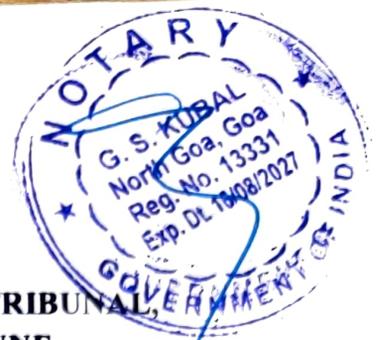


615



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE**

**I. A. NO. 195/2023  
IN**

**ORIGINAL APPLICATION NO. 05/2023**

Sagardeep Sirsaikar

..... Applicant

Versus

GCZMA & Ors

..... Respondents

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

I, Mr. Johnson Bedy Fernandes, major in age, Indian National, presently working as the Member Secretary of the Goa Coastal Zone Management Authority, Respondent No.1 herein having Office at 4<sup>th</sup> Floor, Dempo Tower, Patto Plaza, Panaji-Goa, do hereby on solemn affirmation, state as under:

1. I say that I am filing the present affidavit in compliance with the Order dated 29/05/2024 passed by this Hon'ble Tribunal in the present matter.

2. I say that earlier this Hon'ble Tribunal vide order dated 19/03/2024 had given certain directions contained in paragraph No.11 thereby interalia directing this Answering Respondent to decide the show cause notice and communicate a decision within a period one month.

3. I say that this Answering Respondent had filed an affidavit in reply dated 28/05/2024 interalia stating the reasons as why show cause notice couldn't be decided within stipulate period of time.

4. I say that vide order dated 29/05/2024 this Hon'ble Tribunal after considering the said reply affidavit dated 28/05/2024 was pleased to grant one months' time to decide the matter upon payment of cost of Rs.10,000/- which was to be deposited within period of one week.



A handwritten signature in blue ink, appearing to be "G. S. KUBA", written over the notary seal.

5. I say that the show cause notice was finally heard and decided in the 403<sup>rd</sup> GCZMA meeting held on 13/06/2024 of the Answering Respondent. I say that in terms of decision taken in the said meeting a direction/demolition order bearing No. GCZMA/HCM/PIL SUO MOTO NO. 02/2022/23-24/01/1405 dated 30/07/2024 has been issued to the respondent violator directing him to demolish the offending structures as contained in the orders which is annexed hereto and marked as **Annexure A**.

6. I say that this Answering Respondent has also paid the cost of Rs. Rs.10,000/- in terms imposed in terms of the order dated 29/05/2024 passed by this Hon'ble Tribunal. Annexed hereto and marked as **Annexure B** is the copy of the payment receipt of the said cost.



I say that Answering Respondent has thus complied with directions issued by this Hon'ble Tribunal.

8. I say that pursuant to the issuance of the directions to demolish, the Respondent violator has already begun to adhere to the directions on his own.

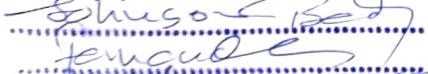
9. I say that nothing survives in the petition on account of the Authority having acted bonafidely and in good conscience.

10. I say that contents of paras 1, 2, 3, 4, 5, 6, 7, 8 and 9 of this Affidavit are true to my knowledge and the same is based on the records maintained by the Goa Coastal Zone Management Authority.

Solemnly affirmed at Panaji,  
On this 06<sup>th</sup> August of 2024.

  
DEPONENT

Solemnly affirmed before me by

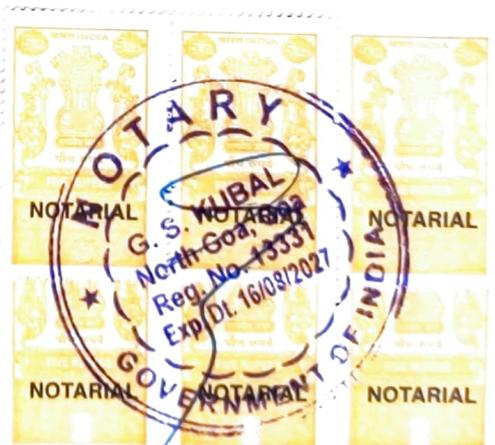


Reg. No. 13208 Date: 06/08/24

known / Identified to me by.



