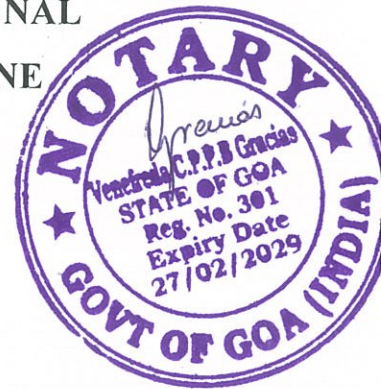


BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE AT PUNE

Original Application No. 51/2023 (WZ)



KULDEEP RANA

...Appellant

Vs.

GCZMA and Ors.

...Respondents

AFFIDAVIT OF COMPLIANCE BY THE RESPONDENT NO 1

I, Johnson Bedy Fernandes, adult, being the Member Secretary, Goa Coastal Zone Management Authority, 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 Goa Coastal Zone Management Authority (hereinafter referred to as **GCZMA**) in the above-captioned Appeal. I am well-conversant with the facts and circumstances from which the present Appeal arises and as such, am affirming the present Affidavit.
2. I say that nothing in the present Affidavit may be deemed to be any admission of any content of the above-captioned Appeal filed by the Appellant, unless the same is

Johnson Bedy Fernandes

categorically admitted herein. I further submit that nothing in the above-captioned Appeal may be deemed to have been admitted for want of specific denials.

3. I say that the Expert Member of the GCZMA along with Engineer and the Field Surveyor had conducted a Site inspection of the property bearing Sy No 63/1-A, 63/1 and 63/1-B of Arambol Village.

4. I say that the Inspecting team inspected the site on 23/08/2023 and noted various violations for which a report was prepared along with photographs. (*Enclosed copy of the report annexed as "ANNEXURE A"*)

5. I say that the inspecting team at the time of inspection noted that the structures standing on site are located within 200 mts from the HTL.

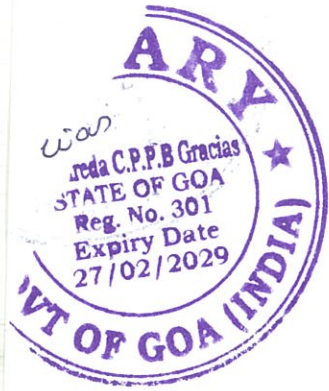
5(6) I say that the Authority has taken cognizance of the violations and issued Show Cause Notice to the Violators i.e.

(i) to Cyril Philip Mendonca,

(ii) to Mr. Mathew Rodrigues, Treeza Rodrigues, Carmin Rodrigues, Russell Rodrigues, Sheryl Rodrigues, Alex Rodrigues, &

(iii) to Johnny D'Souza





- 6) I say that this Show Cause Notice was taken up in various GCZMA meetings. At the hearings before the GCZMA the violators have filed their written arguments and the matter was posted for oral arguments on 04/01/2024 at 3.30p.m.
- 7) I say that the Authority i.e. Office of the GCZMA, heard the Respondent Mr. Johny Santan Souza on the violations carried out by him as mentioned in the Show Cause Notice.
{Annexed copy of the Show Cause Notice marked as "ANNEXURE B"}.
- 8) I say that the Authority i.e. Office of the GCZMA, heard the Respondent Cyril Philip Mendonca on the violations carried out by him as mentioned in the Show Cause Notice.
{Annexed copy of the Show Cause Notice marked as "ANNEXURE C"}.
- 9) I say that the Authority i.e. Office of the GCZMA, heard the Respondents on the violations carried out by them as mentioned in their respective Show Cause Notices.
- 10) I say that the Authority in its 412th Meeting held on 19/09/2024 had taken up all the three matters and the decisions were pronounced at the meeting.
- 11) I say that the Authority in the matter of Mr Johny Santan D'Souza the Authority had observed and directed the Respondent to demolish the structure having mangalore tile

roofing situated in the property bearing Sy No. 63/1-A of Arambol Village.

[Enclosed extract of the decision taken in the 412th Meeting].
Annexure D

12) I say that the Authority in the matter of Mr Mathew Rodrigues and ors the Authority had observed and directed the Respondent to demolish all the structure situated in the property bearing Sy No. 63/1 of Arambol Village.

[Enclosed extract of the decision taken in the 412th Meeting].
Annexure E

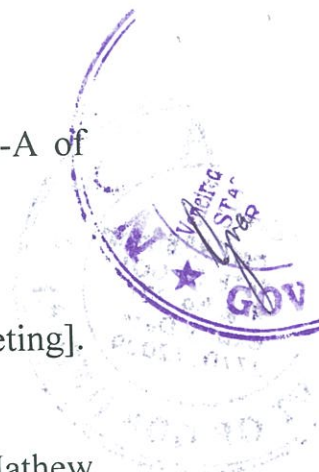
13) I say that the Authority in the matter of Mr Cyril Philip Mendonca the Authority had observed and directed the Respondent to demolish all the structures situated in the property bearing Sy No. 63/1-B of Arambol Village.

[Enclosed extract of the decision taken in the 412th Meeting].
Annexure F

14) I say that the Respondent Mr Johnny Santan D'Souza on 18/9/24 had inwards an application at the GCZMA stating therein that the structure in Sy No 63/1-A at Arambol has been demolished by him.

[Enclosed copy of the application no 18/9/24]. Annexure G

15) I say that the Authority through its team conducted a Site verification on 20/9/24 and it was observed that the ground floor structure had been demolished. That at point 3 of the observation of the compliance report it is noted by the





Authority that the Respondent had valid permission from the GCZMA. (Annexure H)

16) I say that the structure of the Respondent Mr. Johnny D'Souza has also self-complied with the directions of the Authority.

17) I say that in view of the above the Authority has complied with the directions and placed on record the decisions taken by the Authority and hence the proceeding may be dropped/closed.

Panaji, Goa.

23/9/24

MR. JOHNSON BEDY FERNANDES
Member Secretary GCZMA.



Solemnly Affirmed Before me by
Johnson Bedy Fernandes
who is identified before me by

_____ at Calangute - Goa

Sr. No. 129/09/2024

Date: 23/9/2024

Venefreda C.F.P.B. Gracias
Advocate & Notary
Bardez-Goa

SITE INSPECTION REPORT

As per Direction from the Hon'ble National Green Tribunal,(WZ),Pune Original Application No. 51/2023(WZ) Earlier O.A. No.534/2022(PB) LP & Notice of Site Inspection Ref No. GCZMA/NGT-Matter/O.Appl.No.534/2022/22-23/18/1315 Dated: 17/08/2023. Upon instruction from the Member Secretary, GCZMA site inspection was carried out by Mrs Radha Rao, Expert Member,GCZMA with Miss Bhargavi Kelkar, Engineer o/o GCZMA & ,Mr.Balkrishna Surlakar, F.S. o/o GCZMA along with DSLR Field Surveyor's Inspected the Site on 23/08/2023 at 11.00 a.m.

The Following Parties were present at time of Inspection:-

1) Mr.Johny D'Souza...Respondent

At the Time of site Inspection Complainant i.e. Mr.Kuldeep Rana remained absent

OBSERVATION AT LOCO

At the time of Site Inspection it was observed as under:-

1. The Site in question is located at Girkarwad, Arambol Village of Pernem Taluka with property bearing Sy.no.63/1-A.
2. As per latest online Form I and XIV Records the following names are recorded in occupant's Column which are shown in Tabular column below

| SR.NO. | SY.NO./SUB-DIV | NAME OF OCCUPANT AS PER FORM 1 AND 14 | AREA AS PER FOR 1 AND 14 |
|--------|----------------|---------------------------------------|--------------------------|
| 1 | 63/1-A | Johny Santan D'Souza | 666.00 Sq.mts |

3. The detail measurements of structures were carried out using measuring tape in Sy.No.63/1-A of Arambol Village of Pernem Taluka by DSLR field Surveyor's.

4. The detail of the structure as shown in the below tabular column:-

| Sr.no. | Sy.no. / Sub.div. | Name & Type of structure | Details of structure | Approx. Area of structures in Sq.Mts |
|--------|-------------------|-------------------------------|--|--|
| 1 | 63/1-A | A (Ground Floor Structure) | Laterite masonry wall structures having permanent plinth covered with Mangalore tile roofing. The structure is depicted | Area of Structure as per Form I and XIV records :111.00 Sq.mts Area of Structure on Site: 60.59 Sq.mts. |

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|---|--------|-------------------------------|--|--|
| | 63/1-A | | on DSLR Survey Plan however on site it was observed that part of the Structure is in dilapidated condition. | |
| 2 | 63/1-A | B (Ground Floor Structure) | Partly constructed with laterite stone masonry wall and Partly with brick masonry wall constructed on permanent plinth covered with Mangalore tile roofing is in dilapidated condition. The Structure 'B' is attached to Structure 'A' and further partly attached to southern side of Boundary wall. | 21.02 Sq.mts |
| 3 | | C (Ground Floor Structure) | The Ground floor R.C.C. Structure constructed on Permanent Plinth partly RCC Roof Slab & partly with Mangalore tile roofing & Covered with Laterite stone masonry walls & Cement Mortar plaster. | 123.58 Sq.mts |
| 4 | | Tank (T1 & T2) | The Tank (T1 & T2) above & below ground with RCC covering with manhole opening attached to Structure 'C' from North-East & Southern Side Respectively. | T1- 8.35 Sq.mts T2- 6.01 Sq.mts |

5. The Property is bounded with L.S.M wall from North-Sy.no.63/1, South-Sy.no.63/2, and East-River & West-Sy.no.64/0 respectively.
6. At loco on south-west side of property bearing Sy.no.63/1-A there exist a circular open well which is depicting on DSLR survey plan.

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7. During the Course of inspection it was observed that in Sy.no.63/1 abutting on northern side of Sy.no.63/1-A there are structures that have been constructed.
8. In Sy.no.63/1-B abutting on Northern Side of Sy.no.63/1 structures are observed.
9. The Brief Details of Structures standing/Constructed in Sy.no.63/1 & Sy.No.63/1-B are Shown in tabular column:-

| SR.NO. | SY.NO. / SUBDIV | OBSERVATION ON SITE | Annexure/Site photographs |
|--------|-----------------------|--|------------------------------|
| 1 | 63/1 | a) G+2 RCC Structure, b) Swimming Pool c) shed with Mangalore tile roofing d) Structure with L.S.M wall covered with RCC slab e) well. f) The property is compounded with L.S.M wall from all side. | Annexure-II |
| 2 | 63/1-B | a) G+2 RCC Structure b) 1 no's well c) 2 no's permanent plinth/base. d) The property is compounded with L.S.M wall from all sides. | Annexure-III |

10. At time of inspection the representatives of respective properties i.e.Sy.no.63/1 & 63/1-B did not permit the GCZMA team & DSLR field Surveyor's to carry out the mapping. However structures on site were observed and photographs of same were taken.

11. Site inspection Photographs Enclosed
(Annexure I -Photos of structures in Sy.no.63/1-A)
(Annexure II-Photos of structures in Sy.no.63/1)
(Annexure III-Photos of structures in Sy.no.63/1-B).

Conclusion and Recommendation

1. The Site in question i.e. Sy.no.63/1-A,63/1 & 63/1-B of Arambol Village of Pernem Taluka falls within 0 to 200 m in NDZ (CRZ-III) and also affected by 50m mangrove buffer CRZ-IA.

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2. The Structures standing in Sy.no.63/1-A denoted as A, B, C & Tank (T1 & T2) attached to Structure 'C' on North-East & southern side respectively. The laterite stone masonry compound wall is existing on all sides is permanent in nature. The Legalities of the Same Need to Be Verified.
3. During the course of inspection it was observed that the structures in Sy.no 63/1 and Sy.no.63/1-B are permanent in nature. The licenses and legalities from Local authorities need to be verified.
4. As per the CRZ regulations, no construction is permissible within the NDZ area, except the repair or reconstruction of the old structure existing prior to 1991, with proper permission from GCZMA.
5. The Authority may decide and deliberate in matter.

Place: Arambol-Pernem-Goa

Date: 23/08/2023.


Radha Rao
Expert Member
GCZMA


Miss. Bhargavi Kelkar
Engineer
GCZMA


Mr. Balkrishna Surlakar
Field Surveyor
GCZMA

Enclosed:-

1. Site inspection Photographs
(Annexure I -Photos of structures in Sy.no.63/1-A)
(Annexure II-Photos of structures in Sy.no.63/1)
(Annexure III-Photos of structures in Sy.no.63/1-B).
2. Form 1 & 14 of Sy.no.63/1 & Sy.no.63/1-B respectively.
3. DSLR site plan. (Ref.No. FILE NO.19/DSLRL/Re-Cell/CRZ-Mapping/23/43).

