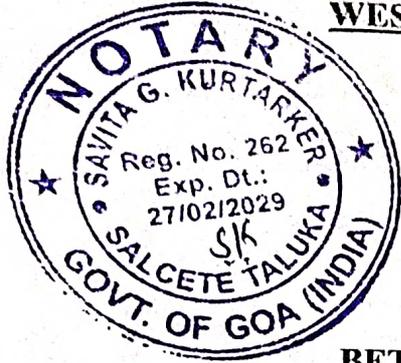


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE



APPEAL NO. 51 OF 2022 [WZ]

BETWEEN:

The Colva Civic and Consumer Forum

....APPELLANT

AND

The Goa Coastal Management Authority and
Ors.

.....RESPONDENTS

AFFIDAVIT IN REJOINDER TO THE JOINT SITE
INSPECTION REPORT DATED 19.02.2024 AND
OBSERVATIONS WITH RESPECT TO SITE INSPECTION TO
VERIFY COMPLIANCE OF CURRENT STATUS.

I, Mrs Judith Almeida, aged 69 years, daughter of late Joseph Henry Baptiste, R/o. H. No. 257/1, Bagdem, Ward 3, Colva, Salcete, Goa, President of the Colva Civic and Consumer Forum, do hereby solemnly state on oath and affirm as under:

1. That para no. 2 of the Order dated 15.01.2024 of the Hon'ble National Green Tribunal, Western Zone Bench at Pune, read as“
.....we direct that respondent No.1 – GCZMA along with Village

Panchayat shall visit the site in question after giving notice to the appellant also to accompany them in order to visit the site and submit the current status report of the site in question within two weeks from the date of uploading of this order.....”.

2. That Subsequent to the above referenced order dtd. 15.01.2024, the Appellant on 12.02.2024 communicated via email to the Resp. 1, requesting that the Site Inspection be conducted. Copy of email DT 12.02.2024 correspondence annexed herewith as Exhibit A1

3. That accordingly a Site Inspection notice was issued by the Respondent no. 1 and the inspection was fixed on 19.02.2024.



4. That on 19.02.2024, the Appellant communicated via email to Respondent no. 1, through its Member Secretary requesting to permit a volunteer of the forum to join in the inspection so that photographs of the violations could be taken. Copy of email correspondence dt 19.02.2024 annexed herewith as Exhibit A2

5. That at the time of the Joint Site Inspection on 19.02.2024, despite informing the Expert Member of my letter to the Member Secretary requesting for permission for a volunteer to join the said inspection, the expert member of Respondent no. 1 directed the representative of Respondent no. 4 to remove the volunteer from the Inspection site.

6. That further, the representative of Respondent no. 4 forcefully commanded the volunteer to delete all the photographs taken including those from the recycle bin and leave the inspection

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site. Such unreasonable and unjust action of the authority indicated a compromised site inspection.

7. That at the said Site inspection, the Engineer escorting the Respondent no. 1 clicked more than 10 photographs and recorded measurements of the reception room, toilets, electricity room, Bar and restaurant, all housed in the stilt parking area of the structure, but none of these violations are mentioned in the final Site Inspection Report dtd. 19.02.2024 effectively confirming the apprehension of this Appellant despite the Proceeding sheet stating 'Detailed report will follow'. Annexed as Exhibit A3 is a copy of the email dtd. 20.02.2024 communicating to the Respondent 1 Authority the events that occurred during the Site Inspection.



8. That since the next date of hearing was listed for 22.03.2024, this Appellant communicated by email to the Respondent no. 1 on 11.03.2024 requesting that the Site Inspection report be provided at the earliest. Copy of email correspondence annexed herewith as Exhibit A4.

The Appellants observations during the Site Inspection that has not been recorded in the Report dt. 19.02.2024 prepared by the R. 1 authority:

9. That on receipt of the said Site Inspection Report, several deficiencies were noted and hence this Appellant submitted a written statement to the Chairman of the Respondent no.1 on 24.04.2024, listing out several violations that were not recorded in the report though the order clearly stated that the inspection was to record the

'current status' of the site. The letter also included a request that a Re-Inspection be conducted. That till date there has been no response from the chairman of the Respondent no. 1 Authority to my request. Copy of the written statement dtd. 24.04.2024 annexed herewith as Exhibit A5.

10. That in the above-mentioned written statement dtd. 24.04.2024, the following violations were listed as reasons for the re-inspection:

- i. The details of the said inspection report at point 1, falsely records that the survey no 24/1 of Colva falls between 200-500m of HTL of CRZ – III as per CZMP 2011.

That annexed herewith as Exhibit A6 is a copy of plot A of sy. No. 24/1 of Colva village, superimposed from the Satellite image onto the CZMP 2011 which locates the said plot within 200 metres of HTL as evidence of the attempt by the Expert Member to mislead this Hon'ble Tribunal.



