

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE, PUNE  
ORIGINAL APPLICATION NO. 03/2018 (WZ)**

**IN THE MATTER OF:**

GOA PARYAVARAN SAVRAKSHAN  
SANGHARSH SAMITEE

...APPLICANT(S)

VERSUS

M/S GOVEIA RESORTS PVT.LTD.  
& ORS

...RESPONDENT(S)

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Filed by



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**AFFIDAVIT ON BEHALF OF RESPONDENT NO.3**  
**(GOA COASTAL ZONE MANAGEMENT AUTHORITY)**

I, Dasharath M. Redkar, son of late Shri. Mahadeo S. Redkar, aged about 56 years, r/o House no.816 Chon Waddo, Dhargal, Pernem, Goa, do hereby on solemn affirmation, state as under:

1. That I am holding the post of Member Secretary in the Goa Coastal Zone Management Authority and being duly authorised and well conversant with the facts of the present case, am competent to depose by way of the present affidavit.
2. That the Answering Respondent had filed a short affidavit dated 25.05.2022, the contents whereof be treated as part of the present reply and are not being repeated herein. The present affidavit is being filed in compliance of the order dated 28.02.2022 passed by this Hon'ble Tribunal wherein the Answering Respondent was directed to file Para-wise reply to the present Application.
3. That I have gone through the Original Application filed by the Applicant and deny each and every statement and averment in the O.A.,

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as if the same has been traversed *in seriatim*, except to the extent admitted hereinafter. It is most respectfully submitted that no averment or contention in the O.A. should be deemed to be admitted for the reason that it has not been specifically denied.

4. That the present O.A. bearing No. 03/2018 was been filed by the applicant *inter alia* challenging the commercial activities in the illegal and unauthorizedly constructed, permanent buildings/structures in the CRZ/No Development Zone, Land Survey Nos. 318/2, 319/2 and 320/2 of village Siolim.

5. That prior to the filing of the present Original Application, which was filed by the Applicant in 2017 an OA bearing no. 181/2015 was filed by one Mr. Anthony D'Souza along with Mr. Joseph A. Noronha *inter alia* against M/s Tesso Waterfront and Goveia Riverfront before the Hon'ble Tribunal, Pune Bench, challenging the alleged illegal construction of permanent structures namely Tesso Waterfront located in Sy. No. 301/1 and Goveia Waterfront in Sy.318/2 of Village Siolim, Bardez, Goa, within CRZ areas along the Chapora River of Siolim Village.

6. That an inspection of the site bearing Land Sy. Nos. 318/2, 319/2 and 320/2, Siolim was carried out on 04/03/2016 and the site inspection report dated 05.03.2016 was prepared by Dr. Antonio Mascarenhas, then Expert Member, GCZMA. The site inspection report in brief stated as follows:

- i) Major portion of the property comprises of a lagoon which is connected to the creek with a 12 m wide opening.
- ii) A cemented pathway is constructed around the lagoon.
- iii) Southern part of the property is converted into Garden with ornamental trees.



*mp*

- iv) Two cabins have been provided on the southern boundary.
- v) A 12 m wide and 32 m long concrete platform has been constructed on the North eastern corner of the property along the bank of the creek
- vi) Google images show that the size of the lagoon was approx. 125 x 80 m in the year 2003 whereas the present lagoon area is 90 x 70 m. the size of the lagoon has been reduced due to reclamation by filling rectangular portion 25 x 80 m with mud.
- vii) Similarly the opening into the creek was very narrow as per the google image of 2003 and has subsequently widened to 12 m.

The true copy of the Site Inspection Report dated 05.03.2016 prepared by Dr. Antonio Mascarenhas, then Expert Member, GCZMA is annexed herewith and marked as **Annexure R3-1** at page no. 112 to 113

7. That the OA No. 181/2015 was disposed of vide Order dated 28.09.2016 with a direction to all parties to place their relevant documents before GCZMA on 18.10.2016 and further directed the Respondent Tesso Waterfront and Goveia Waterfront to be present before GCZMA on 15.11.2016 and 16.11.2016 and thereafter GCZMA to take final decision within a period of four weeks. During this period, a Site Inspection was carried out by the Experts Members on 04.03.2016 in respect of Sy Nos. 318/2, 319/2 and 320/2. M/s Goveia Developers submitted their objections dated 18.10.2016 and denied the observations recorded in the site inspection report.

8. That in view of the directions of the Hon'ble NGT, in Application No. 181/2015, the parties were called for the personal hearing before the Answering Respondent in its 142<sup>nd</sup> meeting held on 28.02.2017. Upon considering the submissions made by the parties and in view of the site inspection report of the then Expert Member of the GCZMA so also, in comparison with the Google images for the year 2003 to 2016, the Authority directed M/s Tesso Waterfront to demolish all the illegal structures constructed in the property bearing Sy. No. 301/1 including



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the concrete flooring, jetty and a swimming pool and restore the land to its original state within 15 days' time period. In so far as Goveia Waterfront, the Authority directed Goveia Waterfront to carry out restoration of the lagoon in consultation with the Expert Members of the GCZMA within 45 days' time period.