**G. S. KUBAL**  
Notary (Govt. of India)  
Panaji-Goa, india



**619** **Annexure A**  
**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment, (Govt. of Goa)  
4<sup>th</sup> Floor, Dempo Tower, Patto Plaza, Panaji- Goa 403001

Website: www.czma.goa.gov.in

Ref. No. GCZMA/HCM/PEL SUDMOTO NO 02/2022/23-24/01/14<sup>05</sup> Date: 30/07/2024

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

**WHEREAS** a complaint letter dated 22/08/2022 was filed by Ramesh Mazumdar to this authority regarding illegal construction of structure on sea shore of Anjuna beach by Augusta D'souza.

**AND WHEREAS** a Writ Petition bearing no. 2148/2018 (f) was filed by the Ramesh Mazumdar inter alia stating inaction on part various authorities on his complaint regarding said illegal construction.

**AND WHEREAS** the Hon'ble High Court of Bombay after hearing the matter vide order dated 4/10/2022 directed this authority along with Police Inspector Anjuna Police Station to conduct site inspection and submit status of construction at site.

**AND WHEREAS** a site inspection was carried out by officials of GCZMA and Police Inspector Anjuna on 04/10/2022 and report submitted to the Hon'ble High Court of Bombay.

**AND WHEREAS** the matter was again heard by the Hon'ble High Court on 11/10/2022. The Hon'ble Court vide order dated 11/10/2022 directed as follows:-

*"5. For the present, we direct the Panchayat to forthwith go to the site and seal the construction. The Panchayat should also find out and report who has actually carried out this construction. The Police Inspectors of Anjuna Police Station should also depute police personnel at the site to ensure that the construction is sealed and there is no further construction activity at the site. Further, the Police Inspector should ensure that the construction is not occupied or any activity is carried out through the same. This structure shall not be put to any use."*

**AND WHEREAS** the matter was heard on 18/10/2022 by Hon'ble High Court of Bombay at Goa. The Hon'ble High Court of Bombay at Goa after hearing the matter vide order dated 18/10/2022 directed as follows:-*"12. Accordingly, we direct the GCZMA and the Panchayat authorities to immediately hold a joint site inspection on Anjuna beach and to find out the status of not only the structures seen in the photographs but also the status of all*

*such similar structures on Anjuna beach. Mrs Augusta D'Souza is perhaps right in her submission that even the other illegal structures cannot be allowed to remain on the beach.*

*13. According to us, it is rather difficult to accept that all these structures have come up either without the knowledge of the Panchayat or police authorities. In any case, we will examine this issue a little later. The Panchayat and the GCZMA should file before us a full report about the status of constructions on this Anjuna beach".*

**AND WHEREAS** further vide order dated 19/10/2022 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows: *"9. From the photograph placed in this case at least, prima facie, there seem to be several other structures that have come up in the No Development Zone or right on the Anjuna beach. Therefore, by our order dated 18th October 2022, we had directed the Panchayat and the GCZMA officials to hold a joint inspection and file a report on the status of all such Constructions on the Anjuna beach.*

*10. However, we propose to dispose of this Petition by registering the material in this Petition as a Public Interest Litigation (Suo Motu) on the subject of illegal, unauthorized constructions on Anjuna beach. Therefore, the direction for joint inspection and submission of the report should be considered as a direction made in Public Interest Litigation (Suo Motu).*

*11. The Registry is directed to register a separate Public Interest Litigation (Suo Motu) in the above terms. The State of Goa, through the Chief Secretary, Village Panchayat of Anjuna Caisua, Goa Coastal Zone Management Authority, and the Police Inspector, Anjuna Police Station, to be impleaded as the Respondents in the Public Interest Litigation (Suo Motu). Place the Public Interest Litigation (Suo Moto), after the same is registered and numbered, for consideration on 9th November 2022.*

