on the Form I & XIV and the area of the old structure shown on the survey plan does not tally and this discrepancy was not cleared by the Respondent nor substantiated with a any documentary evidence.

With regards to the violation at 'B' and 'C'; the violation noted was that *"the New Structure is constructed on the plinth of Structure as per Survey plan in S. No. 176/16-B and further extends in S.No.176/25-A and does not match with the plinth of the Structure as per Survey Plan"* The Authority noted that, for the new structure the Authority had granted approvals bearing No GCZMA/N/18-19/75/1713 dated 11/12/2018 for the repair and renovation of the existing structure, However no such permissions were granted for the extensions in property bearing Sy No 176/25-A. The Authority concluded that the structure to the extent which is erected as per the approvals may be retained and the extensions beyond the approved plan may be demolished.

With regards to the violation at 'D'; the violation noted was that, *"the Compound Wall was erected in Sy. No. 176/16-B and further extends in 176/ 25-A & 24-A"*. The Authority noted that the Respondent has failed to produce any approvals from any Governmental Department for the purpose of erection of the Compound Wall in Sy.No.

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176/16-B and further extended into property bearing Survey No. 176/ 25-A & 24-A, and hence warrants demolition.

With regards to the violation at 'E'; the violation noted was that, "*Two Gates are fixed on the Compound Wall. The 1st Gate is erected in S. No. 176/24-A and the 2nd Gate is erected in S.No.176/16-B & 25-A*" The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department for erection of the two gates on the Compound wall in Sy. No. 176/16-B and further extended into property bearing Survey No. 176/ 25-A & 24-A, and hence warrants demolition.

With regards to the violation at 'F'; the violation noted was that, "The Temporary Shed was erected in 176/16-B and the graphical area works out to 13 sq. mtrs" The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department for erection of the temporary shed in property bearing Survey No. 176/16-B, and hence warrants demolition.

With regards to the violation at 'G' the violation noted was that, "*Laterite Masonry Compound Wall is erected in Sy. No. 176/16-B and extends in Sy. No. 176/ 25-A & 24-A having a length of 9 metres*". The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department hence warrants demolition.

With regards to the violation at 'H' the violation noted was that, "*The Pavers are laid in Sy. No. 176/16-B and extends in Sy. No. 176/25-A & 24-A and partly in the beach area of Arabian Sea*". The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department hence warrants direction for removal of the pavers and restoration of the area to its original condition.

With regards to the violation at 'I' the violation noted was that, "The Stage is erected on in the beach area of Arabian Sea" The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department hence warrants demolition. The Authority directed the Chief Executive Engineer, PWD Altinho Panaji to carry out the demolition of the stage and further which also extends into the Government Land as the same was erected without any prior permissions or approvals

With regards to the violation at 'J' the violation noted was that, "The Temporary Shed is erected in the beach area of Arabian Sea and the graphical area works out to 19 Sq.mtrs" The Authority noted that the Respondent has failed to produce any approvals or permissions from any Governmental Department hence warrants demolition. The Authority directed the Respondent Rama Rani to carry out the demolition of the 'J'

structure as it falls into the Government Land and is erected without any permissions or approvals.

The Authority therefore concluded that the Respondent has failed to prove by way of documentary evidence that the violations mentioned in the Show Cause Notice are existing with valid approvals. The Respondent has neither produced any documents from the Tourism Department nor from the concerned Village Panchayat to prove that his structures are legal. The Respondent has only proved that he has obtained a permission from the GCZMA bearing Ref No GCZMA/N/18-19/75/1713 dated 11/12/2018 for the purpose of for the repair and renovation of the existing structure; and hence the structure as per the approved plan of the GCZMA dated 11/12/2018, stands to be retained and the balance structures extended or erected without any approvals as shown in the DSLR plan dated 16/09/2022, to be demolished.

Case 1.10

To discuss and decide on illegal construction of extension to Hotel Germany comprising of ground plus two upper floors within 500 meters from the High Tide Line in the property bearing Survey No. 205/1, namely Block E in gross violation of the CRZ Regulations.