- ii. The Stilt Parking houses a Restaurant and Bar + an enclosed Reception area leading to the upper floor + separate toilets for male and female + an Electrical room. Measurements of all the enclosed portions in the Stilt were taken but the report is completely silent on these violations.

That as an evidential option, annexed herewith as Exhibit A7 Colly are photographs of 3D Goole images of part of the existing use of the Reception room, Bar and Restaurant in the enclosed area and in the stilt parking both of which occupy the Stilt parking area thus converting the impugned Structure

into a Ground + 2 storeys in the NDZ of CRZ III of Colva village, Salcete which is in violation of the CRZ Notification 1991.

iii. Measurements of the built up areas of the first and second floors were not taken despite our requests.

iv. The entire area at the entrance to the property which was earlier occupied by an illegal restaurant called 49er's, has been demolished subsequent to filing of the Appeal 51 /2022 and has now been concretised which is a violation.

v. Almost all of the area surrounding the ground floor has been concretized.

Annexed as Exhibit A8 is a photographs of the concretized area

vi. Sewage chambers were seen overflowing creating an extremely unhygienic environment.

11. That survey no 24/1 clearly falls within the NDZ of CRZ – III area of Colva Village and the original constructed area being 468.09 built up as per the Site Plan dt01.12.1995 (refer page 77 of booklet). It is not known how after 19.02.1991 of the CRZ Notification 1991, the Chief Town Planner permitted a Stilt + two upper floors with a total area of $341.80 + 341.80 \text{ sq.mts} = 683.60 \text{ sq.mts}$ area.

12. That as per the report of the architect of Respondent no. 4, (refer page 186 of paper book)it is clear that the Respondent no. 4 has reconstructed the building without any approvals by



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increasing/extending the built up area of each of the three floors from 341.80 sq.mts.to 428.21 sq.mts., with an equivalent of built-up area of approximately 1,264.63 sq.mts as against the original 468.09 sqmts thus violating the CRZ Notification which only permits the plinth area as existed prior to 19.02.1991 in the NDZ of CRZ III.

13. I therefore submit that the joint report dt 19.02.2024 is deficient and misleading of the status of the existing violations .

14. That prima facie it is evident that the Respondent no. 4 has no respect for the law and has blatantly violated the rules of the CRZ Notification and the Environment Protection Act 1986.



I state that contents of paragraphs 1(p), 2(p), 3(p), 4(p), 7(p), 8(p), 9(p), 10(p) and 11(p) are correct and true to my own knowledge and documents/records and that contents of paras 5(p), 6(p), 7(p), 9(p), 10(p), 12(p), 13(p) and 14(p) are submissions made which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true and correct copies of their respective originals.

Solemnly affirmed at Margao on this 05th Day of August 2024.

[Signature]
DEPONENT



Solemnly affirmed before me by
Judith Almeida
Who is identified to me by
Election no KNX3050465
to whom I personally know on
this 06 day of Aug 2024

Reg No 14370/2024

[Signature]
SAVITA G. KURTARKER
NOTARY
MARGAO-GOA



7/29/24, 9:28 AM

Gmail - Sub : 1. Execution of order dt 15.01.2024 issued by the Hon'ble National Green Tribunal, (WZ), Pune. (Enclosed). 2. Si...



EXHIBIT A-1

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Judith Almeida <judith.almeida1707@gmail.com>

Sub : 1. Execution of order dt 15.01.2024 issued by the Hon'ble National Green Tribunal, (WZ), Pune. (Enclosed). 2. Site Inspection of Survey no 24/1, Colva Village .

1 message

Judith Almeida <judith.almeida1707@gmail.com>

Mon, Feb 12, 2024 at 5:17 PM

To: gczma gczma <goacoastalzone@gmail.com>, secyenv.goa@gov.in, arunmishra.au@gmail.com

COLVA CIVIC AND

CONSUMER FORUM

Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF/ GCZMA/ 25 /2023-2024.

Date: 12/02/2024

To

The Chairman/Member Secretary,
Goa Goastal Zone Management Authority
4th Floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

Sub : 1. Execution of order dt 15.01.2024 issued by the Hon'ble National Green Tribunal, (WZ), Pune. (Enclosed).
2. Site Inspection of Survey no 24/1, Colva Village .

Sir,

Out of abundant caution this forum/Appellant in Appeal 51/2022 is placing on record before this Honn'ble Authority that the Hon'ble National Green Tribunal in its order dt 15.01.2024 had directed the R1(GCZMA) quote "to visit the site and submit the current status report of the site in question within two weeks from the date of uploading of this order" . unquote

It is almost a month since the order was uploaded , this Appellant has not received any intimation or notice with respect to the same. Hence I am filing this letter as a reminder. Please note that this appellant will require that the built up area or each of the structures on site to be measured.