Abbreviations:-

GCZMA-Goa Coastal Zone Management Authority
NDZ-No Development Zone
DSLRL-Directorate of Settlement and Land records
L.S.M-Laterite Stone Masonry

ANNEXURE-I

PHOTOS OF STRUCURES IN SY.NO.63/1-A OF ARAMBOLVILLAGE OF
PERNEM TALUKA

STRUCTURE 'A'

OLD STRUCTURE DEPICTED ON DSLR SURVEY PLAN IN
SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA



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B



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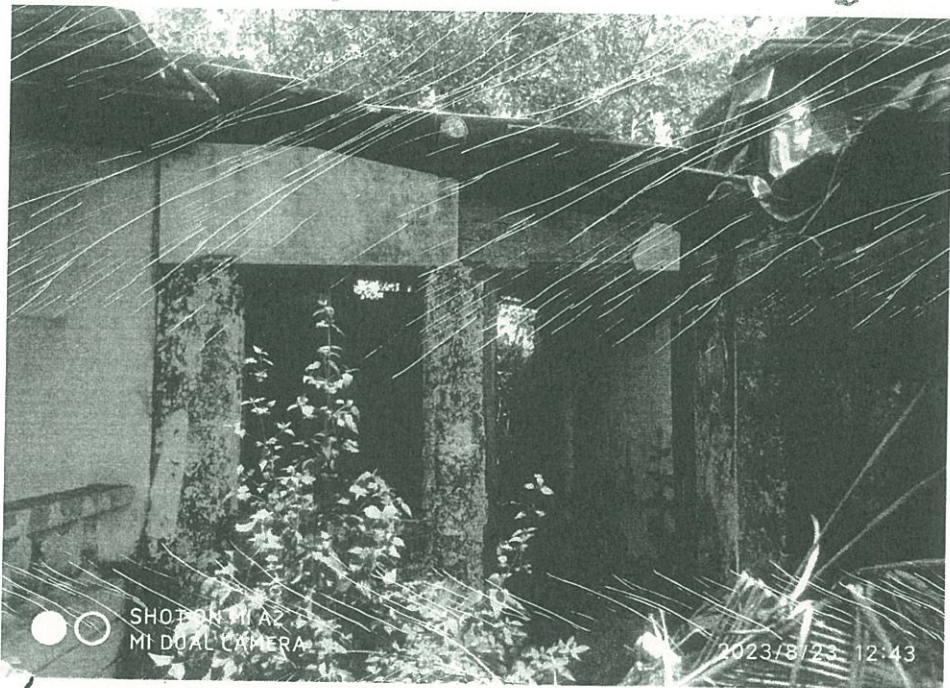
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'STRUCTURE 'B''

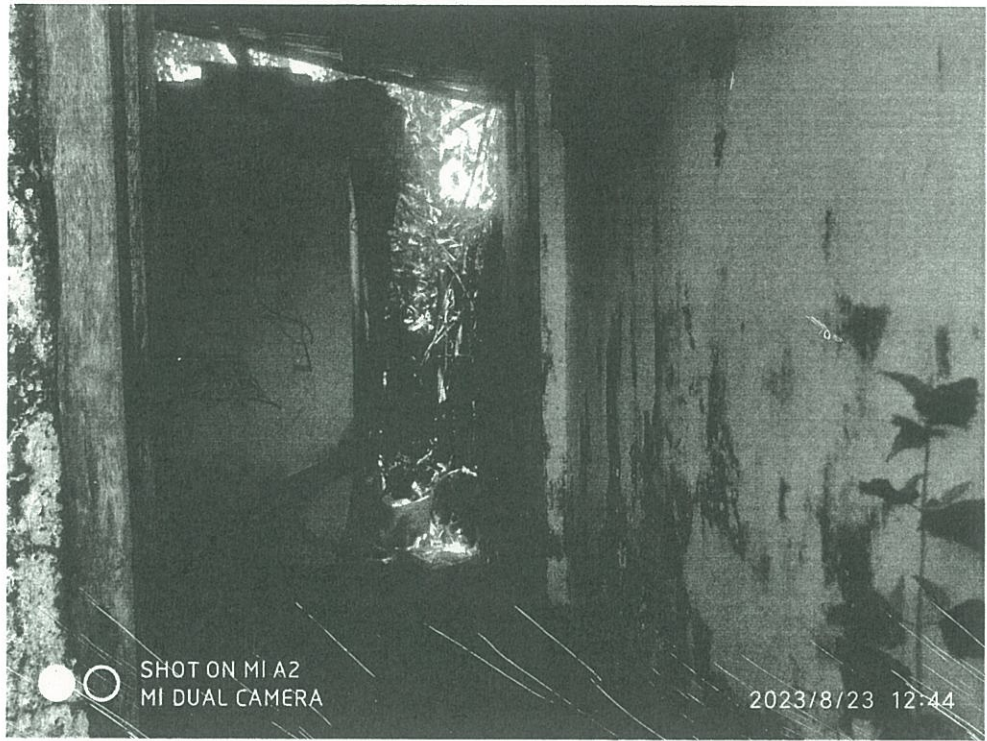
ATTCHED TO STRUCTURE A AND FURTHER ATTCHED TO SOUTHERN SIDE OF BOUNDARY WALL IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA.



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STRUCTURE 'C'

GROUND FLOOR NEW STRUCTURE CONSTRUCTED ON PERMANENT BASE WITH RCC SLAB ROOFING IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA

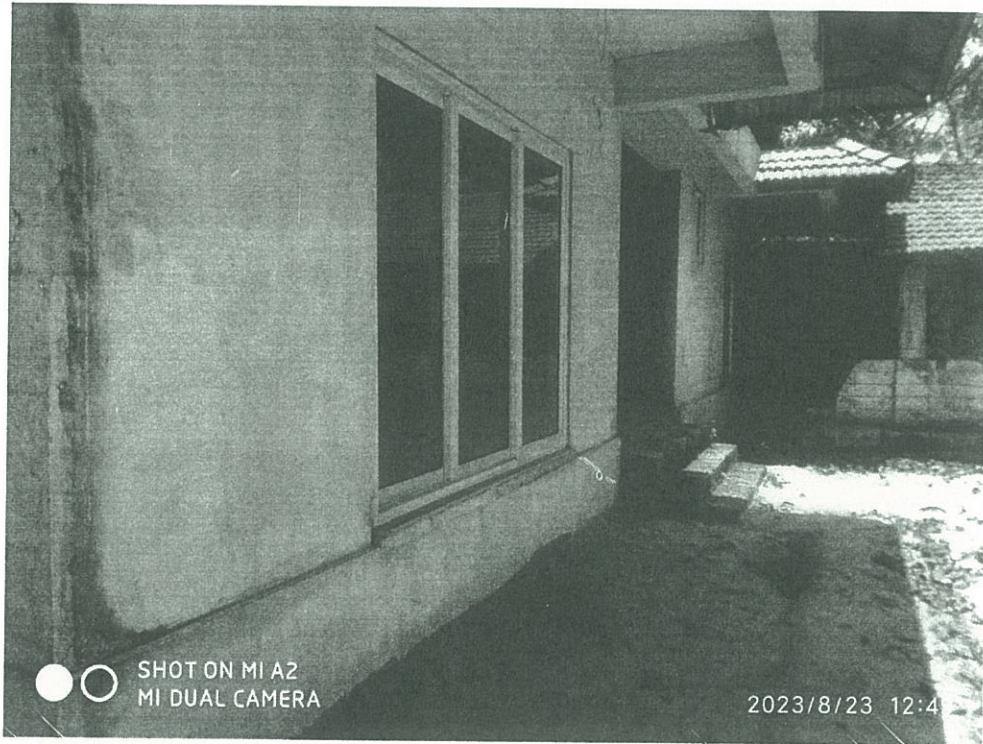


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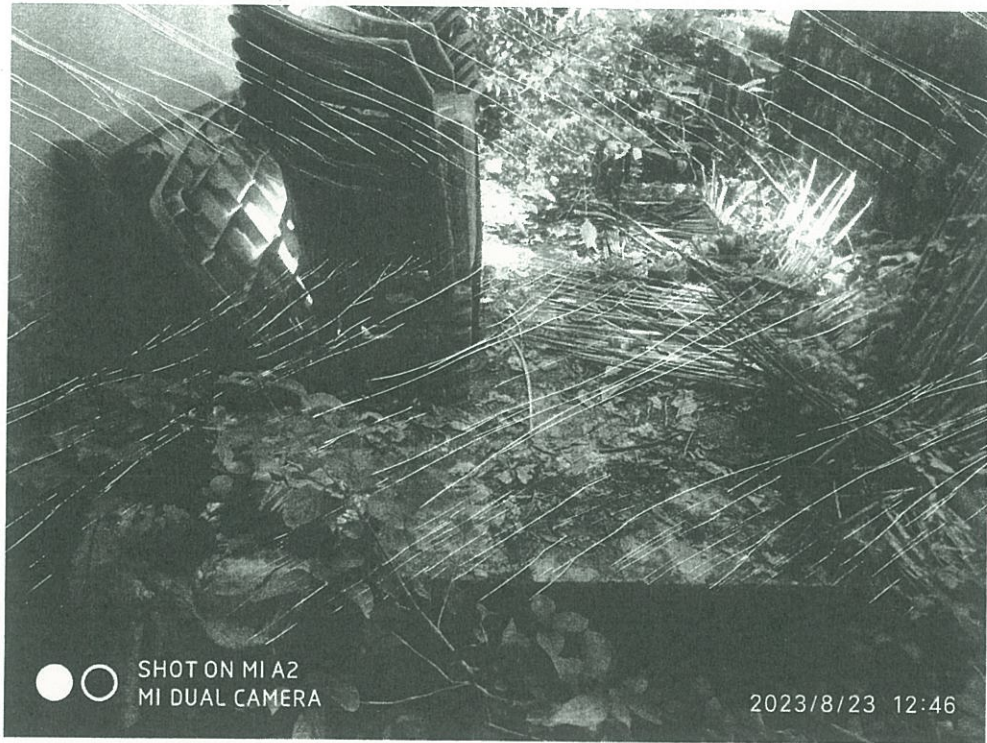
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TANK (T1 & T2)



TANK 1 ATTACHED TO STRUCTURE 'B' FROM SOURHERN SIDE

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TANK 2 ATTACHED NORTH-EAST SIDE OF STRUCTURE 'C'

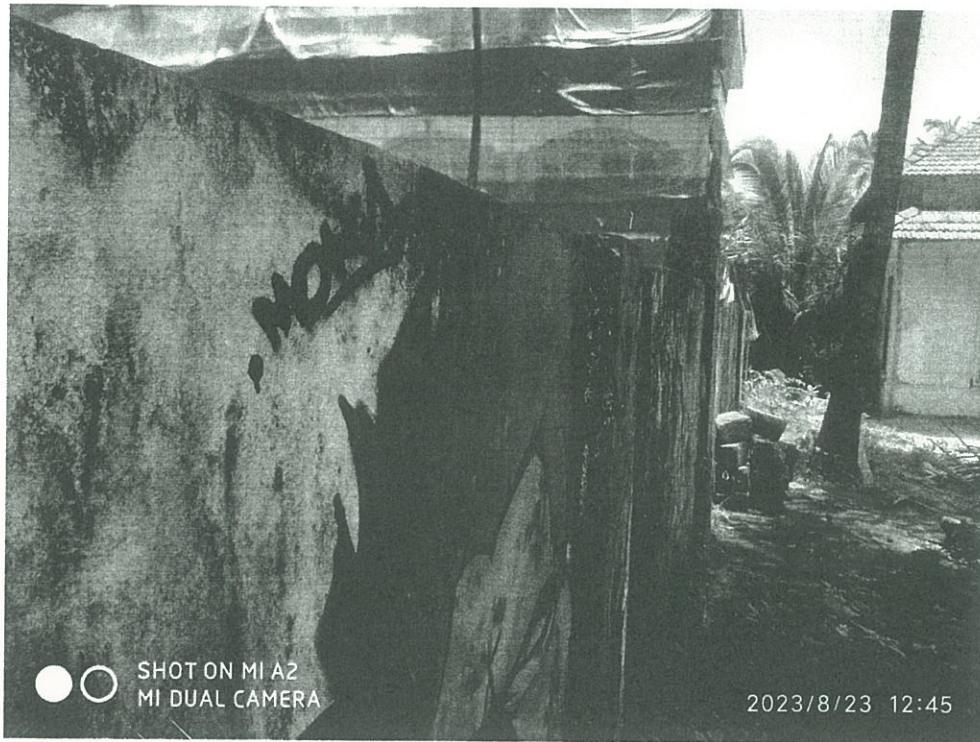


CIRCULAR WELL ON SOUTH-WEST SIDE OF THE PROPERTY

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Handwritten signature: D. Kelkar