*12. The learned Advocate General states that the report of the joint inspection and action taken report, if any, will be placed in Public Interest Litigation (Suo Motu) on 9th November 2022*

*13. This Petition is disposed of with the above directions and accepting the above undertaking. Therefore, though this Petition is disposed of, the material therein and pleadings should be placed in the Suo Motu Petition.*

*14. The issue of prima facie inaction on the part of the Authorities will now be examined in the Suo Motu Petition.*

*15. There shall be no order for costs."*

**AND WHEREAS** pursuant the directions of the Hon'ble High court of Bombay at Goa this Authority conducted by officials of GCZMA along with secretary of Village Panchayat Anjuna-Caisua with a joint site inspection from

28/10/2022 at 11.00 onwards and the said exercise completed on 06/11/2022. The said officials submit a joint report to this Authority.

**AND WHEREAS** the said matter was taken up on 333<sup>rd</sup> Meeting held on 02/03/2023 and the decision is as follows: after detailed discussion and due deliberation decided to issue necessary notices to concerned parties in order to comply with directions of the Hon'ble High Court of Bombay at Goa in PIL SUO MOTO No. 02/2022.

**AND WHEREAS** that further vide order dated 01/03/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:-At least prima facie, around 275 structures were found to be on the Anjuna beach and in NDZ area. It is the duty of the Goa Coastal Zone Management Authority (GCZMA), in the first place, to prevent the mushrooming of such constructions, In any case, after this material is placed on record by the Panchayat, it is certainly the duty of the GCZMA to inspect the beach/NDZ at Anjuna and initiate action in accord with law. 6. Learned Advocate General points out that the inspection which was carried out earlier was a joint inspection by the GCZMA and the Panchayat authorities. If this is the position, then, the GCZMA should also take action in accord with law particularly because the inspection report reveals that these structures were in the NDZ. The GCZMA is therefore directed to take action in accord with law against these structures.

**AND WHEREAS** that further vide order dated 11/04/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:-Learned Advocate General states that the GCZMA will initiate action against the 175 structures for which the Panchayat has discharged the show cause notices. He states that the GCZMA will complete this action as expeditiously as possible and in any case within six months from today

**AND WHEREAS** that further vide order dated 26/04/2023 the Hon'ble High Court of Bombay at Goa has while disposing off the petition directed as follows:-Accordingly, we quash and set aside the resolutions dated 13.01.2023, 06.02.2023, 20.02.2023, 14.03.2023, 15.03.2023 and 18.03.2023, which are tabulated herein above. Since we have set aside the above referred resolutions of the Panchayat, we deem it proper to direct the Village Panchayat of Anjuna-Caisua to decide and pass necessary orders on 175 show cause notices issued to the occupants/owners of these structures afresh, within period of two months from today. The legality of these structures shall be decided only in terms of Section 66 of the Act i.e. to determine whether the Panchayat has issued any construction license under Section 66 of the Act to these structures either under the Goa Panchayat Raj Act or under the Goa (Regulation of Land Development and Building Construction) Act, 2008 and the Goa Land Development and Building Construction Regulations, 2010, and the procedure set out therein as referred to in this order. It is made clear that the production of house tax receipts or the trade license or electricity bills or water bills to prove the legality of the

structures would be irrelevant for the purpose of passing an order on the show cause notice under Section 66 of the Act. The sole criteria for the Panchayat's decision under that provisions would be, whether it has issued a valid building license under the Act. Needless to say, that this decision would be always subject to the decision of the GCZMA on the legality of these structures under the CRZ notification and no discharge of the show cause notices can be granted on any other conditions.