9. That the matter was again placed before the Answering Respondent in its 144<sup>th</sup> meeting held on 21.03.2017 to decide on the restoration measures to be adopted by the Respondent M/s Goveia Resort/Waterfront, directed as under:

- a) Restore the opening of the sluice gate from 12 m wide to its original size.
- b) Remove the mud filling carried out in the lagoon and restore the lagoon to its original dimensions i.e. 125 m X 80 m.
- c) To remove the concrete platform alongwith columns in the lagoon constructed along the river bank.
- d) To remove / demolish the boundary wall of laterite masonry constructed up to the edge of the river.

10. That vide order dated 07.04.2017 bearing Ref. No. GCZMA/BAR/SIO/12-13/12/75, the Answering respondent issued directions under Section 5 of the Environment (Protection) Act, 1986, read with Rule 4 of the Environment (Protection) Rules, 1986, inter alia directing Respondent M/s Goveia Resort/Waterfront:

*".....the GCZMA hereby directs M/s. Goveia Resort/ Waterfront, through its proprietor, Goveia Marina Resorts, Vaddy, Siolim, Bardez-Goa to implement the measures as recommended by the Authority and restore the entire the lagoon under reference located in the property bearing Sy. No. 318/2 of Village Siolim, Bardez-Goa to its original condition within 45 days from the date of receipt of these directions and file compliance report in respect of compliance of aforesaid directions to the GCZMA within next 7 days of the expiry of the aforementioned 45 days time period.*

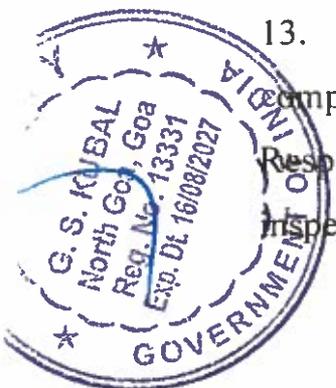



*"..you are directed to remove/ demolish the concrete platform alongwith columns constructed in the lagoon along the river bank and the boundary wall of laterite masonry constructed up to the edge of the river located in the property bearing Sy. No. 318/2 of Village Siolim, Bardez-Goa as decided by the Authority in its 144 meeting of the GCZMA held on 21/03/2017 and restore the land to its original condition, within 15 days from the date of receipt of this order failing which the Dy. Collector & S.D.O of Bardez, to verify if the concrete platform alongwith columns and the boundary wall of laterite masonry are removed demolished and in the event it is not removed as per these directives, then the Deputy Collector & S.D.O of Bardez shall remove the said concrete platform along with columns and the boundary wall of laterite masonry thereafter within a time period of two weeks and recover the expenses incurred from M/s. Goveia Resort / Waterfront, through its proprietor as the arrears of land revenue. Further, you are required to submit a compliance report in respect of compliance of afore stated directions to the GCZMA within next 3 days of expiry of the aforementioned 15 days time period."*

11. That the Applicant herein videcomplaint dated 19.05.2017 to the Answering Respondent,sought immediate demolition of all the said No Development Zone (NDZ) offending structures and the Swimming Pool within 15 days from receipt of the said notice.

12. That the Applicant herein filed an application u/s 14, 15 and 17 r/w Section 19 of the NGT, Act seeking prevention of on-going commercial activities in the illegal and unauthorizedly constructed, permanent buildings/structures in the CRZ/No Development Zone, Land Survey Nos. 318/2, 319/2 and 320/2 of village Siolim.

13. That Respondent No. 1 vide letter dated 22.05.2018 reported part compliance of the order dated 07.04.2017 passed by Answering Respondent. On instruction from the Member Secretary GCZMA, a site inspection was carried out by the Expert Members Dr. Prabhakar



Shirodkar and Eng. Audhoot Bhonsule along with DSLR representatives Mr. Sudesh Sawant and Mr. Pramod Naik on 20.06.2018. That after the inspection, details of compliance done at site by Respondent M/s Goveia Resort/Waterfront were recorded as under:

- i) *Of the 04 items suggested by GCZMA to the violator for Compliance, the alleged violator M/s Goveia Resorts has done the Compliance for 03 things.*
- ii) *These include removal of platform from the lagoon, sluice gate reconstruction and restoration of the opening, demolition of the boundary wall from both sides.*
- iii) *The compliance done also has been confirmed by the complainants at site.*
- iv) *As regards point no. 04, the mud filling done by the violator in the lagoon and its removal, the details have been verified with the complainant and the representative of the violator at site and they are as follows;*
  - a) *Width of the Creek is 43.00 m, which is the length of the NDZ of Chapora River at site.*
  - b) *Sluice gate constructed by the violator had a bund of 2.5m width earlier needs to be restored in continuance to the bund on either side of the sluice gate opening.*
  - c) *The depth of construction of sluice gate opening should be maintained below the lowest tide level.*
  - d) *After restoration of 2.5m width of the bund with sluice gate, the balance filling has to be removed and the length of the lagoon which is 9 m as per the DSLR plan has to be restored.*
  - e) *To maintain the 96.00m length of the lagoon, the necessary filling done of water body from the southern side of the lagoon has to be removed.*
  - f) *Whereas, the original width of the lagoon of 67m has been maintained the same without any change.*
  - g) *This way, the site can be restored and the compliance will be done.*
  - h) *This may be deliberated in the Authority meeting for a decision."*

14. That the said matter was discussed and deliberated during 182<sup>nd</sup> GCZMA meeting held on 28.08.2018 wherein the Answering




respondent took a serious view of non-compliance (partial compliance) of its direction by the Respondent M/s Goveia Resort/Waterfront directed the Deputy Collector, Bardez to ensure compliance to the directions issued by it in the matter and to recover the cost incurred for such compliance from the violator as arrears of land revenue.