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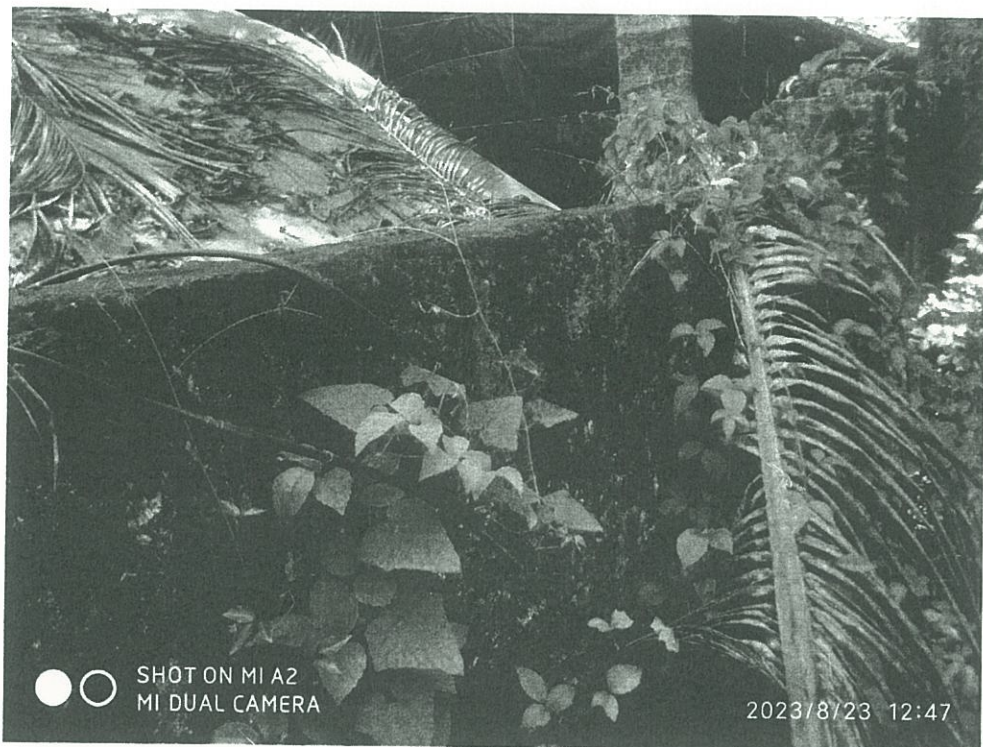


NORTHERN SIDE BOUNDARY WALL

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SOUTHERN SIDE BOUNDARY WALL

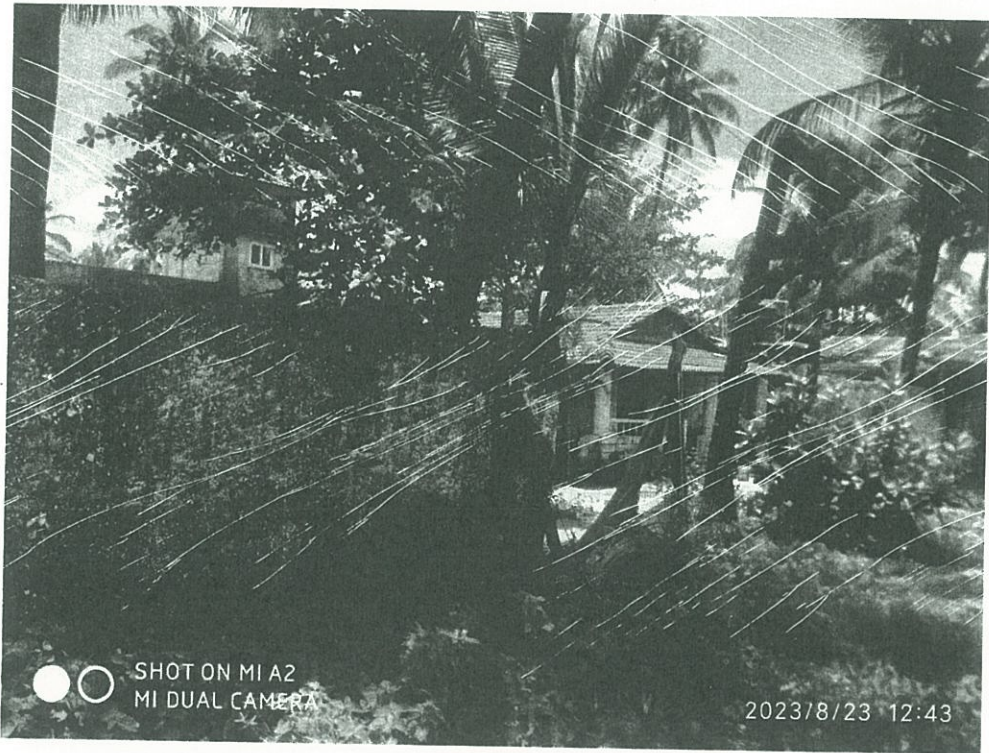
not

D. Shelkar

135/1



EASTERN SIDE BOUNDARY WALL WITH APPROX. 1.2m WIDE METAL GATE OPENING FROM SOUTH-EAST SIDE



WESTERN SIDE BOUNDARY WALL WITH ENTRANCE

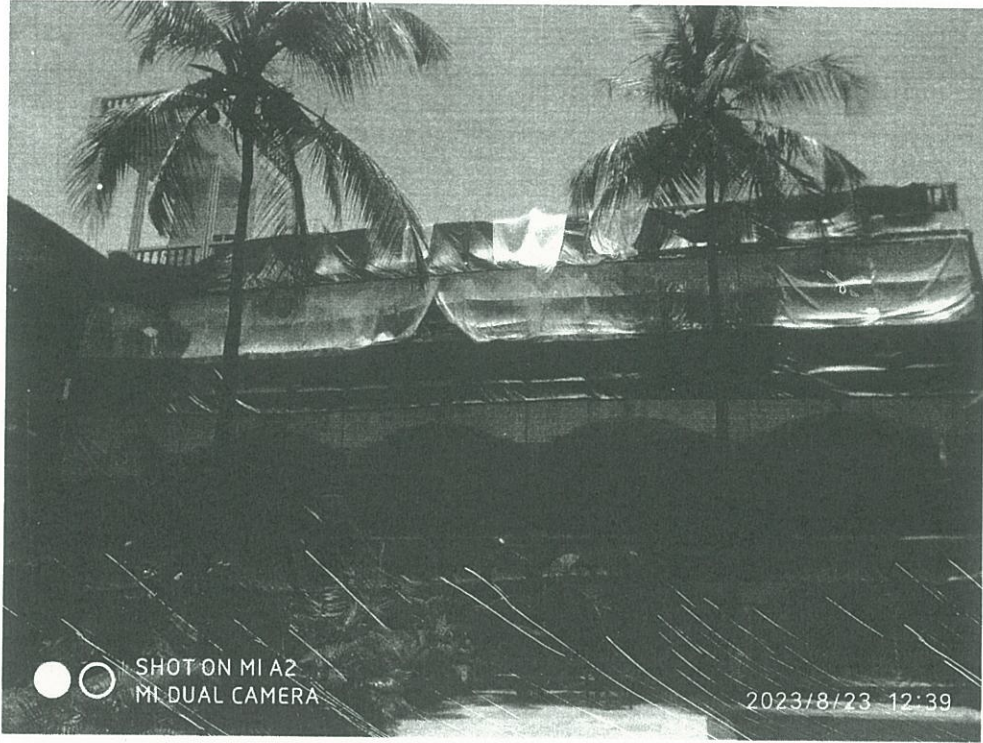
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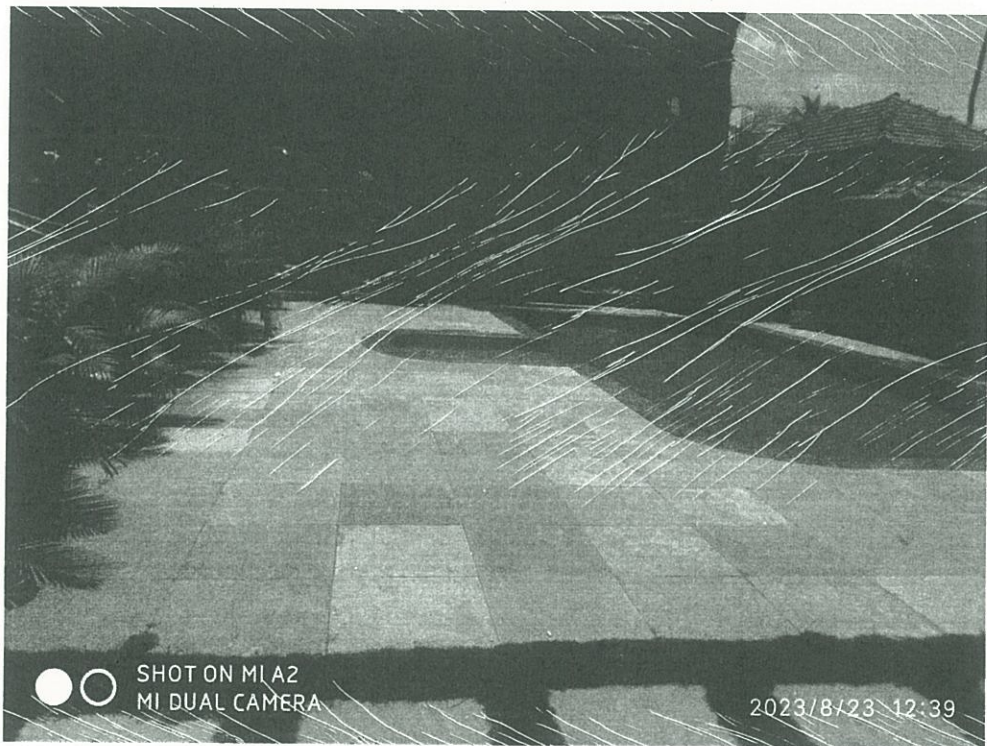
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ANNEXURE-II

PHOTOS OF STRUCURES IN SY.NO.63/1 OF ARAMBOL VILLAGE
OF PERNEM TALUKA



(a) G+2 RCC STRUCTURE



(b) SWIMMING POOL

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(c) SHED WITH MANGALORE TILE ROOFING