Background: The office of the Goa Coastal Zone Management Authority had received complaint dated 16/03/2021; from Mr. Anthony Trindade r/o. H.No. 286, Bamon waddo, Candolim Bardez Goa with regard to the alleged illegal extension of the Hotel Germany of G+2 structure and has not left any setback in Sy. No. 205/1 Block E of Calangute Village, Within 500 mts from HTL carried out by Mr. Sukhdev Singh, Proprietor of Hotel Germany.

Based on the Complaint the office of the GCZMA issued a Show Cause Notice was issued to Mr. Sukhdev Singh, proprietor of Hotel Germany with a direction to file reply on or before 29th February 2012. The Respondent had filed reply along with the documents to the Show Cause Notice.

This matter was placed in the 192nd GCZMA Meeting held on 29/01/2019, the Authority decided that, *"The Authority heard both the parties and as per the request made by both parties. Authority decided to place the matter for hearing on 12th February 2019. Notices were waived off"*.

This matter was placed in the 193rd GCZMA Meeting held on 21/12/2019, the proceeding at the hearing is that, *"The Complainant remained present in person. Advocate M.S. Joshi appeared on behalf of Respondent. The complaint wished to withdraw his complaint on account of illness and health condition. The advocate on behalf of Respondent sought time to address the matter"*.

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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/21-22/67/2290

Date: 13/11/2023

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

SUB: (i) Show Cause Notice GCZMA/N/ILLE-COMPL/21-22/67/1551

dated 13/12/2021

(ii) Show Cause Notice GCZMA/N/ILLE-COMPL/21-22/67/369

dated 16/05/2022

(iii) Notice bearing No. GCZMA/N/ILLE-COMPL/21-22/67/514

dated 04/09/2023

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 Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint letter dated 22/11/2021 from Mrs. Rama Rani Arora, resident of B224, Priyadarshini Vihar, Laxmi Nagar, Shakarpur, East Delhi, 110092 and presently residing at H.No. 5/154, Umta vaddo, Calangute, Bardez Goa; with respect to Illegal construction of a metal stage on the beach and compound wall. illegally placed stone pavers on the beach in NDZ Area, in the property bearing survey no 176/17 Calangute Village Bardez Goa carried out by Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs L. Lobo, c/o Souza Lobo, both resident of Calangute, Bardez Goa within NDZ area.

AND WHEREAS, the Authority through its field surveyor and Engineer conducted a Site Inspection on 07/12/2021

AND WHEREAS, the Authority issued Show Cause Notice bearing No. GCZMA/N/ILLE-COMPL/21-22/67/1551 dated 13/12/2021 to Mr. John Jude Adolfo Crecencio Lobo and his wife Mrs. L. Lobo stating the illegalities.

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AND WHEREAS, the Respondent Mr. John Jude Adolfo Crecencio Lobo filed his reply to the Show Cause Notice.

AND WHEREAS, the matter was placed in the 280th GCZMA Meeting held on 16/12/2021. The proceeding at the hearing is that, "Adv for the Complainant present, Adv Naik for Respondent. Complainant seeks copy of the report."

AND WHEREAS, the Authority in its 280th GCZMA Meeting held on 16/12/2021 directed both the parties to peruse the file and take the required documents and report from the file during working days. The Authority further directed the Respondent to file reply with advance copy to the Complainant. The matter is posted on 23.12.2021 at 3pm.

AND WHEREAS, the matter was placed in the 281st GCZMA Meeting held on 23.12.2021. Due to paucity of time the matter is adjourned and posted on 13/01/2022 at 3.00p.m

AND WHEREAS, the matter was placed in the 285th GCZMA Meeting held on 13/01/2022. The proceeding at the hearing is that, Complainant absent. Adv Abhijeet Gosavi appeared for Respondent. Adv Gosavi requested for copy of Site Inspection report and the copy of the complaint based on which the Show Cause Notice was issued.