15. That the Answering respondent further issued directions dated 20.09.2018 bearing REF NO. GCZMA/BAR/SIO/12-13/12/1064, with reference to its order dated 07.04.2017 to the Deputy Collector & SDO of Bardez, Mapusa, Goa (Respondent No. 3 herein) for implementation of restoration measures for the lagoon and removal of concrete platform as well as the boundary wall standing in the Property Bearing Sy. No. 318/2 at Village Siolim, Bardez, Goa.

*"the GCZMA.....hereby directs the Deputy Collector of Bardez, O/o the Deputy Collector & SDO of Bardez, Mapusa-Goa to ensure compliance to the directions issued by the Authority for Point 4 as illustrated at point 3(iv) above; and to recover the cost incurred for such compliance from Ms Gouveia Resorts Pvt. Ltd as arrears of land revenue. Further. you are required to submit a compliance Report within 4 weeks from the date of receipt of this letter to this Authority.*

*The proceedings are disposed off accordingly."*

16. That the Respondent M/s Goveia Resort/Waterfront, vide letter dated 03.06.2019, sought recall of the directions dated 20.09.2018 issued by the Answering Respondent, stating as under:

*1) Kindly refer to our letter dated 22/05/2018 by virtue of which we had reported part compliance of the order dated 7/04/2017 bearing No. GCZMA/PAR/Siolim/12-13/17. Thereafter we have complied with the other direction also. Your office was pleased to conduct a site inspection on 02/06/2018.*

*2) In our earlier letter dated 22/05/2018 at Para 3 we had brought it to your kind notice that the area of the lagoons/ponds that was alleged to be filled with mud was beyond the CRZ demarcated areas.*



A handwritten signature in blue ink, appearing to be "M.P.", located at the bottom right of the page.

3) In terms of your site inspection it is written on Para 2 clause 6 there is mention that the width of the river was 43 meters and therefore the NDZ applicable towards the lagoon side is 43 meters, a conjunct reading of Para 3 of our application dated 22/05/2018 and clause 6 of your report clearly points out that the area alleged who have been filled is beyond NDZ and therefore beyond the purview of the Powers vested in this Hon'ble Authority.

4) We would therefore request you to consider this issue before initiating any action in the matter. We are in receipt of an order dated 18/02/2019 issued by the office of the Dy. Collector of Panaji.

5) By virtue of this letter the Dy. Collector under instruction from the office had requisition the demolition squad for execution of the Original Order dated 07/04/2017. We have to state that by virtue of your site inspection report dated 22/06/2003 there is no compliance required to be done vis-à-vis the removal of the concrete platform and the demolition of the boundary wall and building sluice gate filling carried out since the issue of mud filling would be beyond powers vested in this Hon'ble Authority the execution of such an order would be bad in law it appears that this Hon'ble Authority is being provided with incorrect information about the possession on loco by the Talathi of Siolim.

6) We are in receipt of a copy of a report dated 12/10/2018 submitted by the Talathi of Siolim to the Mamlatdar of Bardez at Mapusa Goa which mention that the concrete platform and the boundary wall has not been removed as on the date of the inspection such a report is contrary to site inspection report of the Inspection carried out by your office dated 20/12/2018 the report of the Talathi has been made the base for issuance of fresh direction by your office to the Dy. Collector of Panaji for compliance of your original order dated 07/04/2017.

7) We would be pleased to state that the mischief played by the Talathi at the instance of the complainant would lead to wastage of Public Money and precious time of the various officials that would visit the site to carry out the execution of an order that has already been complied with.

8) You are therefore requested to

i) Revoke the instruction issued to the Deputy Collector and stop for the process in the matter.

ii) Take strict action against the Talathi of Village Panchayat of Siolim for submitting false Report.