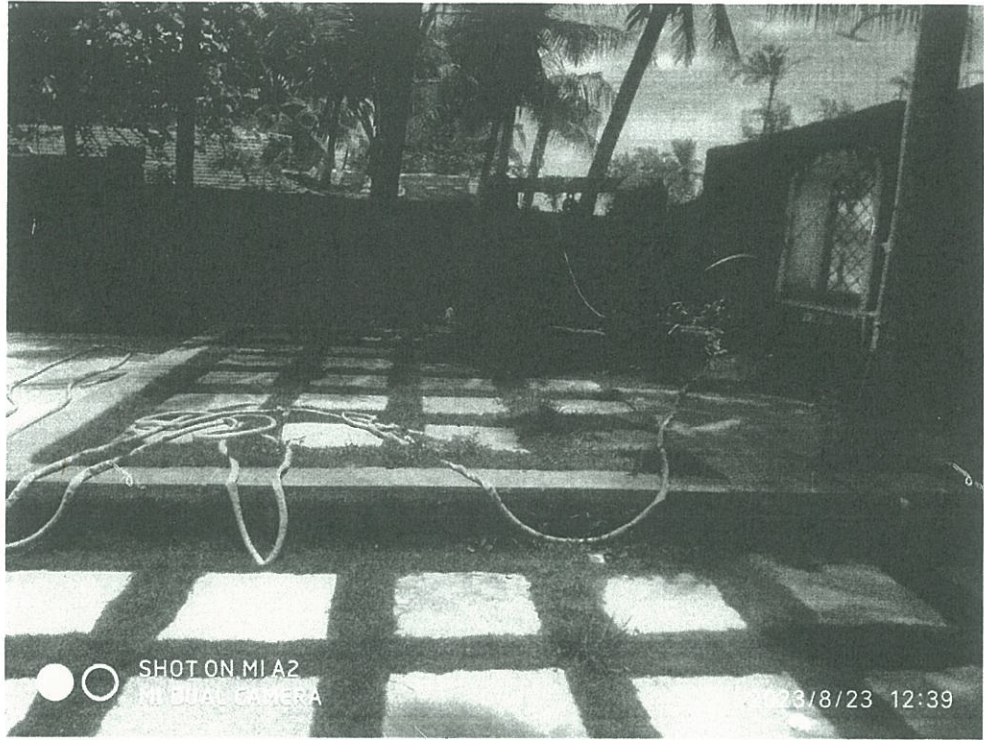


(d) STRUCTURE WITH L.S.M WALL COVERED WITH RCC SLAB

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10/2



(E) WELL



(f) L.S.M. COMPOUND WALL FROM ALL SIDES

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ANNEXURE-III

PHOTOS OF STRUCURES IN SY.NO.63/1-B OF ARAMBOL VILLAGE
OF PERNEM TALUKA

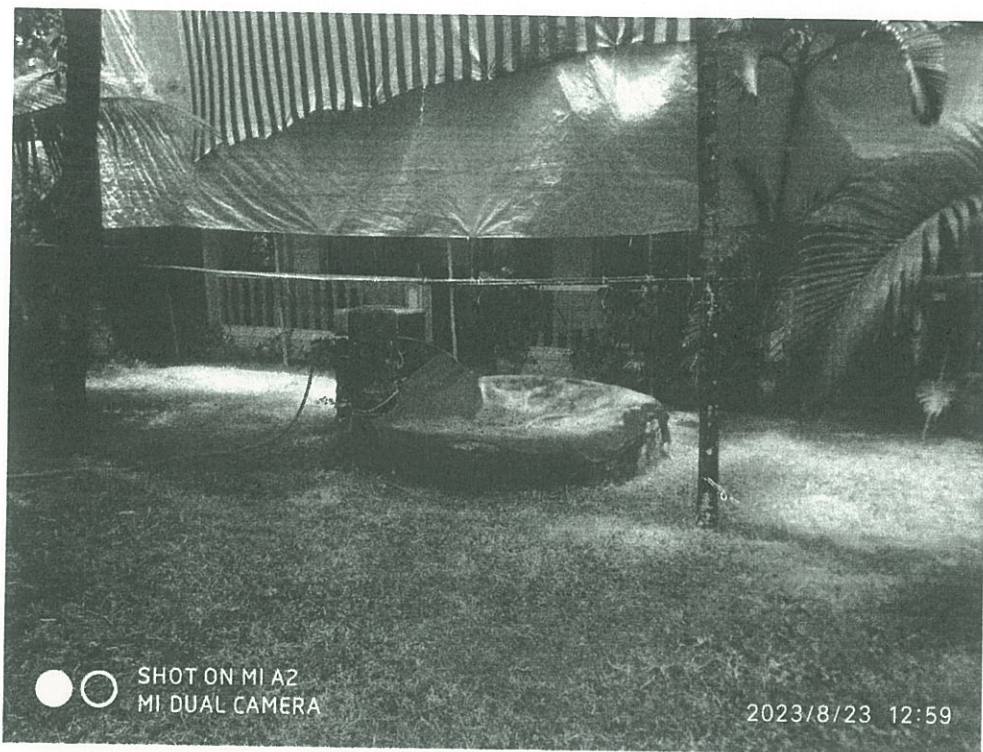


(a) G+2 RCC STRUCTURE

P no

Belkar

see



SHOT ON MI A2
MI DUAL CAMERA

2023/8/23 12:59

(b) WELL



SHOT ON MI A2
MI DUAL CAMERA

2023/8/23 12:59

(c) PERMANENT PLINTH/BASE-1

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(c) PERMANENT PLINTH/BASE-2



(d) L.S.M COMPOUND WALL FROM ALL SIDES

Chris *Belkar*
was



FORM I & XIV

100017744224

Date : 29/08/2023

नमुना नं १ व १४

Page 1 of 2

Taluka **PERNEM**
तालुका
Village **Arambol**
गांव
Name of the Field बागदांडा
शेताचें नांव

Survey No. **63**
सर्वे नंबर
Sub Div. No. **1**
हिस्सा नंबर
Tenure
सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

| Dry Crop जिरायत | Garden बागायत | Rice तरी | Khajan खाजन | Ker केर | Morad मोरड | Total Cultivable Area एकूण लागण क्षेत्र |
|--------------------|------------------|-------------|----------------|------------|---------------|--|
| 0000.00.00 | 0000.06.66 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.06.66 |

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Remarks शेरा

| Class (a) वर्ग (अ) | Class (b) वर्ग (ब) | Total Un-Cultivable Area एकूण नापिक जामीन | Grand Total एकूण |
|-----------------------|-----------------------|--|---------------------|
| 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.06.66 |

| Assessment : आकार | Rs. 0.00 | Foro फोर | Rs. 0.00 | Predial प्रेदियाल | Rs. 0.00 | Rent रेंट | Rs. 0.00 |
|----------------------|----------|-------------|----------|----------------------|----------|--------------|----------|
|----------------------|----------|-------------|----------|----------------------|----------|--------------|----------|

| S.No. | Name of the Occupant कब्जेदाराचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|-------|--|------------------------|---------------------------|-----------------|
| 1 | Mathew Rodrigues | | 20269 | |
| 2 | Treeza Rodrigues, | | 20269 | |
| 3 | Carmin Rodrigues, | | 20269 | |
| 4 | Russell Rodrigues , | | 20269 | |
| 5 | Sheryl Rodrigues | | 20269 | |
| 6 | Alex Rodrigues | | 20269 | |

| S.No. | Name of the Tenant कुळाचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|-------|-----------------------------------|------------------------|---------------------------|-----------------|
| 1 | -----Nil----- | | | |

| Other Rights इतर हक्क | Mutation No. फेरफार नं | Remarks शेरा |
|--|---------------------------|-----------------|
| Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार -----Nil----- | | |



FORM I & XIV

100017744224

Date : 29/08/2023

नमुना नं १ व १४

Page 2 of 2

Taluka PERNEM

तालुका

Survey No. 63

Village Arambol

गांव

सर्वे नंबर

Sub Div. No. 1

Name of the Field बागदांडा

हिस्सा नंबर

Tenure

सत्ता प्रकार

शेताचें नांव

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

| Year वर्ष | Name of the Cultivator लागण करणा-याचे नांव | Mode रीत | Season मौसम | Name of Crop पिकाचे नांव | Irrigated | Unirrigated | Land not Available for Cultivation - नापिक जमीन | | Source of irrigation सिंचनाचा प्रारि | Remarks शेरा |
|--------------|---|-------------|----------------|--------------------------------|----------------------------------|----------------------------------|--|--|---|-----------------|
| | | | | | Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Nature प्रकार | Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी. | | |
| 1985-8 6 | आंतोन मिगेल रोड्रीगीज व 2 | 1 | | नारळ | 0000.19.98 | 0000.00.00 | | 0000.00.00 | | 200 |

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.



FORM I & XIV

नमुना नं १ व १४

100017744242

Date : 29/08/2023

Page 1 of 1

Taluka PERNEM

Survey No. 63

तालुका

Village Arambol

सर्वे नंबर

गांव

Sub Div. No. 1-B

Name of the Field बागदांडा

हिस्सा नंबर

शेताचें नांव

Tenure

सत्ता प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

| Dry Crop जिरायत | Garden बागायत | Rice तरी | Khajan खाजन | Ker केर | Morad मोरड | Total Cultivable Area एकूण लागण क्षेत्र |
|--------------------|------------------|-------------|----------------|------------|---------------|--|
| 0000.00.00 | 0000.05.10 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.00.00 | 0000.05.10 |

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

| Class (a) वर्ग (अ) | Class (b) वर्ग (ब) | Total Un-Cultivable Area एकूण नापिक जामीन | Grand Total एकूण |
|-----------------------|-----------------------|--|---------------------|
| 0000.00.98 | 0000.00.58 | 0000.01.56 | 0000.06.66 |

Remarks शेरा

| Assessment : आकार | Rs. 0.00 | Foro फोर | Rs. 0.00 | Predial प्रेदियाल | Rs. 0.00 | Rent रेंट | Rs. 0.00 |
|----------------------|----------|-------------|----------|----------------------|----------|--------------|----------|
|----------------------|----------|-------------|----------|----------------------|----------|--------------|----------|

| S.No. | Name of the Occupant कब्जेदाराचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|-------|--|------------------------|---------------------------|-----------------|
| 1 | CYRIL PHILIP MENDONCA | | 11225 | |

| S.No. | Name of the Tenant कुळाचे नांव | Khata No. खाते नंबर | Mutation No. फेरफार नं | Remarks शेरा |
|-------|-----------------------------------|------------------------|---------------------------|-----------------|
| 1 | -----Nil----- | | | |

| Other Rights इतर हक्क | Mutation No. फेरफार नं | Remarks शेरा |
|--|---------------------------|-----------------|
| Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-याचे नांव व हक्क प्रकार -----Nil----- | | |

Details of Cropped Area पिकाखालील क्षेत्राचा तापशील

| Year वर्ष | Name of the Cultivator लागण करणा-याचे नांव | Mode रीत | Season मौसम | Name of Crop पिकाचे नांव | Irrigated बागायत | Unirrigated जिरायत | Land not Available for Cultivation नापिक जमीन | | Source of irrigation सिंचनांचा प्रारि | Remarks शेरा |
|--------------|---|-------------|----------------|--------------------------------|----------------------------------|----------------------------------|--|--|--|-----------------|
| | | | | | Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Ha.Ars.Sq.Mts हे. आर. चौ. मी. | Nature प्रकार | Area क्षेत्र Ha.Ars.Sq.Mts हे. आर. चौ. मी. | | |
| | -----Nil----- | | | | | | | | | |

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
4th floor, Dempo Towers, Patto, Panaji Goa

www.czma.goa.gov.in

Ref.No.GCZMA/N | ILE-Comp2 / 22-23/66/745

Dated: 06/07/2022

SHOW CAUSE NOTICE CUM STOP WORK ORDER IS ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

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.

WHEREAS, the Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) had received a complaint from Kuldeep Rana, wherein it has been submitted Mr. Johnny S. D'Souza is illegally carrying out the R.C.C. construction of Guest house / Hotel for commercial purpose in the property bearing survey no 63/1A, Girkarwado Arambol Goa; within 30 mts from HTL. (*Enclosed Copy of the complaint*)

AND WHEREAS, upon receipt of the Complaint, the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-


| Sr No | Name of the Party/alleged violator | Survey No. Village | Type of Construction | Distance from HTL |
|-------|------------------------------------|---------------------------|---|------------------------|
| 1. | Mr Johnny S.D'Souza | 63/1A, Girkarwado Arambol | Illegally carrying out R.C.C construction of guest house / Hotel (2 storey) for commercial purpose, having an area of 450m ² | within 30 mts from HTL |

AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone (NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

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, delegated to the GCZMA, the GCZMA hereby directs you to **STOP WORK** with immediate effect and **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply on alongwith compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at 04th Floor, Dempo Towers, Patto, Panaji-Goa on or before **15/07/2022 and remain present for hearing on 21/07/2022 at the Conference hall, 4th floor Dempo Towers, Patto, Panaji Goa.** Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.


 (Dasharath M. Redkar)
 Member Secretary (GCZMA)

Encl: As above

To,

✓ 1) **MR JOHNNY S.D'SOUZA**, resident of House No. 48, Girkarwada, Arambol-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 Pernem, Goa.....** who is required to enforce these directions and ensure that no work is carried out at site, other than in accordance with law.
3. **The Secretary, Village Panchayat of Mandrem, Pernem-Goa.....** who is required to serve the Notice and enforce these directions and ensure that no work is carried out at site and also initiate action under the Goa Panchayat Raj Act, 1994 and to report the compliance to the GCZMA.
4. **MR KULDEEP RANA**, resident of House No. P-59, South Extension Part-II, New delhi-110049.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
4th floor, Dempo Tower, Patto, Panaji - Goa-403 521,

www.czma.goa.gov.in

Ref.No.GCZMA/N/gub-comp/22-23/66/POTEI/1678 Dated: 18/09/2023

**SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT
(PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT
(PROTECTION) RULES, 1986.**

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.

WHEREAS, this Office based on the directions of the Hon'ble NGT, and further in connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 B in Arambol Village, Pernem, Goa. And the structure is used for commercial purpose. (*Enclosed Copy of the Site Inspection Report.*)

AND WHEREAS, upon receipt of the Site Inspection Report, the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

| Sr No | Name of the Party/alleged violator | Survey No. Village | Type of Construction | Distance from HTL |
|-------|------------------------------------|------------------------------------|--|-------------------|
| 1. | Mr Cyril Philip Mendonca | Survey 63/1 B, Arambol, Pernem Goa | <ul style="list-style-type: none"> • Illegal construction of G+2 structure. • Illegal construction of well (1 no) • Illegal construction of 2 permanent plinth / base. • Compound wall around the property is with L.S.M. wall from all side | Within NDZ. |

AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone(NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

AND WHEREAS, the alleged construction appears to be done in violation of the NOC / approval of GCZMA granted as required under CRZ Notification, 2011 which requires to be inquired into.