Thanking you,

Faithfully,

Sd/-

Judith Almeida (for Appellantin Appeal 51/2022)

True Copy JAA

15.01.2024.2024
239K

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COOPERATIVE AND CONSUMER FORUM

Sub : Execution of order dt 15.01.2024 issued by the Hon'ble National Green Tribunal, (WZ), Pune. (Enclosed).
Site Department of Energy no 251, Chavli Village.

The Chairman, Chamber Society,
Co-operative Zone Management Authority,
1st Floor, Pimpri Chowk, Pimpri,
Pune - 411 004.

Sub : Execution of order dt 15.01.2024 issued by the Hon'ble National Green Tribunal, (WZ), Pune. (Enclosed).
Site Department of Energy no 251, Chavli Village.

For the reasons stated above, the order is hereby issued, that the Hon'ble National Green Tribunal, (WZ), Pune, should be pleased to direct the respondents to take the necessary steps to comply with the order of the Hon'ble National Green Tribunal, (WZ), Pune, dated 15.01.2024, in the above mentioned matter.

7/29/24, 9:30 AM

Gmail - Sub : Request direction to the GCZMA Inspecting team that the Appellant forum be permitted to take photographs and ...



EXHIBIT A2 290

Judith Almeida <judith.almeida1707@gmail.com>

Sub : Request direction to the GCZMA Inspecting team that the Appellant forum be permitted to take photographs and be escorted by a Forum volunteer during scheduled Inspection today 19.02.2024

1 message

Judith Almeida <judith.almeida1707@gmail.com>
To: gczma gczma <goacoastalzone@gmail.com>

Mon, Feb 19, 2024 at 6:46 AM

COLVA CIVIC AND CONSUMER FORUM

Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF / GCZMA / 29 /2023-2024

Date: 19.02.2024

To,

The Member Secretary,
Goa Coastal Zone Mangement Authority,
4th floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

Sub : Request direction to the GCZMA Inspecting team that the Appellant forum be permitted to take photographs and be escorted by a Forum volunteer during scheduled Inspection today 19.02.2024 .

Ref : Notice for Site Inspection GCZMA / SWMP/WP.06/3927 Dt 15.02.2024

Sir,

I have received your notice for Site Inspection on 17.02.2024 with respect to order dt 15.01.2024 of the Hon'ble National Green Tribunal (WZ) in Appeal 51 of 2022. It is requested that you direct the GCZMA inspecting team to allow this Appellant to be escorted by a forum volunteer and to take necessary photographs of the site during the inspection scheduled today 19.02.2024.

Thanking You,

Faithfully,

Sd/-

Judith Almeida (Appellants President)

Judith Almeida



EXHIBIT A3 291
Judith Almeida <judith.almeida1707@gmail.com>

Site inspection dt 19.02.2024 of M/s Shamiraj Hotel Pvt. Ltd / Sea Coin Hotel in Sy. no 24/1 Colva village.

1 message

Judith Almeida <judith.almeida1707@gmail.com>

Tue, Feb 20, 2024 at 10:53 PM

To: gczma gczma <goacoastalzone@gmail.com>, secyenv.goa@gov.in, arunmishra.au@gmail.com

COLVA CIVIC AND CONSUMER FORUM

Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF / GCZMA /31 /2023 - 2024

Date: 20.02.2024

To,

The Chairman / Member Secretary,
4th Floor, Dempo Towers, Patto,
Panaji, Goa 403 001.

Sirs,

1. On 17.02.2024 I received the Site Inspection Notice fixing the inspection of 19.02.2024 at 3.00pm with respect to Appeal 51/2022 of M/s Shamiraj Hotel Pvt. Ltd/Sea Coin Hotel I survey no 24/1 of Colva village.
2. Vide letter dt 19.02.2024 under ref. no. CCCF /GCZMA / 30 /2023 -2024 I sent an email requesting the Member Secretary to direct the GCZMA Inspecting team to permit a Forum Volunteer of the Appellant Forum to escort me and to take photographs if any.
3. On 19.02.2024, at 4.00pm the team arrived at the site. I brought to the notice of the expert member Ms Radha Rao regarding the mail sent to the Authority and my request was not denied by the MS of GCZMA.
4. During the inspection my colleague volunteer started taking photographs of blatantly illegal structures which are in contravention of the CRZ Notification in the presence of the inspecting officials and the owner.
5. E.M. Ms R. Rao told the owner to ask my colleague volunteer to leave the premises.
6. My colleague was leaving the premises when taking advantage of this position taken by the Expert Member the owner forced my forum volunteer to Delete all the photographs taken and including from the recycle bin and told him to leave the premises.