*mb*



*iii) If required conduct a fresh inspection of the property in question so as to ascertain the compliance of the order dated 07/04/2017 and pass necessary order in the matter.*

17. That an affidavit dated 25.05.2022 was filed by the Answering Respondent in the present OA No. 03/2018 (WZ), stating interalia as follows:

*"7. I say that the GCZMA issued further Direction to demolish what was not demolished vide Directions dated 20/09/2018 under REF NO. GCZMA/BAR/SIO/12-13/12/1064 directing the Respondent No. 1 to demolish what was left. The said Directions are annexed hereto I say that the Respondent No. 1 has sought Recall of the directions vide letter dated 03/06/2019...*

*8. I say that in view of the action taken in the matter nothing would survive in the captioned Application and continuance thereof would be an abuse of process of this Hon'ble Tribunal."*

18. That this Hon'ble Tribunal, vide order dated 27.05.2022 in OA 03/2018 interalia observed as under:

*"2. Learned Counsel for Respondents has drawn our attention to reply affidavit dated 26.05.2022, wherein it is clearly stated that all the illegal constructions found on Survey No.318/2 of village Siolim, Bardez, Goa have been ordered to be demolished and that no offending structures existed on the remaining Survey Nos. 319/2 and 320/2, hence no demolition order has been passed with respect to them. After going through the reply affidavit and evidence attached thereto, we do not find evidence on record that there was found no offending structures on Survey No.319/2 and 320/2."*

19. That this Hon'ble Tribunal, vide order dated 22.08.2022, constituted a three member committee with Answering Respondent as one of its members' to conduct site inspection of the subject property:

*"7. We deem it just and proper to constitute a Committee comprising:*



- a) One Member from the Central Pollution Control Board (CPCB)
- b) One Member from the Maharashtra State Pollution Control Board (MPCB) and
- c) One Member from the Goa Coastal Zone Management Authority (GCZMA)

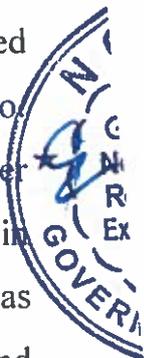
8. The said Committee shall visit the spot after informing the Applicant as well as the Respondent No. 1 and conduct the inspection, in order to ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of 03 (three) weeks from now. "

The aforesaid order was rectified by the Hon'ble Tribunal vide order dated 24.09.2022 and MPCB was substituted by Goa State Pollution Control Board (GPCB) as the case belongs to the State of Goa.

20. That the Answering Respondent vide letter dated 13.10.2022 bearing Reference no. GCZMA/NGT Matter/O.Appl. No. 03/2018/22-23/21/1484 requested the Member Secretaries of Central Pollution Control Board and Goa State Pollution Control Board to duly depute personnel to carry out site inspection in compliance of order dated 22.08.2022 and 24.09.2022 passed by this Hon'ble Tribunal in the subject matter.

The true copy of GCZMA's letter dated 13.10.2022 bearing reference no. GCZMA/NGT Matter/O.Appl. No. 03/2018/22-23/21/1484 is annexed herewith and marked as **Annexure R3-2** at page no. 114-116

21. That the Answering Respondent, GCZMA vide letter dated 13.10.2022 bearing reference no. GCZMA/NGT Matter/O.A No. 03/2018/22-23/21/1488 sent a notice of site inspection in terms of order dated 22.08.2022 and 24.09.2022 passed by the Hon'ble NGT, Pune in OA No. 03/2018 (WZ), to Respondent No. 1 stating that 21.10.2022 was the date fixed for site inspection of land survey no. 318/2, 319/2 and 320/2 village Siolim.



18/1

The true copy of GCZMA's letter dated 13.10.2022 bearing reference no. GCZMA/NGT Matter/O.Appl. No. 03/2018/22-23/21/1488 is annexed herewith and marked as **Annexure R3-3** at page no. 117-120

22. That the Committee constituted by this Hon'ble Tribunal carried out a site inspection of the subject property on 21.10.2022, in the presence of Mr. Ludovico Goveia, to ascertain the factual position on the site bearing survey nos. 318/2, 319/2 and 320/2 in Siolim Village, Bardez Taluka, with respect to illegal constructions as alleged by the Applicant. During the site inspection none was present on behalf of the applicant despite service of notice. However, the committee proceeded in the absence of the applicant. The committee, in its Site Inspection Report dated 27/10/2022, concluded and recommended as follows:

### 3.0 Conclusion and recommendations

1. *The width of sluice gate is found to be only 0.50 m during site inspection whereas as per Google Earth image of 2003 the width of the bund near the sluice gate shows 2.50 m, it should be restored back to its original size.*
2. *The opening of the sluice gate must be restored from 12 m wide to its original size.*
3. *The dimension of the Lagoon as per old DSLR plan shows 96.00 m x 67.00 m, the mud filling done of water body from the southern side of the Lagoon has to be reclaimed to maintain 96.00m length of the Lagoon, since filling carried out comes within the mangrove buffer zone as per CZMP 2011.*
4. *The depth of construction of sluice gate opening should be maintained below the lowest tide level.*
5. *The committee during the site inspection has not observed any other structures as alleged by the applicant in his original application in the plot other than those aforesaid structures in the plot under above mentioned survey numbers.*
6. *The site inspection conducted to ascertain the factual condition of the plot is just a mere physical observation by the inspection team with the help of old survey records and available documents, committee during the site inspection has not observed any other structures as alleged by the applicant in his original application*



*in the plot other than those aforesaid structures in the plot under above mentioned survey numbers.*

### PARAWISE REPLY

23. That the contents of Para 1 and 2 being a matter of record need no reply.
24. That the contents of Paras 3-10 in so far as is a matter of record, needs no reply, rest of the content of the para is denied as stated and in reply thereto the Answering respondent relies on the submissions made herein above and any averment to the contrary is denied.
25. That the content of Para 10 are denied as being untenable in law and facts. The Answering Respondent has undertaken details site inspections and passed order with respect to the illegal structures on the subject property, some of which have been demolished as stated hereinabove. Vide the latest Site Inspection Report dated 27/10/2022, it has interalia been observed that the committee during the site inspection has not observed any other structures as alleged by the applicant in his original application in the plot other than those aforesaid structures in the plot under above mentioned survey numbers.
26. That the content of para 11 are denied and in reply thereto the Answering Respondent relies on the submissions made hereinabove.
27. That the contents of para 12 are denied for want of knowledge.
28. That the contents of para 13 are denied and the Applicant is put to strict proof of the same.
29. That the contents of para 14 need no reply.