**AND WHEREAS** that upon close perusal of the said joint site inspection report submitted by officials of GCZMA along with Secretary of Village Panchayat Anjuna-Caisua the GCZMA issued Show Cause Notice to various Violators. The said Violators filed their Replies to the Show Cause Notice. The Violators were directed to remain present for a personal hearing and the details are as under:

Report No	Survey Nos & village		Name of violators	Types of structures	GPS reading	
161	Anjuna Bardez	213/5	Romeo Lane Resto-Bar/Club	Temporary Structure of Bamboo/wood (at entrance)	15° 35' 29.02'' 73° 44' 05.84'' 15° 35' 28.97'' 73° 44' 05.62''	
162			Robert F. Coutinho	Temporary Structure of Bamboo/wood (at entrance and leading to the restaurant deck)	15° 35' 28.96'' 73° 44' 05.39''	
			Vidur Sheth	Laterite stone staircase leading to Restaurant Deck	15° 35' 28.96'' 73° 44' 05.39''	
					Metal fabricated G+1 with deck on top and kitchen /restaurant below with permanent plinth	15° 35' 30.98'' 73° 44' 01.79'' 15° 35' 31.13'' 73° 44' 01.63'' 15° 35' 31.81'' 73° 44' 01.99'' 15° 35' 32.40'' 73° 44' 00.94''

**AND WHEREAS** the said matter was deliberated during 358<sup>th</sup> GCZMA meeting held on 30/08/2023 and in said meeting Advocate present for Respondent. He submitted that reply has been filed. The Authority adjourned the matter and further decided to communicate the next date.

**AND WHEREAS** matter placed in 367<sup>th</sup> Meeting of GCZMA held on 03/11/2023 and in said meeting Respondent advocate Shri. Austin D'Souza appeared and filed reply on behalf of Respondent. The Respondent advocate requested time to file additional documents on record. The Authority on request

of learned advocate for Respondent decided to grant last and final opportunity to the Respondent production of additional documents failing which Authority will proceed ex-parte in the matter as present matter is hon'ble High court direction matter and posted matter on 20/11/2023 at 3.00 pm.

**AND WHEREAS** matter placed in 370<sup>th</sup> Meeting of GCZMA held on 20/11/2023 and in said meeting the advocate for Respondent present and submitted that another matter of same subject structures is pending before this Authority hence prayed that same shall be tag together with present proceeding. Authority Decided to conduct fresh site inspection in the present matter through Expert Member of GCZMA shri. Dilip Arolkar on 22/11/2023 at 11.00 am and posted matter on 27/11/2023 at 3.00 PM.

**AND WHEREAS** the said matter was deliberated in 374<sup>th</sup> meeting held on 27/11/2023 the minutes to be read as under: The Advocate for Respondent submitted that he has not received site fresh site inspection report. The Authority directed Respondent to collect the site inspection report copy and file reply if any on next date of hearing posted matter on 30/11/2023 at 3.00 pm.

The Advocate for Respondent present and submitted that he want to file reply to the fresh site inspection report conducted by this Authority through its Expert Member. The Authority granted opportunity to the Respondent to file his reply to the fresh site inspection report. Matter posted on 05/12/2023 at 3.00 pm

**AND WHEREAS** however on 05/12/2023 GCZMA meeting couldn't happened and postponed and fixed on 15/12/2023 at 3.00 pm. The Meeting scheduled on 15/12/2023 could not take place hence meeting rescheduled on 21/12/2023

**AND WHEREAS** the matter was taken up in the 378<sup>th</sup> GCZMA Meeting held on 22/12/2023, proceeding: Adv. A. Phadte present for the Respondent. Copy of the fresh site inspection report has been collected by the Respondent. Decision: The Authority directed the Advocate for the Respondent to file reply if any within a week and posted the matter for orders on 09/01/2024 at 3.00 pm.

**AND WHEREAS** the matter was taken up in 380<sup>th</sup> GCZMA Meeting held on 09/01/2024 and it was decided to post the matter for orders on 30/01/2024.

**AND WHEREAS** the matter was taken up in the 390<sup>th</sup> GCZMA meeting held on 05/03/2024 was rescheduled to 12/03/2024. Proceeding: Adv for the Respondent present. She stated that she has complied with the directions and that the matter is also pending in the High Court and is for filing compliance. Decision: The Authority decided to adjourn the matter in view of the compliance to be carried out by the Respondent and posted the matter on 02/04/2024 at 3.30pm.