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, delegated to the GCZMA, the GCZMA hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply on alongwith compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at the 4th Floor, Conference Hall, Dempo Towers, Panaji- Goa, on or before **28/09/2023** and remain present for a personal hearing on the **28/09/2023** at 3.30p.m at the 4th Floor, Conference Hall, Dempo Towers, Panaji- Goa. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

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

o/c

Encl: As above

To,

1. Mr Cyril Philip Mendonca, r/o Girkarwada, Arambol Pernem.
2. The Secretary, Village Panchayat of Arambol,with a direction to serve this copy of the Show Cause Notice cum personal hearing and submit a compliance report to this Authority.

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 Pernem, Goa..... For information
3. The Secretary, Village Panchayat of Arambol, Bardez-Goa.....who is required to initiate action under the Goa Panchayat Raj Act, 1994.
4. Mr Kuldeep Rana, C/o 454, Ashvim Village, Mandrem, Pernem Goa.
5. Mr Johny D'Souza, r/o 48, Girkar Waddo, Arambol, Pernem Goa.

EXTRACT MINUTES OF THE 412th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 19/09/2024 IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

Case 1.32

To decide on complaint from Kuldeep Rana against Mr. Johnny S. D'Souza carrying illegally R.C.C. construction of Guest house / Hotel for commercial purpose in the property bearing survey no 63/1A, GirkarwadoArambol Goa; within 30 mts from HTL.

Background: The Office of the Goa Coastal Zone Management had received a complaint from Kuldeep Rana, wherein it has been submitted Mr. Johnny S. D'Souza is illegally carrying out the R.C.C. construction of Guest house / Hotel for commercial purpose in the property bearing survey no 63/1A, GirkarwadoArambol Goa; within 30 mts from HTL.

During 316th GCZMA meeting held on 21/07/2022 Respondent present in person. Complainant name was called out but absent. Respondent sought time to file reply.

Authority decided to grant time to the Respondent to file reply and posted matter for filing reply of Respondent on 18/08/2022 at 3.30 P.m. and further the matter posted to 22/09/2022.

Complainant was absent. Respondent Mr. Johnny Dsouza remained present. The Member Secretary brought to the notice of Authority members that the Hon'ble NGT (WZ) Order dated 15/09/2022 in OA No.534/2022 had constituted the committee and directed to file the report before the NGT and file is moved to constitute committee.

The Authority after hearing the Respondent decided to post the matter on 27/10/2022 at 3.30.



During 326 GCZMA meeting held on 27/10/2022 Complainant was absent. Respondent Mr. Johny Dsouza remained present.

The Authority perused the reply filed by Respondent and noted that respondent had pointed out that Kuldeep Rana and other had involved in several illegal construction in survey no.72/40, 70/9,47/16, 163/9 of village Arambol and survey nos 247/13 and 273.2 of village Mandrem. The authority SUO Motto taken the cognizance of the same and directed the term of GCZMA to inspect the above properties and submit the report meanwhile the matter is posted for further hearing on 24/11/2022 at 3.30 pm. Now Fresh bearing notices are issued to the parties.

During 350th Meeting held on 20/07/2023. Complainant was absent. Respondent Mr. Johnny D'Souza remained present and sought one week time to file his reply.

The Authority after hearing the Respondent decided to grant one weeks time to the Respondent and further posted the matter on 27/07/2023 at 3.00 pm. However due to ongoing monsoon assembly session the matter could not take place on 27/07/2023. The same is posted on 31/07/2023.

The said matter was deliberated in 351th Meeting held on 31/07/2023 the proceeding and Decision to be read as under: Complainant was absent. Respondent Mr. Johny Dsouza remained present and informed that Kuldeep Rana has filed The Authority perused the reply filed by Respondent and noted that Respondent had pointed out that Kuldeep Rana and other had constructed several illegal structures in village Arambol. The Authority directed the team of GCZMA to inspect the above property and submit the report to this Authority. Further fresh notices for site inspection and personal hearing to be issued.

The said matter was deliberated in 365th Meeting of GCZMA held on 26/10/2023 the minutes to be read as under: Complainant absent. Respondent Jhonny Dsouza present in person. The Respondent argued before the Authority. Adv Angle present for the other



Respondents. The Authority directed the Respondent to file reply and posted the matter on 9/11/2023 at 3.00pm. However the said matter could not take place on 9/11/2023 and said matter was posted on 16/11/2023 at 3.00pm.

The said matter was deliberated in 368th meeting of GCZMA the minutes to be read as under: Complainant absent. Respondent Jhonny D'Souza present in person. The Authority posted the matter on 23/11/2023 at 3.00pm.

The said matter was taken up for hearing on the 372nd meeting held on 23/11/2023 the Proceeding Complainant absent. Respondent present in person Decision the Authority posted the matter on 21/11/2023 at 3.00pm.

The said matter was deliberated in 389th Meeting held on 07/03/2024 the proceeding and Decision to be read as under Proceeding: Complainant absent. Respondent Present. Respondent filed additional documents. Decision: The Authority took the additional documents on record and posted the matter for orders on 26/03/2024 at 3.30p.m.

The Meeting Scheduled for 26/03/2024 could not take place hence rescheduled to 23/04/2024 at 3.30p.m

The said matter was deliberated in 396th Meeting held on 23/04/2024 the proceeding: The Respondent present in person. Argued the matter. The Authority's decision: The Authority heard the party and posted the matter for orders on 06/06/2024 at 3.30pm.

The Meeting Scheduled for 06/06/2024 could not take place hence rescheduled to 04/07/2024 at 3.30p.m

The said matter was deliberated in 404th Meeting held on 04/7/2024 the proceeding: Complainant absent. Respondent present. Clarifications sought from the Respondent. The Authority's decision: The Authority decided to post the matter for orders on 01/08/2024 at 3.30p.m



The said matter was deliberated in the 408th GCZMA Meeting held on 01/08/2024 the Proceeding: Complainant absent. Respondent Present. The Authority's decision: The Authority decided to post the matter for orders on 20/08/2024 at 3.30p.m

The matter is taken up in the 409th Meeting held on 20/08/24 the Proceeding: Complainant absent. Respondent Present. The Authority sought for clarifications on the issue of plan submitted by the Respondent. The Authority's decision The Authority heard the parties and posted the matter for orders on 3/10/2024 at 3.30p.m

This matter is based on directions of the Hon'ble NGT and in view of the matter coming up on the 24th September 24 this matter had to be preponed.to 19/9/24 at 3.30p.m

Proceeding: *The Respondent submitted that he has been not served with the notice of site inspection which has been carried out on 10/01/2022 and he also denied that the said Ground + 2 structure which is arrayed in the Show Cause Notice has not belonging to him. He further submitted that structure which is located in Sy. No. 63/1-A of Village Arambol is an age old structure which is reflecting on the survey plan. He submitted that the approval conveyed by this Authority on 12/10/2011 for reconstruction of the existing house pursuant to which he has carried out the necessary reconstruction of the house. He hence prayed that the Show Cause Notice issued against him be dropped and proceeding the closed.*

Decision: *Since the Respondent was alleging of inspection having not been conducted in his presence, a fresh inspection was carried out by Authority in his presence on 23/08/2023. Although the show cause notice made a mention about G+2 storeyed structure, what was seen on site was two structure of ground floor only, one which was having mangalore tiles and other having a concrete slab. Although we have granted the permission to repair/reconstruction the house which was lying towards the southern side of the property bearing Sy. No.63/1-A, the Respondent has carried out reconstruction towards the eastern side of the property by rotating the structure in north south direction which otherwise should*



have been on the southern side east west direction. The said structure which in ground floor in nature is constructed towards the landward side of an existed authorised structure and hence he stands to get the leverage of protection on account of the prior approval granted by this Authority. However the Authority also directs the Respondent to demolish the structure which is covered with mangalore tiles and no further leverage shall and will be given to the Respondent and/or his successor, inheritor or assignee in future to take advantage of the structure on the survey plan and seek for another approval in the very said property. We accordingly deem it fit to direct the respondent to demolished the structure having mangalore tile roofing standing in the property bearing Sy No63/1-A of Arambol Village.



GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology and Environment (Govt. of Goa)
4th floor, Dempo Tower, Patto, Panaji - Goa-403 521,

www.czma.goa.gov.in

Ref.No.GCZMA/N | DLE-CompL/22-23/66/part II/1679 Dated: 18/09/2023

SHOW CAUSE NOTICE ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, READ WITH RULE 4 OF THE ENVIRONMENT (PROTECTION) RULES, 1986.

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.

WHEREAS, this Office based on the directions of the Hon'ble NGT, and further in connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 in Arambol Village, Pernem, Goa. And the structure is used for commercial purpose. (*Enclosed Copy of the Site Inspection Report.*)

AND WHEREAS, upon receipt of the Site Inspection Report, the following alleged illegal construction resulting in blatant and serious violation of CRZ Notification 2011 is noticed. The details of the violations are indicated here below:-

| Sr No | Name of the Party/alleged violator | Survey No. Village | Type of Construction | Distance from HTL |
|-------|------------------------------------|----------------------------------|---|-------------------|
| 1. | Mr Mathew Rodrigues ^d | Survey 63/1, Arambol, Pernem Goa | • Illegal construction of G+2 structure. | Within NDZ. |
| 2. | Treeza Rodrigues | | • Illegal construction of swimming pool | |
| 3. | Carmin Rodrigues ^d | | • Illegal construction of shed with mangalore tile roofing | |
| 4. | Russell Rodrigues | | • Structure with L.S.M wall covered with RCC slab | |
| 5. | Sheryl Rodrigues | | • Compound wall around the property is with L.S.M. wall from all side | |
| 6. | Alex Rodrigues | | | |

AND WHEREAS, as per the CRZ Notification, 2011; the entire belt of 100 mts. from the High Tide Line (HTL) of river and 200mts. from the HTL from the sea is designated as the No Development Zone(NDZ) and hence no construction/development whatsoever are permissible in the said belt;

AND WHEREAS, the alleged illegal construction is highly detrimental to the Coastal ecosystem / riverine ecosystem. Further it is observed that you have not obtained any prior approval of the GCZMA for the purpose of alleged construction as required under the CRZ Notification 1991/2011.

AND WHEREAS, the alleged construction appears to be done in violation of the NOC / approval of GCZMA granted as required under CRZ Notification, 2011 which requires to be inquired into.

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, delegated to the GCZMA, the GCZMA hereby directs you to **SHOW CAUSE** as to why a direction to demolish the structures and to restore the land to its original condition should not be issued to you. Further, you are directed to ensure that no civil work of whatsoever kind and nature is carried out at said site.

FURTHER TAKE NOTE THAT, you are required to file your reply on along with compliance report and produce construction/reconstruction/repair licence/approvals, if any, issued by the concerned Authorities including GCZMA along with approved plan, as also documents to show the title to the Office of the GCZMA, having its Office at the 4th Floor, Conference Hall, Dempo Towers, Panaji- Goa, on or before **28/09/2023** and remain present for a personal hearing on the **28/09/2023** at **3.30p.m** at the **4th Floor, Conference Hall, Dempo Towers, Panaji- Goa**. Take note that if you fail to submit your reply along with the required documents, the GCZMA will come to the conclusion that you have no justification to carry out its activities as above stated and the Authority shall proceed to issue final directions to you in this regard without any further notice which inter alia includes order of demolition of structures, disconnection of water / power supply etc.

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

Encl: As above

o/c

To,

1. Mr Mathew Rodrigues
2. Treeza Rodrigues
3. Carmin Rodrigues
4. Russell Rodrigues
5. Sheryl Rodrigues
6. Alex Rodrigues r/o Girkar wada, Arambol Pernem.
7. The Secretary, Village Panchayat of Arambol,with a direction to serve this copy of the Show Cause Notice cum personal hearing and submit a compliance report to this Authority.