AND WHEREAS, the Authority in the 285th GCZMA Meeting held on 13/01/2022 directed the party to collect the documents from the office file during working hours and granted last opportunity to file reply failing which the Authority will proceed with the matter. Matter is posted for Reply/arguments on 27/01/2022 at 3.00 p.m.

AND WHEREAS, the Authority in the 287th GCZMA Meeting held on 27/01/2022 the Adv Caroline Present on behalf of the Complainant, Respondent absent when the matter was called out. The Authority decided "*to seal the property bearing Survey No.176/17 Calangute Village Bardez Goa and posted the matter on 24/02/2022*".

AND WHEREAS, the Authority in the 289th GCZMA Meeting held on 08/02/2022 decided to ratify the decision of the Member Secretary to keep the sealing Order on hold and further decided to recall the sealing order dated 01/02/2022 and decide the matter on merits.

AND WHEREAS, the matter was placed in the 293rd Meeting of the GCZMA held on 07/04/2022, the Authority decided that, *The Authority heard the parties and posted the matter on 10.3.2022 at 3.00pm for arguments*".

AND WHEREAS, the matter was placed in the 298th Meeting of the GCZMA held on 07/04/2022, the Authority decided that, "*The Authority heard the parties and*

decided to issue show cause notices to the parties on receipt of names and addresses of violators for effective hearing"

AND WHEREAS, the Respondent Mr. John Jude Adolfo Crecencio Lobo filed his reply dated 08/04/2022 and furnished the name of Violator/Respondent as Virendra Shirodkar.

AND WHEREAS, the Authority issued a Show Cause Notice bearing no GCZMA/N/ILLE-COMPL/21-22/67/369 dated 16/05/2022 to Mr Virendra Shirodkar with a direction to remain present for the hearing to be held on the 19/05/2022.

AND WHEREAS, the matter was placed in the 305th GCZMA Meeting held on 20/05/2022. The Authority decided that, *"the Authority decided to grant one opportunity to parties on principle of natural justice and decided to issues fresh hearing notices to parties in present proceeding and posted matter on 16/06/2022 at 3.30 pm."*

AND WHEREAS, the Authority issued a fresh hearing notice bearing no GCZMA/N/ILLE-COMPL/21-22/67/485 dated 31/05/2022 directing the parties to remain present for a personal hearing on the 16/06/2022 at 3.00 p.m. onwards.

AND WHEREAS, the now Respondent Virendra Shirodkar inwards his reply to the Show Cause Notice in the office of the GCZMA on 08/06/2022 thereby stating that he has no connection to any illegal construction in survey no 176/17 of village Calangute and requested not to involve him in the matter.

AND WHEREAS, the matter was placed in the 310th GCZMA Meeting held on 16/06/2022, the proceeding at the hearing was that, *"the Adv for the Complainant Adv Gaundelkar was present. Respondent absent."*

AND WHEREAS, the matter was placed in the 310th GCZMA Meeting held on 16/06/2022, the Authority after perusing the records the Authority perused the Form I & XIV and observed that the name of the Respondent Mr. John Jude Adolfo Crecencio Lobo appears in the occupant's column which means that he is the Co-owner of the property bearing sy no 176/17 and is denying the illegalities as theirs and deflecting the same to one Mr Virendra Shirodkar.

In view of the Respondent not claiming the illegalities carried out by him directed for demolition of the Illegal construction of a metal stage on the beach of approx 80 sq mts, Illegally erected laterite masonry compound wall of height 0.9mts and length 9 mts constructed along eastern boundary of the plot and removal of Illegally placed stone pavers as path way on the beach in NDZ Area.

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The Authority decided to issue directions to PWD to restore the land to its original position and the Dy Collector & SDO, Mapusa to recover the cost from the Violator as arrears of Land Revenue.