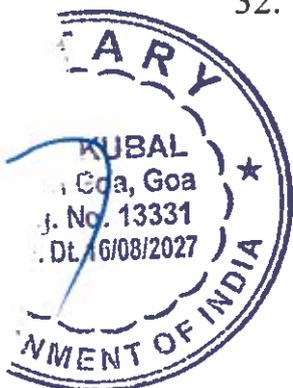
30. That in light of the submissions made hereinabove, it is most respectfully submitted that as per the Site inspection Report dated 27/10/2022, following are the conclusions/ recommendations:

1. *The width of sluice gate is found to be only 0.50 m during site inspection whereas as per Google Earth image of 2003 the width of the bund near the sluice gate shows 2.50 m, it should be restored back to its original size.*
2. *The opening of the sluice gate must be restored from 12 m wide to its original size.*
3. *The dimension of the Lagoon as per old DSLR plan shows 96.00 m x 67.00 m, the mud filling done of water body from the southern side of the Lagoon has to be reclaimed to maintain 96.00m length of the Lagoon, since filling carried out comes within the mangrove buffer zone as per CZMP 2011.*
4. *The depth of construction of sluice gate opening should be maintained below the lowest tide level.*

Further, the committee during the site inspection has not observed any other structures as alleged by the applicant in his original application in the plot other than those aforesaid structures in the plot under above mentioned survey numbers.

31. Therefore, it is respectfully submitted that in view of the actions taken by the Answering respondent individually and as a part of the Committee, constituted by this Hon'ble Tribunal, nothing would survive in the captioned Application and the same is liable to be disposed of.

32. That the annexures are true copies of their respective originals.



DEPONENT  
MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

08/12/2022

Verification:

Verified at Panaji, Goa, on this 08th day of December, 2022 that the contents of the above affidavit are true and correct to the best of my knowledge, based on the records duly maintained and no part of it is false and nothing material has been concealed therefrom.

*[Handwritten Signature]*  
08/12/2022

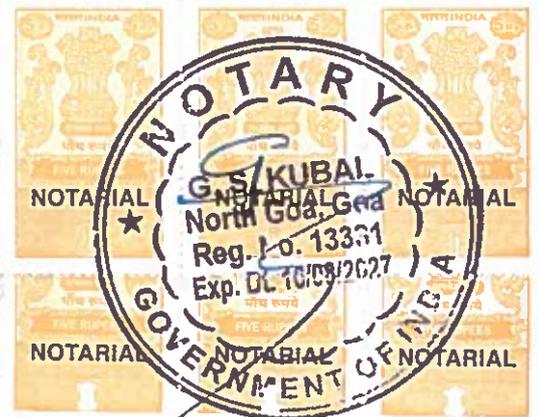
DEPONENT

MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

Solemnly affirmed before me by

*[Handwritten Signature]*  
Reg. No: 04/17286 Date: 8.12.2022  
known / Identified to me by.

*[Handwritten Signature]*  
G. S. KUBAL  
Notary (Govt. of India)  
Panaji-Goa, India



MEMBER SECRETARY  
GOA COASTAL ZONE MANAGEMENT AUTHORITY  
PANAJI - GOA

**Siolim: Gouveia Resorts, S.N. 318/2 : site inspection report**

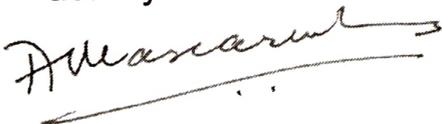
A site inspection was conducted at Siolim, in Survey no. 318/2, 319/2 and 320/2, the property belonging to Gouveia Resorts, on 04 March 2016. The owners, three complainants and the local Sarpanch (invited by the owner) were present at the site. According to the complainants, there has been large scale interference in the form unauthorized development in the three survey numbers mentioned above.