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 Pernem, Goa..... *For information***
3. **The Secretary, Village Panchayat of Arambol, ~~Pernem~~-Goa.....who is
required to initiate action under the Goa Panchayat Raj Act, 1994.**
4. **Mr Kuldeep Rana, C/o 454, Ashvim Village, Mandrem, Pernem Goa.**
5. **Mr Johny D'Souza, r/o 48, Girkar Waddo, Arambol, Pernem Goa.**

EXTRACT MINUTES OF THE 412th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 19/09/2024 IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

Case 1.36

To decide on a Show Cause issued to Mr. Mathew Rodrigues, Treeza Rodrigues, Carmin Rodrigues, Russell Rodrigues, Sheryl Rodrigues, Alex Rodrigues in connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 in Arambol Village, Pernem, Goa

Background: In connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 in Arambol Village, Pernem, Goa. And the structure is used for commercial purpose. Accordingly Show Cause was issued to Mr Mathew Rodrigues, Treeza Rodrigues, Carmin Rodrigues, Russell Rodrigues, Sheryl Rodrigues, Alex Rodrigues.

The said matter was deliberated in 362nd Meeting held on 28/09/2023 the proceeding and Decision to be read as under: Complainant absent. Respondent Jhonny present in person and Russel Rodriguese present in person.

The Authority directed the Respondent to collect relevant documents and file reply and posted the matter on 19/10/2023 at 3.00pm. However matter could not taken place on 19/10/2023 hence matters were posted on 26/10/2023 at 3.00pm.

The said matter was deliberated in 365th Meeting of GCZMA held on 26/10/2023 the minutes to be read as under: Complainant absent. Respondent Jhonny Dsouza present in person. The Respondent argued before the Authority. The Authority directed the Respondent to file reply and posted the matter on 9/11/2023 at 3.00pm. However the said matter could not take place on 9/11/2023 and said matter was posted on 16/11/2023 at 3.00pm



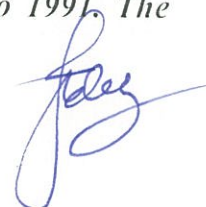
The said matter was deliberated in 368th meeting of GCZMA the minutes to be read as under: Complainant absent. Respondent present along with his Advocate Chirag Angle. The Advocate for the Respondent submitted that he has filed reply and further sought time for argument. The Authority granted time and posted the matter on 23/11/2023 at 3.00pm for arguments.

The said matter was deliberated in 372nd meeting held on 23/11/2023 the minutes to be read as under: Complainant absent. Advocate for the Respondent present. Respondent present in person. Advocate for the Respondent files written arguments and sought time to argue orally. The Authority posted the matter on 3.00 p.m

The said matter was deliberated in its 378th meeting held on 22/12/2023 the minutes to be read as under: Complainant absent. Adv. Angle present for the Respondent. Respondent present in person. Adv. C Angle sought time to argue the matter. The Authority granted the time and posted the matter on 04/01/2024 at 3.00pm.

The said matter was deliberated in its 379th meeting held on 04/01/2024 the Proceeding: Complainant absent. Adv. C. Angle present along with the Respondents. Respondents states that the complaint filed is against Johnny and not against the Answering Respondents. The Adv for the Respondent states that the structures were constructed prior to 1991 and that they have permissions, conversion sanad and occupancy certificates. The Authority's Decision: The Authority heard the parties and posted the matter for orders.

Proceeding: The Respondent submitted that there has been no specific complaint made as against him & purportedly on a letter petition that the whole proceedings have evolved and that the nature of violations involved contains a G+2 structure, illegal swimming pool, illegal construction of shed with mangalore tile roofing structure with laterite stone masonry covered with RCC slab and a compound wall around the property. The Respondent submitted that for the purpose of construction of the compound wall the Village Panchayat of Harmal now called as Arambol had granted him the permission for the same way back on 15/09/1982. As according to the Respondent the structures as mentioned in the SCN do not offend to the CRZ of 1991. As according to the Respondent, he/she claims that they have sufficiently proved that they have established the structures in existence are of an era prior to 1991. The



structure in existence as according to the Respondent as age old to that of 1978 and that they do not attract the provisions of the CRZ Notification of 1991.

He further stated that the proceedings initiated as against him are blatantly against the principle of Natural Justice as the notice of site inspection was not been issued as against him in persona. Apart from that on the merits of the case, he stated that the alleged illegal construction of G+2 structure is having all the requisite permissions which were obtained in the name of Smt. Antonette Rodrigues in the year 1978 having the stamp of approval of PWL Primary Health Center and the Village Panchayat Arambol. Apart from that the said Antonette Rodrigues had also produced the construction license/permission for erection of building/guest house on 13/05/1980 in the property bearing Sy. No. 63/1. That the same Antonette Rodrigues has obtained conversion sanad on 14/11/1978 from the Dy. Collector. She has relied upon the approved plan of G+2 structure, Conversion sanad dated 14/11/1978, permission for erection of building /guest house dated 13/05/1980, occupancy certificate issued on 10/02/1981. As regards the existence of swimming pool, shed with mangalore tile roofing, structure with L.S.M wall and the compound wall around the property which is of L.S.M., he stated that the permission for swimming pool and 2 permanent shed have been obtained from the local body on 21/01/1981 and the occupancy certificate for the said structure has been granted by the local body on 06/05/1981. As all of the structures which are arrayed in the SCN were in existence since prior to 1991, the question of applicability of CRZ norms does not arise. He also relied upon section 79 of the Indian Evidence Act which speaks about presumption as to genuineness of certified copies and prayed that the Show Cause Notice be withdrawn and proceeding be dropped.

Decision: This Authority has minutely perused the documents relied upon by the Respondent and has heard the Respondent at length. As the subject matter of the current proceeding was an offshoot of direction given by the Hon'ble NGT in O.A. No. 51/2023 (Kuldeep Rana V/s State of Goa) and since it was concerning property bearing Sy. No. 63/1, 63/1-A and 63/1-B of Village Arambol, we could dicect into the document produced by the parties in all the 3 different cases that were tried by this Authority. Interestingly the maker of the document especially so the engineer who has drawn G+2 storeyed structure for Antonette Rodrigues (Sy. No. 63/1) and for Manuel Rodrigues (Sy. No. 63/1-B) is a very same Civil Engineer. This very engineer has prepared the drawing for Antonette Rodrigues in manual form and for Manuel Rodrigues it is in digital form. Thus to lay any credibility on the correction the genuiness on this so called approved plan is doubtful. This very same engineer has given the area statement in the plan prepared for Manuel Rodrigues but in the case of Antonette Rodrigues no such area statement is set out in the said plan. Secondly permission for erection of building/guest house has issued on 13/05/1980 and the

occupancy certificate has been issued on 10/02/1981. It quite understood in the early 80's when there was no high end technology in the construction industry, the possibility of conducting and completing a G+2 structure within a period of 6 month including the monsoon period is inconceivable to be accepted because the permission for construction license was issued in may1980 and the monsoon in the state of Goa are experienced from June to September during which period any construction and that too in the coastal area during those year was remotely possible. Though the respondent has heard upon the provision of section79 of Indian Evidence Act, the Authority cannot turned up blind only because documents are not challenged or set aside when there are glaring discrepancy and mismatch which have been tried and tested at the same time in respect of 3 properties although independent of each other but the same had to be assessed in conjunction with each other. The Authority thus deem it fit to direct the Respondent to demolish all of offending structure as mentioned in the Show Cause Notice as we confirm the same.



EXTRACT MINUTES OF THE 412th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 19/09/2024 IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOA.

Case No 1. 37

To decide on a Show Cause issued to Mr Cyril Philip Mendonca in connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 B in Arambol Village, Pernem, Goa.

Background: In connection with the Complaint filed by Kuldeep Rana vs Johny D'Souza, the Expert Member, Engineer and the Surveyor of the GCZMA inspected the site and it has observed various violations of structures standing in Sy No 63/1 B in Arambol Village, Pernem, Goa. And the structure is used for commercial purpose. Accordingly Show Cause was issued to Mr Cyril Philip Mendonca.

The said matter was deliberated in 362nd Meeting held on 28/09/2023 the proceeding and Decision to be read as under: Complainant absent. Respondent Jhonny present in person and Mr POA holder of Cyril Philip Mendonca present in person. The Authority directed the Respondent to collect relevant documents and file reply and posted the matter on 19/10/2023 at 3.00pm. However matter could not taken place on 19/10/2023 hence matters were posted on 26/10/2023 at 3.00pm. The said matter was deliberated in 365th Meeting of GCZMA held on 26/10/2023 the minutes to be read as under: Complainant absent. Respondent Jhonny Dsouza present in person. The Respondent argued before the Authority. Adv Angle present for the other respondents. The Authority directed the Respondent to file reply and posted the matter on 9/11/2023 at 3.00pm. However the said matter could not take place on 9/11/2023 and said matter was posted on 16/11/2023 at 3.00pm

The said matter was deliberated in 368th meeting of GCZMA the minutes to be read as under: Complainant absent. Respondent present along with his Advocate Chirag Angle. The Advocate for the Respondent submitted that he has filed reply



and further sought time for argument. The Authority granted time and posted the matter on 23/11/2023 at 3.00pm for arguments.

The said matter was deliberated in 372nd meeting held on 23/11/2023 the minutes to be read as under: Complainant absent. Advocate for the Respondent present. Respondent present in person. Advocate for the Respondent files written arguments and sought time to argue orally. The Authority posted the matter on 21/12/2023 at 3.00pm.

The said matter was deliberated in its 378th meeting held on 22/12/2023 the minutes to be read as under: Complainant absent. Adv. Angle present for the Respondent. Respondent present in person. Adv. C Angle sought time to argue the matter. The Authority granted the time and posted the matter on 04/01/2024 at 3.00pm.

The said matter was deliberated in its 379th meeting held on 04/01/2024 the Proceeding: Complainant absent. Adv. C. Angle present along with the Respondents. Respondents states that the complaint filed is against Johnny and not against the Answering Respondents. The Adv for the Respondent stated that the structures on site have all the approvals from the respective departments Moreover the entire structure is reflected on the survey plan. The Authority's Decision: The Authority heard the parties and posted the matter for orders.

Proceeding: *The Respondent submitted that there are no directions issued by Hon'ble NGT in O.A No. 51/2023 and that complaint was directed only as against Johnny D'souza towards construction of a hotel in a property bearing Sy. No. 63/1-A. He stated that the structures which were mentioned in the Show Cause Notice are structures which are located in Sy. No. 63/1-B of Arambol village prior to 1991. That the said structure are constructed by late Manuel Rodrigues who was then owner of the property who have got the plan of the proposed construction being duly approved way back in 1978. He further stated that the property whereupon the construction has been carried out has also been converted in terms of Goa Land Revenue code. He also relied upon the permission granted by the Panchayat for construction of G+2 storeyed building in the property bearing Sy. No. 63/1-B which is dated 15/07/1980 and the certificate of occupancy dated 12/05/1981. Adverting to the document Respondent went on to submit that as per section 79 of the Indian Evidence Act 1872,*



the presumption of genuineness of certified copies of documents lies in his favour unless proved contrary otherwise. He stated that way has been produced by him before this Authority are all certified copies of documents which establish that the structures existing in property bearing Sy. No. 63/1-B are structures legal in nature. He thus prayed for the show cause notice to be withdrawn and proceeding the dropped.

Decision: The Authority has perused the documents and has heard the Respondent at length. The property bearing Sy. No. 63/1 was cumulatively measuring 1998 Sq. mts and upon having partitioned the same as 63/1-A and 63/1-B interms of Goa Land Revenue Code 1968, it now admeasures 666 sq.mts. There was no embargo to convert part of a large property in terms of provisions of Goa Land Revenue Code. However when it comes to the plan and so called approved plan which bears the stamp of approval of the PWD way back in 1978, the building regulation necessarily had to follow the FAR as contained in the TCP Act. The plot area is 666 sq. mts and the build up area of Ground +2 structure including the 3 plinth is 656 sq. mts which is almost 100% usage of the FAR. Apart from this, the construction license was issued during the mansoon season i.e 15/07/1980 and within period of 10 month quite astonishingly when technology was not in vogue, a Ground +2 storeyed guest house is constructed in the said property. Another interesting fact is that the approved plan has been prepared by using computer font when computers were not at all existing in the mid of 1970's. The plan names a project as "Plan showing the existing G+2 structure, 3 existing plinth and existing well in the land bearing Sy. No. 63/1 at Village Arambol, no where does it mention that it is a guest house, but interestingly village panchayat Arambol grants permission for erection of building as G+2 guest house. The occupancy certificate should be given for the purpose of occupying the house but it reads as a certificate for occupying the house as well as to carry out commercial activity in the nature of guest house. All this aspect when intriguingly read in conjunction with each other, do not corroborate that the alleged offending structures as arrayed in the Show Cause Notice are structures which were prior 1991 structures. In view of the observations made by this Authority, we deem it fit to issue direction to demolish all of the structures located in property bearing Sy. No. 63/1-B of village Arambol.