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, Mrs L Lobo and Mrs Rani Arora vide letter bearing No GCZMAN/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 Mr. Rajib Tontobar, 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 following violations were noticed:

NAME OF THE VIOLATOR	Sy No and VILLAGE	VIOLATION	Letter	Distance from HTL
1. Joao Martires Lobo	176/17 of Calangute	The Class (a) area is 450 Sq. mtrs as per Form I & XIV records.	'K'	Within the NDZ
2. Laverne Joana Lobo		The plinth of the Structure as per Survey plan is not in its original shape at loco.		
3. John Jude Adolfo Crecencio Lobo alias Jude Lobo		However one Temporary shed (Q) and four New structures (L,M,N,O) are constructed and Pavers (Q) are laid at loco		
		The New structure is partly constructed on the plinth of the Structure as per Survey plan in S.No. 176/17 and further extended in S.No. 176/16-B and in the beach area of Arabian Sea and the graphical area works out to 452 Sq.mtrs.	'L'	

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	The New structure consisting of G+2 is partly constructed on the plinth of the Structure as per Survey plan in S. No. 176/17 and further extends in S. No. 175/1 and the graphical area works out to 109 Sq.mtrs in S.No. 176/17.	'M'	
	The New structure is partly constructed on the plinth of the Structure as per Survey plan in S. No. 176/17 and the graphical area works out to 17 Sq.mtrs and further extends in S.No. 175/1.	'N'	
	The New structure is partly constructed on the plinth of the Structure as per Survey plan in S.No. 176/17 and the graphical area works out to 5 Sq.mtrs and further extends in S. No. 175/1.	'O'	
	The Temporary Shed is constructed on the plinth of the Structure as per Survey plan and in Sy. No. 176/17 and the graphical area works out to 42 Sq.mtrs.	'P'	
	The Pavers are laid in S. No. 176/17 and extends in the plinth of the Structure as per Survey plan and Sy. No. 176/16-B of Calangute village of Bardez Taluka and area works out to 267 Sq.mtrs in Sy.No. 176/17.	'Q'	

AND WHEREAS, the Authority issued a fresh hearing notice with the violations mentioned at K to Q bearing no GCZMAN/ILLE-COMPL/21-22/67/1454 dated 11/10/2022 directing the parties to remain present for a personal hearing on the 27/10/2022 at 3.00 p.m. onwards.

AND WHEREAS, the matter was placed in the 326th GCZMA Meeting held on 27/10/2022, the proceeding at the hearing was that, "Advocate Abhijit Gosavi present on behalf of John Jude Lobo. None appeared for Rama Rani Arora. Ld advocate for respondent submitted he got the approval of GCZMA to erect the structure which are mentioned in the Show Cause Notice and prayed for time to file reply along with documents"

AND WHEREAS, the matter was placed in the 326th GCZMA Meeting held on 27/10/2022, the Authority decided that, "The Authority decided to post the matter on 17/11/2022 at 3.30 pm for reply of the Respondent meanwhile issue fresh notices on Rama Rani Arora"

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AND WHEREAS, as the term of the Authority had expired there were no meetings taken up for hearing. No sooner the Authority was reconstituted the matter was placed for hearing

AND WHEREAS, the matter was placed in the 327th GCZMA Meeting held on 16/01/2023, the proceeding at the hearing was that, *"Ld Advocates for the Complainant and Respondent present. Advocate for the Respondent requested for copy of site inspection report so that he can file reply on the same"*.

AND WHEREAS, the matter was placed in the 327th GCZMA Meeting held on 16/01/2023, the Authority decided that, *"The Authority directed the Respondent to collect the copy of site inspection report and file reply accordingly and posted the matter on 09/02/2023 at 3.00 pm"*.

AND WHEREAS, the matter was placed in the 330th GCZMA Meeting held on 09/02/2023, the proceeding at the hearing was that, *"Advocate Caroline Colaco appeared for the Complainant. Advocate Gosavi appeared for the Respondent. Advocate for the Complainant stated that he has not received the copy of the reply of the Respondent and as such could not file his rejoinder. The Advocate for the Respondent furnished a copy of the reply and the same was endorsed as received. The Advocate for the Complainant stated that she had earlier filed a complaint to which a demolition order was issued but the same was not executed. The Authority explained that the order could not be executed on site as the stage could not be identified as there were several other illegal structures erected by both the Complainant and the Respondent. The Authority further explained that they have surveyed all the structures in that survey number/property and the subject matter of the demolition order is merged with this Show Cause Notice. Advocate for the Complainant stated that he needs time to file rejoinder."*