1. The following may be noted:

- a. The site is located along a creek that flows towards the river Chapora on the west;
  - b. The river bank is by and large intact; original embankment is still preserved;
  - c. Fringing mangroves, big and small, line most of the river bank;
  - d. A major part of the plot is occupied by a lagoon (agor) which is connected to the creek through a 12 metre wide opening;
  - e. The lagoon has been (re)built using boulder – cement combination; the top 50 cm of this wall is built using laterite stones;
  - f. A cemented pathway is constructed around the lagoon;
  - g. An hexagonal platform built on stilts is found in the north-western part of the lagoon;
  - h. The southern part of the property is converted into a garden with ornamental trees;
  - i. Two cabins are identified at both southern the corners of the plot;
  - j. The north-eastern corner of the property is occupied by a 20 cm thick concrete platform 12 m wide and 32 m long, along the creek bank;
  - k. The property is barricaded by stone masonry boundary wall on either side, up to the edge of the creek.
2. According to the DSLR plan, the area of the combined plots 318, 319, 320 is 135m x 90m. Within this area, the lagoon occupies an area of 95m x 65m. The lagoon had an exit point at the north-eastern corner. Two structures are shown at the corners along the southern boundary of the plot.
3. Google Earth (GE) images can be used for comparisons. The GE image of 2003 shows a large lagoon / pond admeasuring 125 m x 80 m; these dimensions more or less match those of the DSLR plan. In comparison, the GE image of 2015 shows the present lagoon area as 90 m x 70 m.
4. The change in dimensions is because a rectangular portion measuring 25 m x 80 m the southern part of the lagoon was reclaimed by mud filling around the year 2008. Eight small houses are seen in the GE image of 01/2008 on the reclaimed portion; these structures were removed around the year 2011. The reclaimed rectangular portion is presently converted into a garden. As such, reclamation has taken place on all four sides, the maximum being on the southern part.
5. The GE image of 2003 also shows a very narrow passage that opens into the creek along the northern boundary of the plot. This was probably an ancient

sluice gate. The part was subsequently widened into a 12 m wide opening that leads into the river / creek.

6. As far as the traditional access is concerned, there is no evidence that a traditional path existed. However, an embankment is found along the riverbank in the entire area. A boundary wall of laterite masonry has now been built by the owners right up to the edge of the river.
7. If the DSLR plan, GE images, and the present disposition of the plots 318, 319, 320 is concerned, there appears to be a mismatch, particularly about the size of the lagoon. If the complainants insist, the entire plot will have to be re-surveyed and mapped to confirm the changes that have indeed taken place over time.
8. Nevertheless, the owners have verbally agreed to restore whatever additional changes they made, particularly the concrete platform at the northern part along the river bank.
9. In summary,
  - (a) The plot has undergone changes with respect to the dimensions of the lagoon in particular;
  - (b) The hexagonal platform built on concrete columns in the lagoon does not seem to have approvals from competent authorities;
  - (c) The need for the reclamation of the lagoon and the approvals obtained, if any, for land filling will have to be explained by the promoters of the resort, as such activity is tantamount to CRZ 2011 violations of a tidal water body.



(Dr Antonio Mascarenhas)  
05 March 2016

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/NGT Matter / O. Appl. No. 03/2018/22-23/21/1484

Date : 13/10/2022

**MOST URGENT****NGT DIRECTIONAL MATTER**

To,

1. The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhavan, East Arjun Nagar,  
Delhi 110032 .
2. The Member Secretary,  
Goa State Pollution Control Board,  
Saligao –Goa.

**Sub: Compliance of order dated order dated 22/08/2022 and 24/09/2022 passed by Hon'ble National Green Tribunal, Pune in Original Application bearing no.03/2018 (WZ).**

Sir,

With reference to above mentioned subject matter I am to inform you that, earlier , an original application bearing no.03/2018 (WZ) was filed by the Goa Paryavaran Savrakshan Sangharsh Samitee interalia seeking prevention of ongoing commercial activities in the illegal and unauthorizedly constructed, permanent buildings/ structures in the CRZ/No Development Zone land survey no.318/2, 319/2 and 320/2 village Siolim.

The Hon'ble National Green Tribunal after hearing the matter vide order dated 22/08/2022 directed as follows:-

*"7. We deem it just and proper to constitute a Committee comprising:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA)*

*8. The said Committee shall visit the spot after informing the Applicant as well as the Respondent No. 1 and conduct the inspection, in order to ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of 03 (three) weeks from now.*

*9. The Maharashtra Pollution Control Board (MPCB) will be the nodal agency for coordination and logistic support.*

*10. The report in the matter be filed by the Committee by e-mail at [ngtpune@gov.in](mailto:ngtpune@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in*

the form of Image PDF. 11. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.

*Put up this case on 11-10-2022."*

Thereafter the matter was again heard by the Hon'ble Tribunal on 24/09/2022. The Hon'ble Tribunal vide order dated 24/09/2022 directed as follows:-

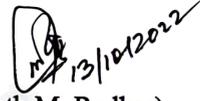
*"1. We have received an e-mail from Law Officer, MPCB- Mr. Netra Chaphekar with a prayer that in the present Original Application No. 03/2018 (WZ), vide order dated 22.08.2022, this Tribunal had constituted a Committee consisting of following Members:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA) 2. Due to typographical error, Maharashtra Pollution Control Board (MPCB) is made Member of the above Committee though the case belongs to State of Goa, it is prayed that this error may kindly be rectified and appropriate order be passed. 3. We have considered the matter and perused the record. It is apparent from the perusal of the order dated 22.08.2022 that the facts mentioned in the e-mail are correct. In fact, the matter relates to State of Goa, hence, in the said order in Para no. 7 Sub-clause (ii) in place of Maharashtra, it shall be read as Goa and also in para 9 of the said order, in place of Maharashtra, it shall be read as Goa. 4. Office is directed to upload the corrected order on the website forthwith."*