Member Secretary

G. C. Z. M. A.

Inward No. 2982

Date: 18/09/2024

13/9

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Annexure G

inspect & verify.
In the event if the
said structure is not
demolished then we
will have to impose penalty

BEFORE THE GOA COASTAL ZONE MANAGEMENT AUTHORITY,

PANAJI-GOA

In the matter of show cause GCZMA/ ILLE-COMPL/22-23/66/745 Dt.
06.07.2022.

MAY IT PLEASE YOUR HONOUR:-

The undersigned desires to produce the following documents pertaining to
survey No.63/1-A and total area of the plot 666sq meter of village Arambol
,Taluka Pernem.

Vital / Austin
imling

1.Application for electric meter board shifting within 2 meter same premises
house no 48 in survey no.63/1-A of village Arambol, Taluka Pernem -Goa. I'm
enclosing the copy of electric department payment receipt.

2.I would like to inform you that the structure at Survey No. 63/1-A, Arambol,
has been demolished. I have enclosed a photograph of the site for your
reference. Please feel free to inspect the site at your convenience.

I appreciate your attention to this matter

Thank you

Your faithfully


Johnny Santan D'souza.

Place: Panjim-Goa

Date:18-09-2024

GOA COASTAL ZONE MANAGEMENT AUTHORITY

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28/10

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

PROCEEDINGS OF SITE INSPECTION

FILE NO:- GCZMA/NGT-Matter/O-APP No 534/2022/22-23/18

DATE: 10/10/2022

SUB: Alleged illegal structure in property bearing survey no 6311-A of Arambol village

REF:

Village: Arambol Taluka: Pernem Survey: 63 Sub.Div.No. 1A

Parties/Officers Present:-

1. Smt. Dr. Sharmila Monteiro M.S GSPCB *[Signature]*
2. Mrs. Nandan Prabhudesai Asst. Engg. GSPCB. *[Signature]*
3. Mr. Sebastiao Barreto Asst. Engg. GSPCB. *[Signature]*
4. Miss. Bhargavi Kelkar Engg GCZMA *[Signature]*
5. Mr. Vighnesh Naik F.S GCZMA *[Signature]*
6. Mr. Digambar Parab Repre. Dy Collector Pernem *[Signature]*
7. Mr. Umesh Shetgaonkar Repr. V. P. Arambol *[Signature]*

Brief description of proceedings:-

The inspection commenced at 11.45am in presence of above parties both complainant and Respondent was not present during the time of inspection. There exist two permanent structure on the site. One structure with RCC slab roofing and one with Mangalore tiles roofing. The survey no. falls in No development zone CRZ-III as per CZMP 2011 and also affects by mangroves buffer zone. On ~~either~~ northern side of the sy. no 6311A there are two permanent G+2 structure. Village Panchayat Secretary has been informed to get the details of the structure which are next to the sy. no 6311A, and also on the southern side there are temporary huts. Site inspection concluded at 12.20pm.

Signatures:

[Signature]

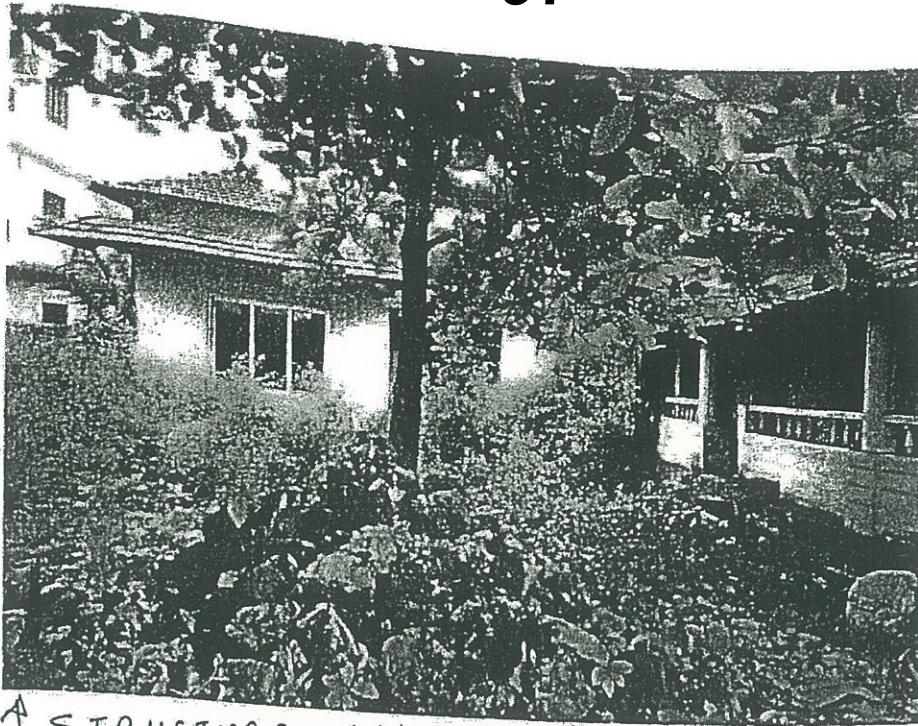
10/10/22

[Signature]
10/10/2022
M.S GSPCB.

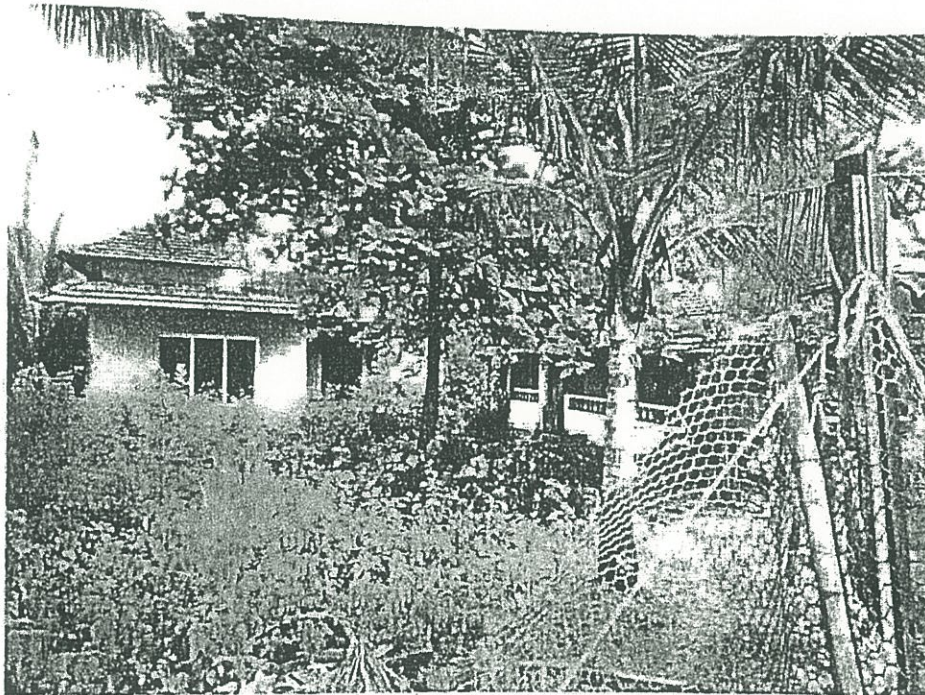
[Signature]
10/10/2022
N. Prabhudesai
10/10/2022

[Signature]
10/10/2022
D. Parab
10/10/2022

[Signature]
10/10/2022



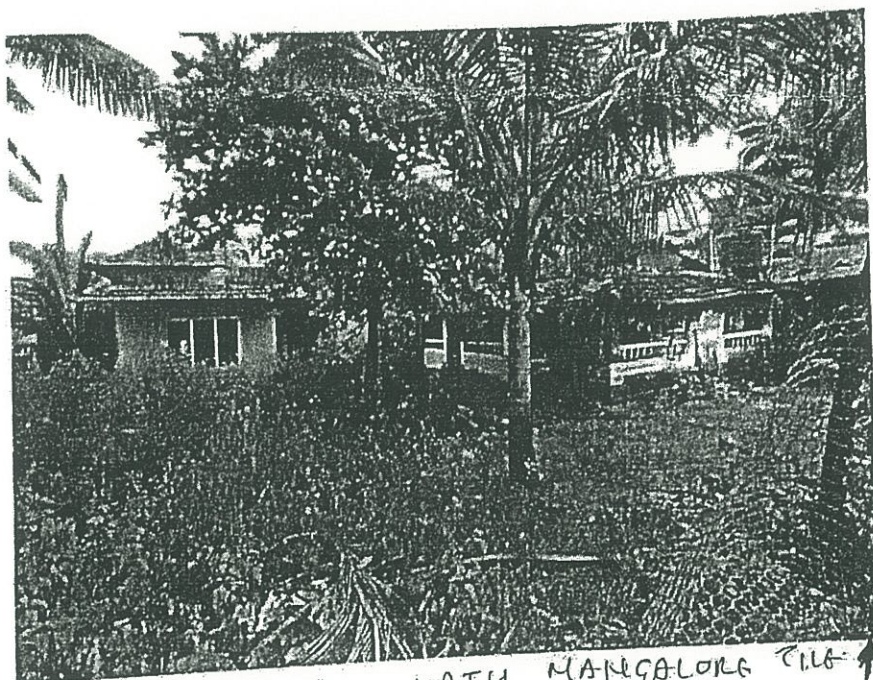
↑ STRUCTURE WITH RCC SLAB



↑ STRUCTURE WITH RCC SLAB



† STRUCTURE WITH MANGALORE TILES



STRUCTURE WITH MANGALORE TILES †

Government of Goa
Directorate of Settlement and Land Records
Survey Plan

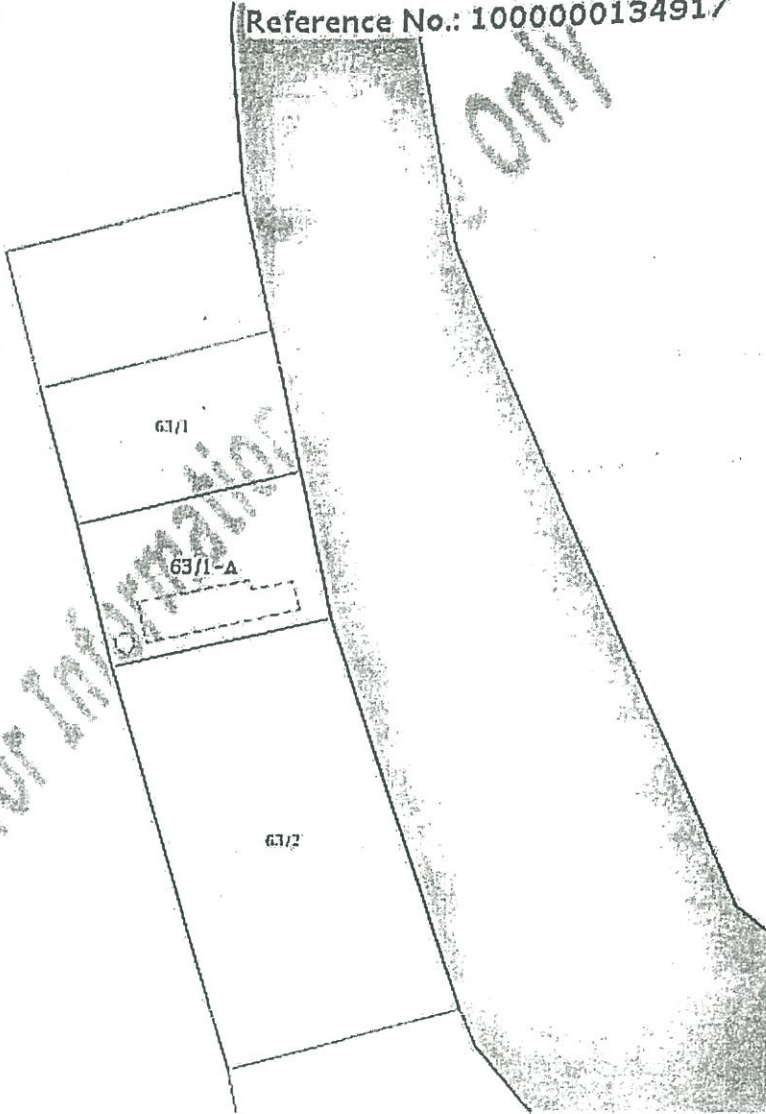
PERNEM Taluka

ARAMBOL Village



Scale 1:1000

Reference No.: 1000000134917



GOA ELECTRICITY DEPARTMENT
PAYMENT RECEIPT

Cash Desk : L35 / 01 Date : 26.08.2024
Division : XVII MAPUSA Time : 15:49:03
Sub Division : III AGARWADA Receipt No : 630942802
Cashier/Cd : 80419/00