AND WHEREAS, the matter was placed in the 330th GCZMA Meeting held on 09/02/2023, the Authority decided that, *"Authority after hearing both parties and considered the request and granted time to both the parties and directed the Respondent to file a reply and posted the matter for arguments on the 16/02/2023 at 3.30p.m"*

AND WHEREAS, the matter was placed in the 331st GCZMA Meeting held on 16/02/2023, the proceeding at the hearing was that, *"Advocate Manoj Kumar appeared for the Complainant. Advocate Abhijit Gosavi appeared for the Respondent. Advocate for the Complainant sought for time to file rejoinder in the matter."*

AND WHEREAS, the matter was placed in the 331st GCZMA Meeting held on 16/02/2023, the Authority decided that, *"The Authority considered the request and granted time to file reply and posted the matter for final arguments on 09/3/2023 at 3.00 pm."*

AND WHEREAS, the matter was placed in the 334th GCZMA Meeting held on 09/3/2023, the proceeding at the hearing was that, "*Advocate Caroline Colaco appeared for the Complainant. Advocate Abhijit Gosavi appeared for the Respondent and sought time.*"

AND WHEREAS, the matter was placed in the 334th GCZMA Meeting held on 09/3/2023, the Authority decided that, "*The Authority decided to post the matter to 23/03/2023 at 3.00 pm.*"

AND WHEREAS, the matter was placed in the 337th GCZMA Meeting held on 23/03/2023, the proceeding at the hearing was that, "*Advocate Caroline Colaco appeared for the Complainant. Advocate Guruprasad Naik appeared for the Respondent and sought time as his senior advocate is unwell and cannot argue the matter. Advocate for the respondent stated that they have already filed a reply.*"

AND WHEREAS, the matter was placed in the 337th GCZMA Meeting held on 23/03/2023, the Authority decided that, "*The Authority after hearing both the parties directed Complainant to file rejoinder if any before next date of hearing and further, decided to post the matter on 05/04/2023 at 3.00 pm.*"

AND WHEREAS, the matter was placed in the 338th GCZMA Meeting held on 05/04/2023, the proceeding at the hearing was that, "*Advocate Caroline Colaco along with Manoj Kumar appeared for the Rama Rani. Advocate Abhijit Gosavi appeared for the John Jude. Advocate for the Rama Rani stated that all their structures have been demolished by the Panchayat. Adv for Jude Lobo stated that a structure G, H belong to the Rama Rani and structure I belongs to the Jude Lobo. Rama Rani agrees to the statement structure I belongs to the Jude Lobo.*"

AND WHEREAS, the matter was placed in the 338th GCZMA Meeting held on 05/04/2023, the Authority decided that, "*The authority after hearing both the parties decided to post the matter on 04/05/2023 at 3.00 pm. for final arguments.*"

AND WHEREAS, the matter was placed in the 342nd GCZMA Meeting held on 04/05/2023 but rescheduled on 05/05/2023, the proceeding at the hearing was that, "*Adv A Gaundekar appeared on behalf of Rama Rani. Advocate Abhijit Gosavi appeared for Mr. John Jude. Adv for Mr Jude placed on record a copy of the superimpose the structure shown on the report prepared by the GCZMA along with the plan approved by the GSCCE. Copy of the Document is given to Adv for Rama Rani. Adv for Rama Rani sought for time to file say in the matter and requested for a longer date in the month of June.*"

AND WHEREAS, the matter was placed in the 342nd GCZMA Meeting held on 04/05/2023 but rescheduled on 05/05/2023, the Authority decided that, "The Authority granted time to Rama Rani to file say on the plan and at the request of Adv for Rama Rani granted time in June and posted for say/ arguments on 08/06/2023 at 3.30 pm onwards".