The matter was heard on 11/10/2022 by Hon'ble National Green Tribunal. The Hon'ble Tribunal after hearing the matter vide order dated 11/10/2022 directed as follows:-*"3. By our previous order dated 22.08.2022 with its corrigendum dated 24.09.2022, a Committee was constituted with a direction that it shall make spot visit in presence of the parties and ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of three weeks from the date of said order. The said report is still awaited. 4. It is a matter of great concern that none has appeared from the side of respondent No.3/GCZMA, which was also made a member of the said Joint Committee. The Registry is directed to issue show-cause notice to the Member Secretary of GCZMA/respondent No.3 as to why no-one has appeared today nor any report has been submitted in compliance of this Tribunal's order dated 22.08.2022. A copy of this order shall be served upon the Member Secretary of GCZMA by the Registry forthwith. 5. Put up this matter for further consideration on 21.11.2022."*

The matter is fixed by Hon'ble National Green Tribunal for submission of compliance report on 21.11.2022. In this regard, the GCZMA has fixed a site inspection of the above said area/site on 21/10/2022 at 11.00 a.m onwards.

Copies of the said order dated 22/08/2022, 24/09/2022 and 11/10/2022 passed by National Green Tribunal in Original application no.03 /2018 along with inspection notice which is self explanatory is annexed hereto for perusal and reference and marked Annexure "A" colly.

In view of the above, you are requested to depute duly authorised personnel to carry out the said exercise interms of the orders dated 22/08/2022 and 24/09/2022 passed by National Green Tribunal in Original Application no.03 /2018.



(Dasharath M. Redkar)  
Member Secretary (GCZMA)

Enclosed: As Above

**GOA COASTAL ZONE MANAGEMENT AUTHORITY**

C/o Department of Environment and Climate Change (Govt. of Goa)

4<sup>th</sup> floor, Dempo Towers, Patto, Panaji-Goa

E-mail: goacoastalzone@gmail.com

Ref. No. GCZMA/NGT Matter / O.Appt No.03/2018/22-23/21/1488 Date : 13/10/2022

**MOST URGENT**  
**NGT DIRECTIONAL MATTER****NOTICE OF SITE INSPECTION**

**Sub: Site inspection interms of order dated 22/08/2022 and 24/09/2022 passed by Hon'ble National Green Tribunal in Original Application bearing no. 03/2018 filed by Goa Paryavaran Savrakshan Sangharsh Samitee.**

**WHEREAS**, an original application bearing no.03/2018 (WZ) was filed by the Goa Paryavaran Savrakshan Sangharsh Samitee interalia seeking prevention of ongoing commercial activities in the illegal and unauthorizedly constructed, permanent buildings/ structures in the CRZ/No Development Zone land survey no.318/2, 319/2 and 320/2 village Siolim.

**AND WHEREAS**, the Hon'ble National Green Tribunal after hearing the matter vide order dated 22/08/2022 directed as follows:-

*"7. We deem it just and proper to constitute a Committee comprising:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA)*

*8. The said Committee shall visit the spot after informing the Applicant as well as the Respondent No. 1 and conduct the inspection, in order to ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of 03 (three) weeks from now.*

*9. The Maharashtra Pollution Control Board (MPCB) will be the nodal agency for coordination and logistic support.*

*10. The report in the matter be filed by the Committee by e-mail at ngt\_pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. 11. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.*

*Put up this case on 11-10-2022."*

**AND WHEREAS**, the matter was again heard by the Hon'ble Tribunal on 24/09/2022. The Hon'ble Tribunal vide order dated 24/09/2022 directed as follows:-

*"1. We have received an e-mail from Law Officer, MPCB- Mr. Netra Chaphekar with a prayer that in the present Original Application No. 03/2018 (WZ), vide order dated 22.08.2022, this Tribunal had constituted a Committee consisting of following Members:- (i) One Member from the Central Pollution Control Board (CPCB) (ii) One Member from the Maharashtra State Pollution Control Board (MPCB) and (iii) One Member from the Goa Coastal Zone Management Authority(GCZMA) 2. Due to typographical error, Maharashtra Pollution Control Board (MPCB) is made Member of the above Committee though the case belongs to State of Goa, it is prayed that this error may kindly be rectified and appropriate order be passed. 3. We have considered the matter and perused the record. It is apparent from the perusal of the order dated 22.08.2022 that the facts mentioned in the e-mail are correct. In fact, the matter relates to State of Goa, hence, in the said order in Para no. 7 Sub-clause (ii) in place of Maharashtra, it shall be read as Goa and also in para 9 of the said order, in place of Maharashtra, it shall be read as Goa. 4. Office is directed to upload the corrected order on the website forthwith."*

A copy of the said order dated 22/08/2022 and 24/09/2022 passed by National Green Tribunal in Original Application no.03/2018 (WZ) which is self explanatory is annexed hereto for perusal and reference and marked **Annexure "A"** colly.