**AND WHEREAS** the matter was taken up in the 392<sup>nd</sup> GCZMA Meeting held on 02/04/2024, the proceeding: Adv S Drago Present for the Respondent. Adv stated that she sought time of two weeks from the Hon'ble High Court for compliance and the Hon'ble High Court has granted extension of time. The Authority decided to considered the request and granted time and posted the matter on 18/04/2024 at 3.30 p.m.

**AND WHEREAS** the Matter was taken up in the 394<sup>th</sup> GCZMA Meeting held on 18/04/2024, the proceedings: Adv S Drago Present for the Respondent. Adv stated that she sought time of two weeks from the Hon'ble High Court for compliance and the Hon'ble High Court has granted extension of time. The Authority decided to considered the request and granted time and posted the matter on 23/04/2024 at 3.30 p.m.

**AND WHEREAS** however the matter was not listed for the hearing on the 23/04/2024; hence common date was given and posted on 16/05/2024 at 3.30 p.m.

**AND WHEREAS** the Matter was taken up in the 399<sup>th</sup> GCZMA Meeting held on 16/05/2024 the proceeding: Respondent absent. Decision: Matter posted for orders on 04/06/2024 at 3.30 p.m.

**AND WHEREAS** the Authority issued a notice of preponement to the Respondent preponing the date from 04/06/2024 at 3.30p.m to 28/05/2024 at 3.30p.m

**AND WHEREAS** the matter was taken up in the 401<sup>st</sup> GCZMA Meeting held on 28/05/2024 the Proceedings: Adv S Drago present on behalf of the Respondent. The Authority's Decision: The Authority decided to carry out inspection of the Site in question to verify if the Respondent has indeed carried out self demolition or not. The inspection is fixed on 30/05/2024 at 11 am onwards and the next date is fixed for hearing on 13/06/2024

The matter is placed in today's meeting for clarification. Parties are intimated about today's hearing.

**AND WHEREAS** the matter was taken up in the 402<sup>nd</sup> GCZMA Meeting held on 11/06/2024 the Proceeding Adv S Drago present on behalf of the Respondent, the Respondent requested for a copy of the Site inspection report. The Authority's Decision: The Authority directed the Respondent to take the copy of the Site Inspection Report and submit their say and subsequently posted for orders.

**AND WHEREAS** the matter was deliberated in 403<sup>rd</sup> GCZMA Meeting held on 13/06/2024, the proceedings: Adv for the Respondent present. The Respondent submitted that he has obtained all the necessary permissions including that from this Authority in respect of the subject matter of structure which are mentioned in the Show Cause Notice. The constructions are carried out in terms of permission granted by this Authority and all of the 8 structures

and 1 shack are in consonance with the approval granted by this Authority. He submitted that this Authority was kind enough to grant us two separate approvals dated 31/05/2019 and 01/12/2021. He further stated that the construction have been carried out in accordance with the beach carrying capacity report of the NCSCM. In furtherance to the said approvals as conveyed by this Authority, he stated that he has obtained consent to operate from GSPCB. He has also obtained permission from the local body including that of the Department of Tourism for carrying out business in the property bearing Sy. No. 213/5 and 213/6 of village Anjuna. The Fire and Emergency Services Department has also conveyed the approvals for the purpose of carrying out business activity. He hence prayed that the Show Cause Notice issued against him be dropped and he be discharged from the proceedings.

**DECISION:** The Authority observed that as against the impending structure which is the subject matter of current proceedings, there were two appellate forums who were monitoring the proceedings which are conducted by this Authority. The first being Hon'ble High Court of Bombay at Goa in Writ Petition No. 825/2023 and second being that of Hon'ble NGT in O.A. No. 05/2023(WZ). The Respondent on account of the order passed by the Hon'ble High Court has carried out self demolition and Hon'ble High Court upon having appointed Independent Commissioner has taken cognizance of the said demolition. Having regard to this fact what remains to be checked and verified were the issues raised by this Authority through Show Cause Notice dated 19/05/2023 which has to be read with the site inspection report dated 22/11/2023 whereby various observations were noted such as:

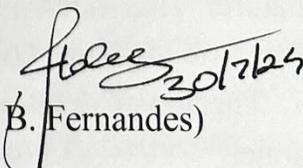
1. The entrance to the restaurant starts from east leading through paved path with concrete gutter running along (left) of the entire path.
2. The entrance path-way is covered with tarpaulin plastic shed consisting of bamboo sticks supported by bamboo props.
3. The path is surrounded by retaining walls on both sides.
4. Further since the plot is situated on a slope there are permanent steps leading down to upper deck and then continue to the lower deck.
5. The upper deck rests on combination of both wood and steel support where few portions of deck rest on wooden beam and pillars while in certain portion flooring rests on metal fabricated frame supported on steel columns.
6. The lower deck flooring for most part is tiled and concrete i.e. permanent in nature. This deck is majorly supported on rubble masonry and steel frame supported by steel columns with concrete base/footing.
7. The lower deck and its concrete base support, majorly extend in intertidal zone.

Having taken note of the fact the Respondent has carried out self demolition, this Authority has also verified as to whether self demolition carried out by him includes 7 identified nature of violations as mentioned above. It was observed that the violations at Serial No. 1, 3, 4, 6 and 7 are not part of the compliances

which were monitored by Hon'ble High Court but this violations are part and parcel of the proceedings pending before the NGT. As the approval conveyed by this Authority were purely for the purpose of erecting temporary structures, what the Respondent has done is usage of material which is not permissible as per the CRZ Norms. Hence this Authority directs the Respondent to remove the concrete gutter running along of left the entire path, remove the retaining walls on both sides of the path, remove the permanent steps leading down to upper deck which continue to the lower deck, remove the tiles and concrete of the lower deck and remove the debris and remnants of RCC footing which still exist on the site. Over and above if there are any further constructions which are beyond the approvals then those constructions should also be removed by the Respondent.

**NOW THEREFORE**, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, 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, this Authority deemed it fit to issue directions to the Respondent to remove the concrete gutter running along of left the entire path, remove the retaining walls on both sides of the path, remove the permanent steps leading down to upper deck which continue to the lower deck, remove the tiles and concrete of the lower deck and remove the debris and remnants of RCC footing which still exist on the site. Over and above if there are any further constructions which are beyond the approvals then those constructions should also be removed by the Respondent in property bearing Survey Number 213/5 of village Anjuna of Bardez Taluka within one month from receipt of this order and submit a compliance to this office failing which the concerned Deputy Collector/ S.D.O of Bardez, shall demolish the offending structures. Further, Dy. Collector & S.D.O of Bardez is required to submit a compliance report to the GCZMA within next 3 days of expiry of the aforementioned 30 days time period.

The proceedings are disposed off accordingly.

  
(Johnson B. Fernandes)

**Member Secretary (GCZMA)**

To,

1. Robert F. Coutinho, R/o H. No. 548, Vagator, Anjuna, Bardez-Goa.
2. Romeo Lane, Anjuna, Bardez-Goa.

Copy to:

1. **The Collector & District Magistrate (North), Office of the Collector (North), Panaji -Goa...** *for information and necessary action.*
2. **The Dy. Collector & S.D.O of Bardez having office at Mapusa, Goa.....** *for executing the order and ensure compliance of the order.*
3. **The Secretary, Village Panchayat of Anjuna, Bardez, Goa...** *for information and necessary action.*

Counter foil

Annexure B

**SBI State Bank of India**

Panaji Main Branch (code - 0509)

Date : 06/08/2024

Received Rs 10000/-

From CMA Coastal Zone Man

By Cheque No 093536

Transfer for RTGS

On 1/08/2024

Bank BANK OF INDIA

Branch JANGLI MAHARAJ

ROAD Favouring NRT BAR ASSOCIA

TION (WESTERN ZONE)

A/c. No 0518 2011 0000 705

IFSC code BKID0000 518

Amount Rs 10000/-

Bank's

Charges Rs NA. for CORT. DEBT

Total Rs 10000/-

(Rupees Ten Thousand

only) Only)