AND WHEREAS, the matter was placed in the 347th GCZMA Meeting held on 22/06/2023, the proceeding at the hearing was that, "Adv. for the Complainant present and sought time to argue the matter, Adv further stated that he does not wish to file further writien arguments and his reply may be treated as arguments. Advocate Gosavi appeared for the Respondent".

AND WHEREAS, the matter was placed in the 347th GCZMA Meeting held on 22/06/2023, the Authority decided that, "The Authority heard the parties and directed the Respondent to produce the copy of GSCC Approvals for verification regarding authentication of the documents and posted the matter for 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 and directed to remain present on 07/09/2023 for personal hearing in the matter. The Details of the fresh SCN are:

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.
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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, the matter was placed in the 359th GCZMA Meeting held on 07/09/2023, the proceeding at the hearing was that, *"Adv Caroline appeared for the Complainant. Adv Gosavi appeared for the Respondent and ought time to file reply"*.

AND WHEREAS, the matter was placed in the 359th GCZMA Meeting held on 07/09/2023, the Authority decided that, *"The Authority after hearing both the parties decided to grant additional time and decided to post the matter on 14/09/2023"*

AND WHEREAS, the Respondent remained present for the hearing and filed his reply thereby contending that all the structures are as per the approved plan.

AND WHEREAS, the matter was placed in the 361st GCZMA Meeting held on 14/09/2023, the proceeding at the hearing was that, *"Complainant absent. Advocate Gosavi present for the Respondent and submitted that he has filed reply to the fresh Show Cause notice and his reply may considered as arguments"*.

AND WHEREAS, the matter was placed in the 361st GCZMA Meeting held on 14/09/2023, the Authority decided that, *"The Authority after hearing the Respondent posted the matter for orders"*.

AND WHEREAS, the matter was placed in the 364th GCZMA Meeting held on 23/10/2023, the Authority decided as under:

That the Respondent Mr. John Jude Adolfo Crecencio Lobo filed his reply to the SCN on 27/12/2021. The Respondent in his reply has stated that the documents were not furnished, however the same was furnished on a later date, after which the Respondent filed his detailed reply on the 22/11/2022.

The Authority framed two issues to decide the Show Cause Notice

Issue No. 1. Whether the Respondent tried to misguide the Authority with regards to the Illegalities carried out in Sy. No.176/17, of the Village of Calangute.

That the Respondent has misled the Authority by stating in para 4 of his reply that, the metal stage erected on the beach does not belong to him and as such belongs to a

third Party namely, Mr Viren Shirodkar; thereby misguiding the Authority to issue a SCN in the name of one Viren Shirodkar. Further, there was also a letter dated 08/04/2022; wherein the Respondent has deceitfully given the name and address of the so called Third Party as Mr Virendra Shirodkar; who was also issued a SCN and further given a personal hearing. At the hearing Mr Shirodkar vide his reply dated 08/06/2022 has clearly stated that he has no connection with any structures in Sy No. 176/17 of the Village of Calangute; and that the Authority may take appropriate steps without involving him into any manner. Upon further perusal of the documents i.e. Form I & XIV it has been noted by the Authority that the property stands in Sy. No. 176/17 of the Village of Calangute and further stands registered in the name of the Respondent.

The Authority noted that the order could not be executed due to the identification process, however when the Executing team of the GCZMA went on site it was observed that there were several other violations noted on site to which SCN was issued the Respondent had submitted a plan issued by the erstwhile GSCCE wherein it showed that the stage formed part of the approved plan. The plan of which does not form part of the records maintained by the GCZMA. Having the knowledge that the stage on the beach was part of his approved plan, the Respondent misguided the Authority thereby trying to delay the process and wasting the revenue of the Authority which warrants action in terms of law against the Respondent.

The issue is answered in the affirmative.

Issue No.2. Whether the Respondent proves that the structures erected in the property bearing Sy. No. 176/17 are legal structures?