CA No. : 60002926677
Name : JOHNNY SANTAN D'SOUZ
Reference Document Number : 2001304212
Bill Type : Non-energy charges

Transaction Particulars

MOP : CASH
Pymnt Rcvd : Rs. 200.00
Total Amount : Rs. 200.00
(Rupees Two hundred only)

Johnny Santan D'souza
House No. 48

Girkar waddo, Dando
Arambol Pernem-Goa

Date: 22.08.2024

The Assistant Engineer
Electricity Department
Agarwadda Mandrem
Goa – 403521

Subject: Application for electric meter board shifting within 2 meter

Respected Sir,

I am Johnny D'sauza - CA No. 60002926677 Inst no. 5000283941 and meter number 17131961. I am writing to bring to your kind attention to notice that the electric meter installed in my old house has to be Shifted within 2 meter in the same premises . I will Pay whatever the offical charges are. I kindly request The department to please look into the matter


Kindly do the needful

Thank you

Yours faithfully,


Johnny D'souza

Contact No: +91 9764324089

22/08/2024

Office of the
Divisional Engineer (O&M)
Elect. Sub-Div III
Electricity Department
Government of Goa
Agarwada-Goa


ELECTRICITY DEPARTMENT - GOVERNMENT OF GOA

Division Div 17 : Mapusa B Sub Division SD 3 : Agarwada


Help Line 1912

| | | |
|---|---|--|
| Name : MR. JOHNNY SANTAN D'SOUZA, Contract Account Number : 60002926677 Installation Number : 5000283941 Address : HOUSE NO 48 DANDO ARAMBOL,403512, Telephone Number : *****4089 Email Address : *****@ | Energisation Date : 17/05/2002 MRU Number : AG300418 Meter Status : E - OK Connection Status : Active Tariff Category : LTC Feeder Number : 1S02-1102 Distribution Transformer/ Pole Number : Voltage Level (KV) : 0.40 / 3-Ph Sanctioned Load : 4.94KW Legacy Number : AGR 9H 45 8 / 1392-ARM / | Line Minimum Charges : Walking Sequence : 0/1891/000 Security Deposit - Cash Deposit/Bank Guarantee : 5300.00 Bill Date : 05/09/2024 Due Date : NOT TO PAY Bill Basis : Minimum Bill Bill Number : 10054992801 Last Bill Reading Date: 05/07/2024 Billing Period in Days : 32 Read Period in Days : 32 |
|---|---|--|

| Meter Number | Unit | Current reading Date | Current reading | Previous reading date | Previous reading | Reading Difference | Multiplication Factor | Consumption | Reading Remark |
|--------------|------|----------------------|-----------------|-----------------------|------------------|--------------------|-----------------------|-------------|----------------|
| 17131961 | KWH | 06.08.2024 | 1974 | 05.07.2024 | 1974 | 0 | 1.00 | 0 | OK |

Bill Summary : Note-

| Previous Arrears/Advance (A) | Advance payable(B) | Delay Payment Charges Till Bill Date(C) | Present Total Bill(D) | Rounding Amount(E) | Amount Payable on or before due date NOT TO PAY (A + B + C + D + E) |
|------------------------------|--------------------|---|-----------------------|--------------------|---|
| -556.00 | 0.00 | | 237.12 | 0.88 | -318.00 |

Amount payable - RUPEES Nil

Last Payment of 1000.00 Received on 17-JUL-2024

Avail 0.25% discount on bill amount for payments made within 7 days in advance of the due date and additional 1% rebate on electronic payment made at least 7 days in advance of the due date (only to Low Tension Domestic and Commercial, Low Income Group & Low Tension Agriculture -pump set & irrigation, consumers) We also accept advance payments.

Current Demand Calculation Details
Present Bill Charges

| Particulars | Quantity | Rate | Amount | Quantity | Rate | Amount |
|---|----------|---------|--------|----------|------|--------|
| Fixed Charges | 5 | 45.0000 | 237.12 | | | |
| Energy Charges | | | | | | |
| Fuel and Power Purchase Cost Adjustment | | | | | | |

| Particulars | Amount |
|---|--------|
| Fixed Charges | 237.12 |
| Energy charges | |
| Fuel and Power Purchase Cost Adjustment | 0.00 |
| Sundry Charges | |
| Advance/ Prompt Payment Rebate | |
| Meter Rent | 0.00 |
| Electricity Duty @ Rs 0.70/KWh | |
| Monthly Minimum Charges | 0.00 |
| Subsidy | |
| Public Lighting Duty@ Rs.0.08/KWH | 0.00 |
| Total Current Demand | 237.12 |

 Meter reader's Name/code
 Meter reader's Sign

<https://www.goaelectricity.gov.in>
www.facebook.com/goaelectricity

CEE's Sign

ELECTRICITY DEPARTMENT - GOVERNMENT OF GOA

Division Div 17 : Mapusa B Sub Division SD 3 : Agarwada

| |
|--|
| Name:MR. JOHNNY SANTAN D'SOUZA |
| Contract Account Number/Bill Number :- 60002926677/10054992801 |
| Bill Amount Payable Rs.-318.00 Due Date : NOT TO PAY |



Scan this QR Code to pay through any Unified Payment Interface(UPI)





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SITE INSPECTION REPORT

Annexure H

As per the Direction of Member Secretary,GCZMA .the undersign carried out the site inspection in Sy.no.63/1-A of Arambol village of Pernem taluka in the view of the representation Submitted by the Mr.Johnny Santan D'Souza(respondent) inward no.2962 dated:18/09/2024 with regards to show cause notice GCZMA/ILLE-COMPL/22-23/66/745 DATED 06/07/2022 for demolition of structure.

The Following Parties were present at time of Inspection:-

1) Mr.Johnny D'Souza...Respondent

OBSERVATION AT LOCO

1. The Site in question is located at Girkarwad, Arambol Village of Pernem Taluka with property bearing Sy.no.63/1-A.
2. As per latest online Form I and XIV Records the following names are recorded in occupant's Column which are shown in Tabular column below

| SR.NO. | SY.NO./SUB-DIV | NAME OF OCCUPANT AS PER FORM 1 AND 14 | AREA AS PER FOR 1 AND 14 |
|--------|----------------|---------------------------------------|--------------------------|
| 1 | 63/1-A | Johny Santan D'Souza | 666.00 Sq.mts |

3. The detail site observations in Sy.no.63/1-A of Arambol village of pernem taluka are as follows:-

| Sr.no. | Name/Type of Structure | observation at site on 23/08/2024 | observation at site on 20/09/2024 | Approx. Area of in Sq.Mts |
|--------|-------------------------------|--|---|---------------------------|
| 1 | A (Ground Floor Structure) | Laterite masonry wall structures having permanent plinth covered with Mangalore tile roofing. The structure is depicted on DSLR Survey Plan however on site it was observed that part of the Structure is in dilapidated condition. | The structure has been demolished and does not exist at loco | N.A |
| 2 | B (Ground Floor Structure) | Partly constructed with laterite stone masonry wall and Partly with brick masonry wall constructed on permanent plinth covered with Mangalore tile roofing is in dilapidated condition. | The structure has been demolished and does not exist at loco | N.A |

Handwritten signature

| | | | | |
|---|-------------------------------|--|--|--|
| | | The Structure 'B' is attached to Structure 'A' and further partly attached to southern side of Boundary wall. | | |
| 3 | C (Ground Floor Structure) | The Ground floor R.C.C. Structure constructed on Permanent Plinth partly RCC Roof Slab & partly with Mangalore tile roofing & Covered with Laterite stone masonry walls & Cement Mortar plaster. | The Ground floor R.C.C. Structure constructed on Permanent Plinth partly RCC Roof Slab & partly with Mangalore tile roofing & Covered with Laterite stone masonry walls & Cement Mortar plaster. | 123.58 Sq.mts |
| 4 | Tank (T1 & T2) | The Tank (T1 & T2) above & below ground with RCC covering with manhole opening attached to Structure 'C' from North-East & Southern Side Respectively. | The Tank (T1 & T2) above & below ground with RCC covering with manhole opening attached to Structure 'C' from North-East & Southern Side Respectively. | T1- 8.35 Sq.mts T2- 6.01 Sq.mts |

4. The Property is bounded with L.S.M compound wall from North-Sy.no.63/1, South-Sy.no.63/2, and East-River & West-Sy.no.64/0 respectively.
5. At loco on south-west side of property bearing Sy.no.63/1-A there exist a circular open well which is depicting on DSLR survey plan.
6. Site inspection report is enclosed with the photographs.(Annexure-I)



Conclusion and Recommendation

1. The Site in question i.e. Sy.no.63/1-A,63/1 & 63/1-B of Arambol Village of Pernem Taluka falls within 0 to 200 m in NDZ (CRZ-III) and also affected by 50m mangrove buffer CRZ-IA.
2. The Structures standing in Sy.no.63/1-A denoted as C & Tank (T1 & T2) attached to Structure 'C' on North-East & southern side respectively. The laterite stone masonry compound wall is existing on all sides is permanent in nature. The Legalities of the Same Need to Be Verified.
3. The Authority may decide and deliberate in matter.

Place: Arambol-Pernem-Goa

Date: 20/09/2024^{18/9/24}



Mr. Balkrishna Surlakar
Field Surveyor O/o GCZMA

Abbreviations:-

GCZMA-Goa Coastal Zone Management Authority

NDZ-No Development Zone

L.S.M-Laterite Stone Masonry

ANNEXURE-I

PHOTOS OF STRUCTURES IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA

Before (on 23/08/2023)

STRUCTURE 'A'

OLD STRUCTURE DEPICTED ON DSLR SURVEY PLAN IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA.



STRUCTURE 'B'

ATTACHED TO STRUCTURE A AND FURTHER ATTACHED TO SOUTHERN SIDE OF BOUNDARY WALL IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA.



NBS



SHOT ON MI A2
MI DUAL CAMERA

2023/8/23 12:44



SHOT ON MI A2
MI DUAL CAMERA

2023/8/23 12:47

MBH

After (on 20/09/2024)



Before (on 23/08/2023)

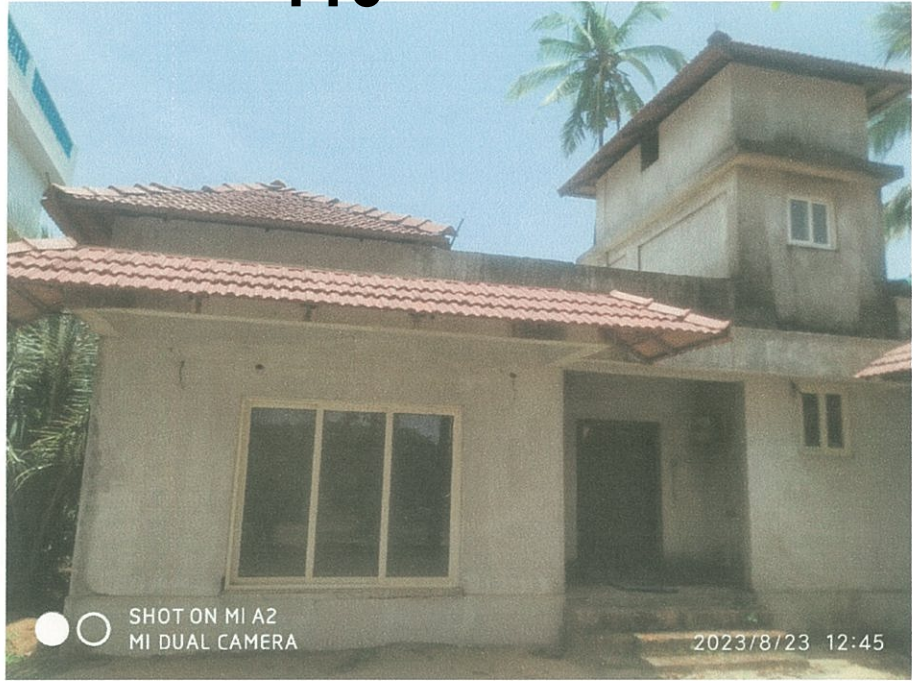
STRUCTURE 'C'

GROUND FLOOR NEW STRUCTURE CONSTRUCTED ON PERMANENT BASE WITH RCC SLAB ROOFING IN SY.NO.63/1-A OF ARAMBOL VILLAGE OF PERNEM TALUKA



RBH

110



After (on 20/09/2024)



USAN

CIRCULAR WELL ON SOUTH-WEST SIDE OF THE PROPERTY



TANK (T1 & T2)

T1



T2



Handwritten signature