



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

Appeal No. 51/2022 (WZ)

The Colva Civic and Consumer Forum

... Appellant

Versus

The Goa Coastal Zone Management Authority & Ors.

... Respondents

AFFIDAVIT OF THE RESPONDENT NO. 4

Affidavit in sur-rejoinder of the Respondent No. 4 (Shamiraj Hotels Pvt. Ltd.) to the Appellant's rejoinder dated 5 August 2024 is as under:

I, Mr. Sanjay Selukar, age: 58 years, the Director and authorised representative of the Respondent No. 4, having address at H. No. 432/1, 4th Ward, Colva Beach Road, Colva, Salcete, Goa – 403708, am aware of the facts in the matter and do hereby state on solemn affirmation as under:

1. I hereby state that I am filing this affidavit on behalf of the Respondent No. 4 in furtherance of and addition to my earlier affidavits. This affidavit is being filed as a sur-rejoinder to the rejoinder affidavit of the Appellant dated 5 August 2024. The

A handwritten signature in blue ink, appearing to be 'S. Selukar', located at the bottom right of the page.

said rejoinder of the Appellant was served on email on 7 August 2024.

2. This Respondent further states that nothing contained in this affidavit should be considered as an admission or acceptance of the various allegations contained in the rejoinder. For the record, this Respondent hereby specifically denies all the allegations and averments stated in the rejoinder unless expressly admitted/ accepted herein.
3. At the outset, the Respondent would draw the attention of the Hon'ble Tribunal to the Hon'ble Tribunal's order dated 15 January 2024 where in the end of paragraph 2 it is stated that *"Copy of that report shall also be served to the appellant and if any objection thereto is to be filed, the appellant may file the same within a week thereafter."*
4. The Appellant has not filed its objection within the timelines specified by the Hon'ble Tribunal. Despite the Appellant having over 4 months to provide its response, the Appellant has not provided any explanation for filing the rejoinder only 1 week prior to the scheduled date of hearing before the Hon'ble Tribunal. The Respondent humbly states that the Appellant is using such tactics to cause delays in the matter and thereby giving very less time to this Respondent and other parties to the proceedings to respond to the various unfounded



allegations. The conduct of the Appellant ought to be made a note of by the Hon'ble Tribunal.

5. With respect to paragraph 1 of the rejoinder, I state that the same is a matter of record, and does not require any specific comments.
6. With respect to paragraph 2 of the rejoinder, I state that the Respondent No. 4 is not aware of the communication between the Appellant and the Respondent No. 1.
7. With respect to paragraph 3 of the rejoinder, I state that it is correct that the site inspection was fixed on 19 February 2024.
8. With respect to paragraph 4 of the rejoinder, I state that the Respondent No. 4 is not aware of the communication between the Appellant and the Respondent No. 1. However, it may be noted that the order of the Hon'ble Tribunal did not provide for any directions of other persons being present during the site inspection other than those specified in the order. Despite this, the Appellant addressed a communication to the Respondent No. 1. The Appellant ought to have approached the Hon'ble Tribunal for a clarification or modification of the order and seeking permission of the Hon'ble Tribunal to allow additional person. Instead, the Appellant wrongly chose to address the Respondent No. 1, and that too, on the same day of the scheduled inspection. This once again shows the

conduct of the Appellant – of not allowing time to anyone to provide their response.

9. With respect to paragraphs 5 and 6 of the rejoinder, I deny the contents. It is humbly submitted that the Respondent No. 4 was not aware of the request made by the Appellant to the Respondent No. 1 for having an additional volunteer for the inspection. During the inspection, a stranger entered the site of the Respondent No. 4 and appeared to be taking photographs of the site. The Respondent No. 4 had not authorised any such person to enter the property of the Respondent No. 4. Ms. Almeida was present during the inspection. At this stage, the expert member of Respondent No. 1 (GCZMA), Ms. Radha Rao raised an objection about his presence during ongoing inspection and told him to delete all the photographs he clicked. No person of the Respondent No. 4 removed such person/ volunteer from the property of the Respondent No. 4 or to delete the photographs. It is denied that there was any unreasonable or unjust action by the authority. It is denied that the inspection was compromised.
10. It is further pertinent to note that if Ms. Almeida had such serious grievances with the site inspection, why did the Appellant wait for over 5 months to file their objections or bring this fact to the attention of the Hon'ble Tribunal? The Appellant also has not chosen to file any application before



the Hon'ble Tribunal seeking earlier hearing of the matter in the intervening period. The Appellant has not acted in a prudent manner. This conduct of the Appellant goes on to show that the allegations and averments are false and unfounded. The Appellant is merely being a nuisance by making such false allegations.

11. With respect to paragraph 7 of the rejoinder, I deny the contents. I say that the inspection of the site was duly carried out by the authority. It is denied that there are any violations as stated by the Appellant or that such violations are not recorded in the inspection report.
12. With respect to paragraph 8 of the rejoinder, I state that the Respondent No. 4 is not aware of the communication between the Appellant and the Respondent No. 1.
13. With respect to paragraph 9 of the rejoinder, I deny the contents. I say that the inspection of the site was duly carried out by the authority. I say that the Appellant is raising such false allegations against the Respondent No. 1 and the Respondent No. 4 merely to cause nuisance and harassment. This is leading to reputational harm to the Respondent No. 4. It is pertinent to note that the business of the Respondent No. 4 has suffered in the past two years due to the false allegations of the Appellant thereby reducing the business of the Respondent No. 4 by more than 35%. I state that the Appellant



is targeting the Respondent No. 4 and certain specific other establishments for motives and reasons best known to the Appellant.