The Respondent states that the structures were existing prior to 1991 and that the Respondent had applied for repairs and renovation of the existing structure. The Authority noted that this contention of the Respondent that he has approval is shown in the approval of the Erstwhile Authority i.e. the GSCCE. However it is strange that the GSCCE has granted permission for the repairs and renovation as these structure falls within the NDZ and even close to Intertidal Area. Secondly, this permission bearing No DB/8465/TCP-94/1920 dated 27/5/94 never formed part of the records of the neither GSCCE nor GCZMA. The Authority noted that the old structure as shown on the survey plan does not exist/stand at loco in the same position.

This approved plan does not tally with the structures plotted on site by the DSLR. The structures plotted on the Approved Plan could not have been approved for the simple reason, the approved plan shows that, the structures are for repairs and renovation of the existing structures and since the structure falls within the NDZ; the permission ought to have been given for the area of the house which was existing then and as shown in the

Survey Plan only. However since the approval is placed on record to substantiate that the structure is approved and since the approval is not challenged before any competent Court the Authority has to go with the approval dated 27/05/1994.

The Authority directed the Respondent to produce the Original Plan and the Approval Granted by the GSCCE. Upon perusing the Original Permission it was noted that the plans submitted was not an old approval as the old permission produced before the Authority seemed to be as fresh as a notarized copy and further when checked with the records of the GSCCE and the GCZMA this document was not available in official records. But the fact that it bears the stamp of the erstwhile GSCCE and since the approval has not been challenged and set aside, the Authority has to go with the document placed before them in deciding the matter.

The Authority noted that the old structure shown on the survey plan drawn by the DSLR, was a Restaurant having all the valid approvals but the Authority is not on the business of the Respondent. Rather, the Authority has its jurisdiction only to check the validity of the structures.

The Authority noted that as per the survey records show that there existed a Structure as shown in a dotted line on the survey plan. However, the Respondent has extended the old structure by demolishing the old structure and erecting a fresh new structure beyond the permissible limits thereby encroaching within the intertidal area. It is true that the Respondent has an aged old family run Restaurant Business, which was running in the old structure as shown on the photographs produced. Since the structure 'L' is on the submitted approved plan dated 27/05/1994 by the Respondent the structure "L" as plotted on the plan attached to the Site Inspection Report dated 22/09/2022 is discharged.

The Authority noted that the approval dated 27/5/1994 does show that the structure designated as "M" on the approved plan. The Respondent has also failed to show or produce any documentary evidence on record to prove that the structure designated as M which is G+2; has been erected with approvals Since the Respondent has not produced approved plan the structure M is illegal and warrants demolition.

With regards to the easementary rights to the property, the GCZMA does not have any jurisdiction to decide on that subject matter and that the Respondent may take necessary action in accordance with the law.

With regards to structure "K" the Authority noted that the plinth of the Structure as per Survey plan is not in its original shape at loco hence has to be demolished and the land restored to its original position. With regards to the structure shown on the Gut book, incidentally; the GUT Book maintained by the Village Talathi does not have any legal

bearing and is only a referential book given to the Concerned Office of the Local Panchayat Talathi for mere reference purposes only. The GUT Book being a sketch book given to the Talathi, does not have any legal bearing nor can it be considered as a document to be relied upon to prove the legality of the structure.

With regards to structures at "O" and "N" these structures are erected without any approvals and the Respondent has not substantiated the legality with any documentary evidence and hence these structures cannot be term legal structures. The Authority decided to issue demolition order with regards to the Structure at "O" and "N" as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

With regards to structures at "P" the Respondent has not come clear on the legality of the structure and since it falls in the No Development Zone. The Authority noted that no new structures can be erected even if it amounts to a temporary shed. The Respondent has failed to produce and permission for the erection of the temporary shed in the NDZ and hence it is illegal. The Authority decided to issue demolition order with regards to the Structure at "P" as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

With regards to development / laid pavers "Q", the Pavers too are laid without any prior approvals and in gross violation of the CRZ Notification and hence has to be removed. The Authority decided to issue demolition order with regards to the Structure at "Q" as plotted on the plan attached to the Site Inspection Report dated 22/09/2022.

