

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

EXECUTION APPLICATION NO. 20 OF 2023 (WZ)

IN THE MATTER OF:

**CHANDAN SURYAKANT
KHORJUVEKAR**

... APPLICANT

VERSUS

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

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

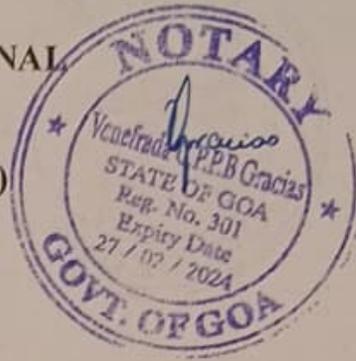
PAPER BOOK

(KINDLY SEE INDEX INSIDE)

**ABHAY ANIL ANTURKAR
ADVOCATE FOR RESPONDENT NO. 1
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

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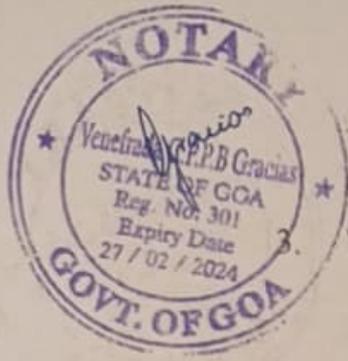
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**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1
GOA COASTAL ZONE MANAGEMENT AUTHORITY**

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: 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 GCZMA in the captioned original Applicant. I have examined the documents pertaining to the captioned Application as available in my office and am filing 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.

The answering Respondent has filed an Affidavit dated 10.01.2024 in respect of the captioned matter. The contents of the said Affidavit may be read to be a part of the present Affidavit, and are not reproduced hereunder for the sake of brevity.

4. The present Affidavit is being filed in compliance with the directions issued by this Hon'ble Tribunal during its hearing of the captioned matter on 11.01.2024. I crave the leave of this Hon'ble Tribunal to file a detailed Affidavit at a later stage, if so directed or advised.
5. At the outset, the answering Respondent tenders its unconditional apology for the delay caused in issuing final orders in respect of the proceedings conducted against Respondent Nos. 4 to 8. The answering Respondent undertakes to ensure that henceforth it shall issue appropriate orders immediately after concluding its proceedings.
6. By its order dated 11.01.2024, this Hon'ble Tribunal had directed the answering Respondent to explain:
 - (i) Reasons as to why orders had not been passed despite conclusion of proceedings in respect of Respondent Nos. 5 to 8; and
 - (ii) The procedure followed by the answering Respondent for passing final orders.
7. I say that the Hon'ble High Court of Bombay at Goa had passed certain directions to the answering Respondent *vide* its order dated 19.10.2022 in Writ Petition No. 2148 of 2022

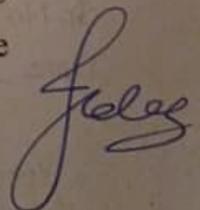


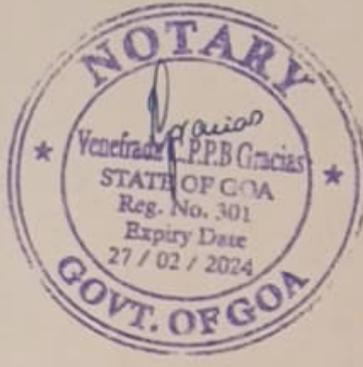
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(F) [*Ramesh Bipul Mazumdar v. The State of Goa & Ors.*].

The Hon'ble High Court had directed the answering Respondent to hold a joint inspections with the Village Panchayat of Anjuna and file a report on the status of all constructions on the Anjuna beach.

8. The Hon'ble High Court was pleased to convert the said matter into PIL Suo Motu No. 2 of 2022, and thereafter passed numerous directions to the answering Respondent in respect of illegal constructions at Anjuna beach. The answering Respondent was directed to take action against at least 275 *prima facie* illegal structures and submit a status report in this regard. Thereafter, the Hon'ble High Court has monitored the status of proceedings pending before the answering Respondent from time to time. The aforesaid matter is pending and the answering Respondent has been complying with the aforesaid directions of the Hon'ble High Court.
9. It is submitted that a substantial portion of the answering Respondent's staff and administrative machinery has been utilized in complying with the aforesaid directions of the Hon'ble High Court, Hence, the answering Respondent incurred a delay in issuing final orders against Respondent Nos. 4 to 8 in the present Execution Application. Such delay has been caused due to inadvertent administrative reasons, and not due to any *mala fide* intentions on the part of the answering Respondent. No such *mala fide* intentions have been inferred by the Execution Applicant as well.
10. With respect to the procedure following by the answering Respondent for passing final orders, it is submitted that the





answering concludes its proceedings after hearing the concerned parties and considering the material available on record. The final decision of the answering Respondent is disclosed to the concerned parties during its meetings. Thereafter, the answering Respondent issues final directions in respect of its decisions within 2 to 3 weeks of conclusion of proceedings.

- 11. It is submitted that any delay caused in issuing final orders is purely due to administrative reasons, and not due to any mala fide intentions of the answering Respondent. It is reiterated that the answering Respondent shall undertake and strive to henceforth issue final orders and communicate them to the parties forthwith after concluding its proceedings.

[Signature]
DEPONENT

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 15th day of January, 2024.

[Signature]
DEPONENT

IDENTIFIED BY:
Solemnly affirmed before me
Johnson B. Fernandes
Who is identified before me by

_____ At Panjim - Goa
Sr. No. 26/01/2024
Date. 15/01/2024

[Signature]
Venefrada C.P.P.B Gracias
Advocate & Notary Goa State