14. With respect to paragraph 10(i) of the rejoinder, I deny the contents. The Respondent No. 4 humbly submits that the Respondent No. 4 (through its erstwhile owners) received plan sanction from the relevant authorities to build/ construct. The sanction/ permissions have already been filed on record. None of the sanction, permissions or license have been challenged by the Appellant. The building/ area is not falling in NDZ as is alleged by the Appellant.
15. With respect to paragraph 10(ii) of the rejoinder, I deny the contents. The photographs annexed by the Appellant are old and do not accurately depict the actual site condition either today or on the date of the inspection. In the stilt area of the building there is no bar/ restaurant, no toilet and no reception area. The electrical room and toilet was there earlier and is as per sanction/ permission.
16. With respect to paragraph 10(iv) of the rejoinder, I deny the contents. The 49ers restaurant is fully demolished. The area where the restaurant was, has been levelled and made plain. That area now has a thin layer of cement coating to avoid water logging or becoming muddy. That area is an open area



and used by in house hotel guests for parking their vehicles. There is no construction on that area.

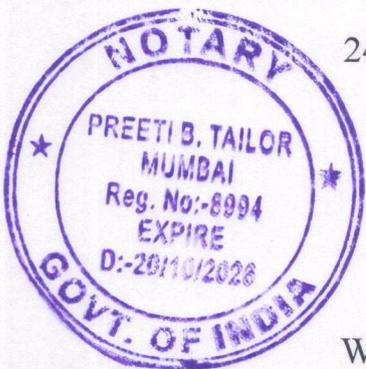
17. With respect to paragraph 10(v) of the rejoinder, I deny the contents. It is not true that the area surrounding the ground floor has been concretised.
18. With respect to paragraph 10(vi) of the rejoinder, I deny the contents. This is not at all true. The property would have bad smell and guests would not reside in the hotel if this were the case. In any case, the Appellant is trying to falsely enlarge the scope of the issue.
19. With respect to paragraph 11 of the rejoinder, I deny the contents. The site inspection report by the authority shows that the site is falling in the 200-500 meter of CRZ III.
20. With respect to paragraph 12 of the rejoinder, I deny the contents. It is false that the building has been reconstructed or that it is without approvals. The construction was carried out by the erstwhile owners as per the plan sanction received.
21. With respect to paragraph 13 of the rejoinder, I deny the contents.





22. With respect to paragraph 14 of the rejoinder, I deny the contents. The Appellant is only targeting the Respondent No. 4 to harass the Respondent No. 4.

23. With respect to paragraph 15 of the rejoinder, I deny the contents. I say that the Appellant has made false statements and has not properly verified the affidavit.



24. I say that in my previous affidavit, I have stated the area of the plot to be 3055 square meters. I state that I made an inadvertent error and mistake while stating this. The plot area is 1570 square meters in terms of the sale deed.

Whatever stated above is true to the best of my knowledge, information and belief, and I believe the same to be true, and in witness whereof I have signed on this 12th day of August 2024 at Mumbai.

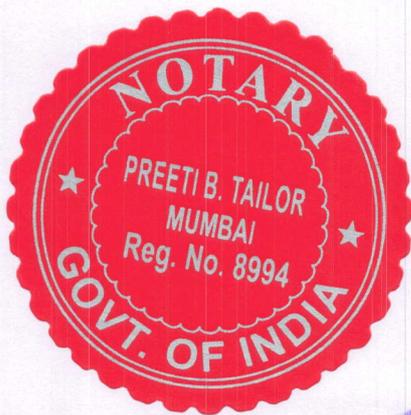


Sanjay Selukar

Mr. Sanjay Selukar

Director, Shamiraj Hotels Pvt. Ltd.

Respondent No. 4



BEFORE ME

Preeti B. Tailor

PREETI B. TAILOR

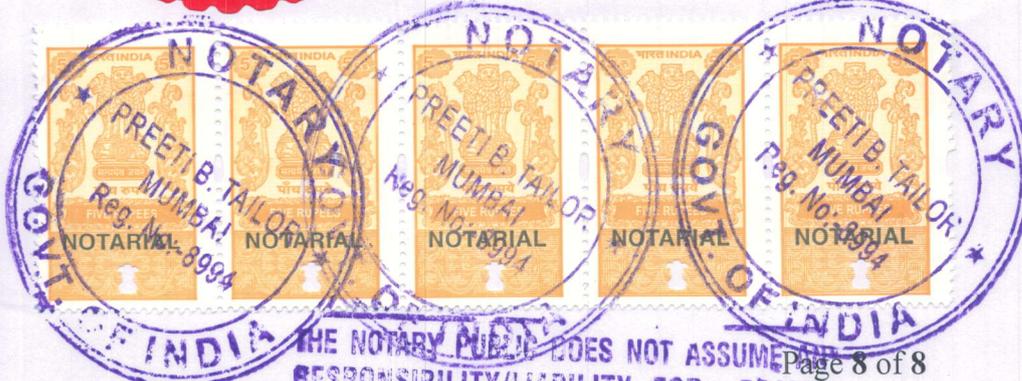
ADVOCATE & NOTARY (GOVT. OF INDIA)
B-5, MILAN APTS., RAJCHANDRA LANE,
MALAD (WEST), MUMBAI - 400 064.

12 AUG 2024

NOTED & REGISTERED

Tr. No. 1468 Reg. No. 452 Page No. 52

Date. **12 AUG 2024**



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