The Authority noted that even though the Respondent is claiming that the illegalities at "G" and "H" are legal in nature and belong to the Respondent, there are no documents placed on record to show the Respondent's basic right to the property bearing Sy. No. 176/16-B; 176/25-A and 176/24-A. Moreover, the Respondent also admits that Ms Conventional Hotel Pvt. Ltd has been Show Caused on that illegalities and asked for demolition of the compound wall and removal of pavers. The very fact Mr. Lobo the Respondent was Not Show Caused on the illegalities at G and H; he does not have the rights to demolish the illegalities carried out in G and H the violations falls in the different survey number of which Mr lobo is not the owner. This Authority cannot grant relief to the traditional access as this is not a Civil Court and it is beyond the Jurisdiction of this Authority.

The Authority noted that there is a staircase in the intertidal zone, the Respondents have failed to produce any documentary evidence regarding the legality of the staircase hence warrants demolition.

The Authority noted that the structure/stage at "I" shows that the stage has been erected on the government land. The Respondent states that the portion marked as "I"

and "J" has to be demolished as the same comes in the intertidal area and the Respondent has not taken any approval from any Authority for erecting the stage hence the area marked as "I" and "J" has to be demolished.

In view of the above the Authority concluded that the Structures "L" is discharged and structures from "I", "J", "K", "M", "N", "O", "P", and "Q" have to be demolished/ removed and site restored to its original condition.

However the issue is answered partly in affirmative to the extent that the Structures "L" is discharged and partly in negative that the structures from "I", "J", "K", "M", "N", "O", "P", "Q" have to be demolished/ removed and site restored to its original condition.

NOW THEREFORE, the GCZMA in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with sub-rule (3) (a) of Rule 4 of the Environment (Protection) Rules 1986, and read with power vested with the GCZMA vide Order S.O. 6071 (E) dated 27/12/2022 issued by the Ministry of Environment & Forests, Government of India, hereby directs John Jude Adolfo Crecencio Lobo alias Jude Lobo, resident of House No. 5/155A, UmtaVaddo, Calangute Bardez Goa and Laverne Joana Lobo, resident of House No. 5/155A, UmtaVaddo, Calangute Bardez Goa to demolish the structures from "I", "J", "K", "M", "N", "O", "P", and "Q" as shown in the DSLR Plan dated 16/09/2022 and the Plan attached to the Report dated 22/09/2022 situated in Sy No 176/17, 175/1 and 175/1A of Calangute Village, Bardez Goa and area on the beach, as decided in the 364th Meeting of the GCZMA held on 23/10/2023, and further to restore the land to its original condition, within 30 days from the date of receipt of this order. The Dy. Collector & S.D.O, Bardez, Mapusa, Goa to verify if the said structure is demolished as per these directives failing which the concerned Deputy Collector/ S.D.O shall demolish the structure to enable restoration of land to its original state within 15 days and recover the expenses incurred from John Jude Adolfo Crecencio Lobo alias Jude Lobo and Laverne Joana Lobo, as the arrears of land revenue. Further, Dy. Collector & S.D.O, Bardez, Mapusa, Goa is required to submit a compliance report in respect of above directions to the GCZMA within next 3 days of expiry of the aforementioned time period of 30 days.

Further the Authority in the same meeting 364th GCZMA Meeting held on 23/10/2023 has discharged the structure marked as "L" shown in the DSLR Plan dated 16/09/2022 and the Plan attached to the Report dated 22/09/2022 situated in Sy No 176/17 of Calangute Village.

The proceedings are disposed off accordingly.

Bitte

For and on behalf of the
Goa Coastal Zone Management Authority

Gitte
Dr. Sneha S. Gitte (IAS)
Member Secretary (GCZMA)

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:

1. The Collector & District Magistrate (North), Office of the Collector (North), Collectorate Building, Panaji-Goa... for information and necessary action.
2. The Dy. Collector & SDO of Bardez, Goa..... who is required to enforce these directions.
3. M/s. Convention Hotels Pvt Ltd, 370/14, Porba Vaddo, Calangute Bardez Goa
4. Mrs. Rama Rani Arora, resident at H.No. 5/154, Umtavaddo, Calangute, Bardez Goa.