**AND WHEREAS**, the matter was heard on 11/10/2022 by Hon'ble National Green Tribunal. The Hon'ble Tribunal after hearing the matter vide order dated 11/10/2022 directed as follows:-*"3. By our previous order dated 22.08.2022 with its corrigendum dated 24.09.2022, a Committee was constituted with a direction that it shall make spot visit in presence of the parties and ascertain the factual condition on the spot with respect to the illegal construction and submit its report within a period of three weeks from the date of said order. The said report is still awaited. 4. It is a matter of great concern that none has appeared from the side of respondent No.3/GCZMA, which was also made a member of the said Joint Committee. The Registry is directed to issue show-cause notice to the Member Secretary of GCZMA/respondent No.3 as to why no-one has appeared today nor any report has been submitted in compliance of this Tribunal's order dated 22.08.2022. A copy of this order shall be served upon the Member Secretary of GCZMA by the Registry forthwith. 5. Put up this matter for further consideration on 21.11.2022."*

A copy of the said order dated 11/10/2022 passed by National Green Tribunal in Original Application no.03/2018 (WZ) which is self explanatory is annexed hereto for perusal and reference and marked **Annexure "B"**.

**AND WHEREAS**, the matter is fixed by Hon'ble National Green Tribunal for submission of compliance report on 21.11.2022.

**AND WHEREAS**, in this regard, the GCZMA had fixed a site inspection of the above said area/site on 21/10/2022 at 11.00 a.m onwards.

**NOW THEREFORE**, you are required to take note of the date of site inspection and remain present during the site inspection or depute your duly authorized representative with all the requisite details / documents, if any, failing which the inspection will be carried out in your absence.

  
 (Dashrath M. Redkar)  
 Member Secretary (GCZMA)

Enclosed as above

To,

1. M/s Goveia Resorts / Waterfront through its Partner, Goveia Marina Resorts, Vaddy, Siolim Bardez-Goa.
2. Goa Paryavaran Savrakshan Sangharsh Samitee, through its authorised representative Mr.Joaquim Agnelo Martins having office at S-1, Renuka Residency, behind KTC Bus stand, Fatorda, Margao Goa 403601.

Copy to:

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhavan, East Arjun Nagar, Delhi 110032... with a request to depute authorised personnel to carry out the said exercise interms of the order dated order dated 22/08/2022, 24/09/2022 and passed by National Green Tribunal in original Application.03/2018 on abovementioned date and time.
2. The Member Secretary, Goa State Pollution Control Board, Saligao – Goa... with a request to depute authorised personnel to carry out the said exercise interms of the order dated order dated 22/08/2022, 24/09/2022 and passed by National Green Tribunal in original Application.03/2018 on abovementioned date and time.
3. Shri. Sujeetkumar Mariapa Dongre, Expert Member (GCZMA), Programme Coordinator, CEE Goa State, Porvorim Goa .....with a request to make it convenient and attend the same.

1. **Shri Savio Joaquim Filipe Correia**, Expert Member (GCZMA) Newton Apartments-II Mangor Hill, Vasco-da-gama.....with a request to make it convenient and attend the same.
- ✓ 2. **Shri Flaviano Jose Miranda**, Expert Member (GCZMA) Duncolim Seralim Salcete Goa .....with a request to make it convenient and attend the same.
3. **Shrirang V. Jambhale**, Expert Member (GCZMA) Gram Vikas Kendra (NGO) Savoi – Verem Goa.....with a request to make it convenient and attend the same.
4. **Mr.Satish Kumar Naik** Field Surveyor, Goa Coastal Zone Management Authority (GCZMA).....with a request to make it convenient and attend the same.
5. **Mr. Devendra Gaonkar**, Field Surveyor, Goa Coastal Zone Management Authority (GCZMA).....with a request to make it convenient and attend the same.



Harshita Sharma &lt;harshitasharma@chambersofrg.com&gt;

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**SERVICE IN OA no.03/2018 (WZ) Goa paryavaran Savrakshan Samitee vs Govia Resorts Pvt Ltd**

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Harshita Sharma &lt;harshitasharma@chambersofrg.com&gt;

14 December 2022 at 13:10

To: "goaparyavaran@gmail.com" <goaparyavaran@gmail.com>, sdm-mapusa.goa@nic.in,  
"shivshankar.swaminathan@yutilaw.com" <shivshankar.swaminathan@yutilaw.com>, gcзма gcзма  
<goacoastalzone@gmail.com>, Panaji <goaseac@gmail.com>

Cc: Ruchira Gupta <ruchira@chambersofrg.com>, Ruchira Gupta <ruchiragupta2010@gmail.com>, Nancy Shah  
<nancyshah@chambersofrg.com>

Dear Sir

I am writing on behalf of Respondent No. 3, Goa Coastal Zone Management Authority, in the captioned matter. Please find attached the Para-wise Reply to be filed on behalf of Respondent No.3 before the Hon'ble NGT in the subject matter. **Kindly treat this as advanced service of the same.**

Regards

Harshita Sharma

Advocate

[Quoted text hidden]

**OA 03\_2018 (Goa paryavaran Savrakshan Samitee vs Govia Resorts Pvt Ltd).pdf**

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