In view of the above I apprehend that the report of the Expert Member is likely to be perverse.

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Thanking you,
Faithfully,
Sd/-

Judith Almeida (President of the Appellant Forum)

Line copy JJA

O/C

EXHIBIT A5 294

COLVA CIVIC AND CONSUMER FORUM

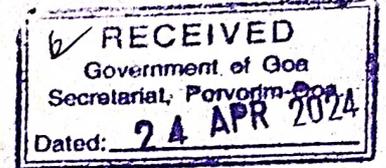
Reg No 268/Goa/2009

House No 257/1, Bagdem, Ward 3, Colva, Salcete-GOA 403708 Mob: 9823085206

Ref: CCCF / GCZMA / 03 /2024-2025

Date: 24.04.2024

To,
The Secretary of Environment &
Chairman of Goa Coastal Zone Management Authority,
Secretariat Building, Assembly Complex,
Porvorim, Goa 403 501



Sub : Request for Re-inspection of Shamiraj Hotels Pvt Ltd /Sea Coin Hotel in Sy. No. 24/1 of Colva Village, Salcete, Goa.

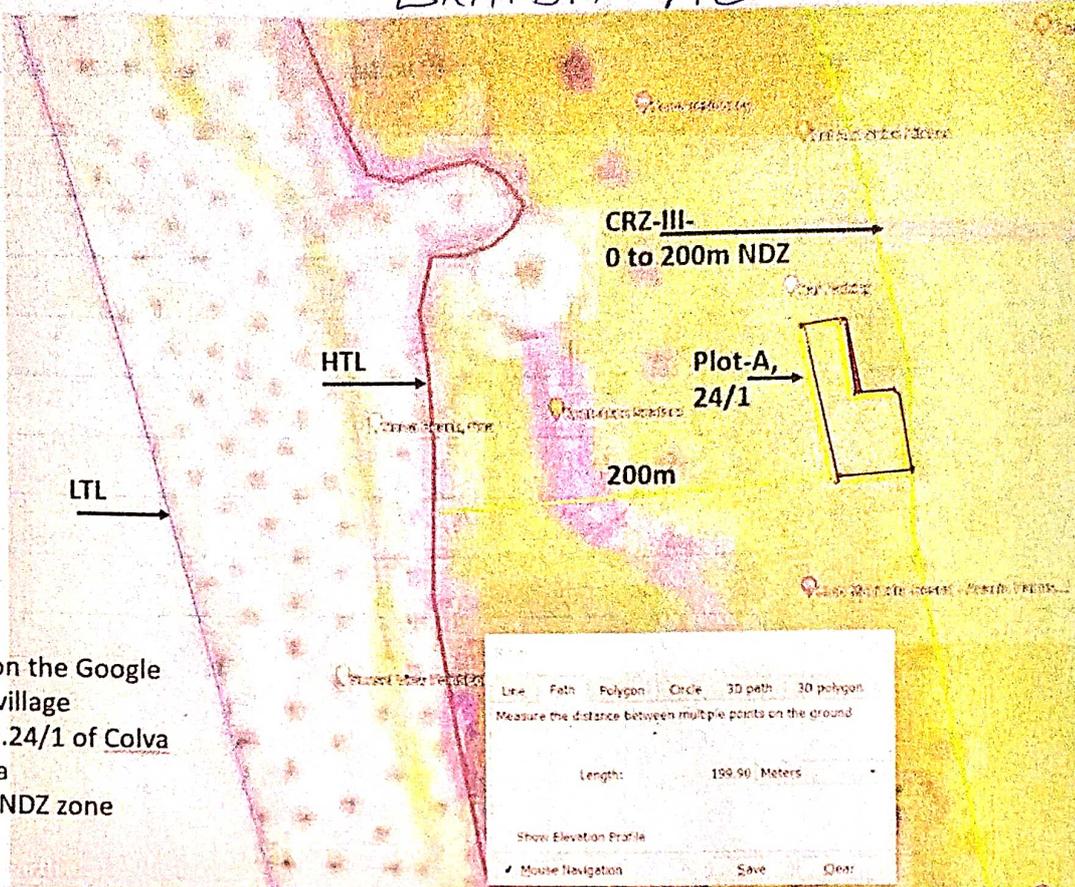
Ref : Site Inspection conducted on 19 /2/2024 of Shamiraj Hotels Pvt Ltd /Sea Coin Hotel in Sy. No. 24/1 of Colva Village, Salcete, Goa. File No. GCZMA/SMWP/WP/06 To Inspect the site and and inform current status pertaining to the property bearing sy. No 24/1 Colva village.

Sir,

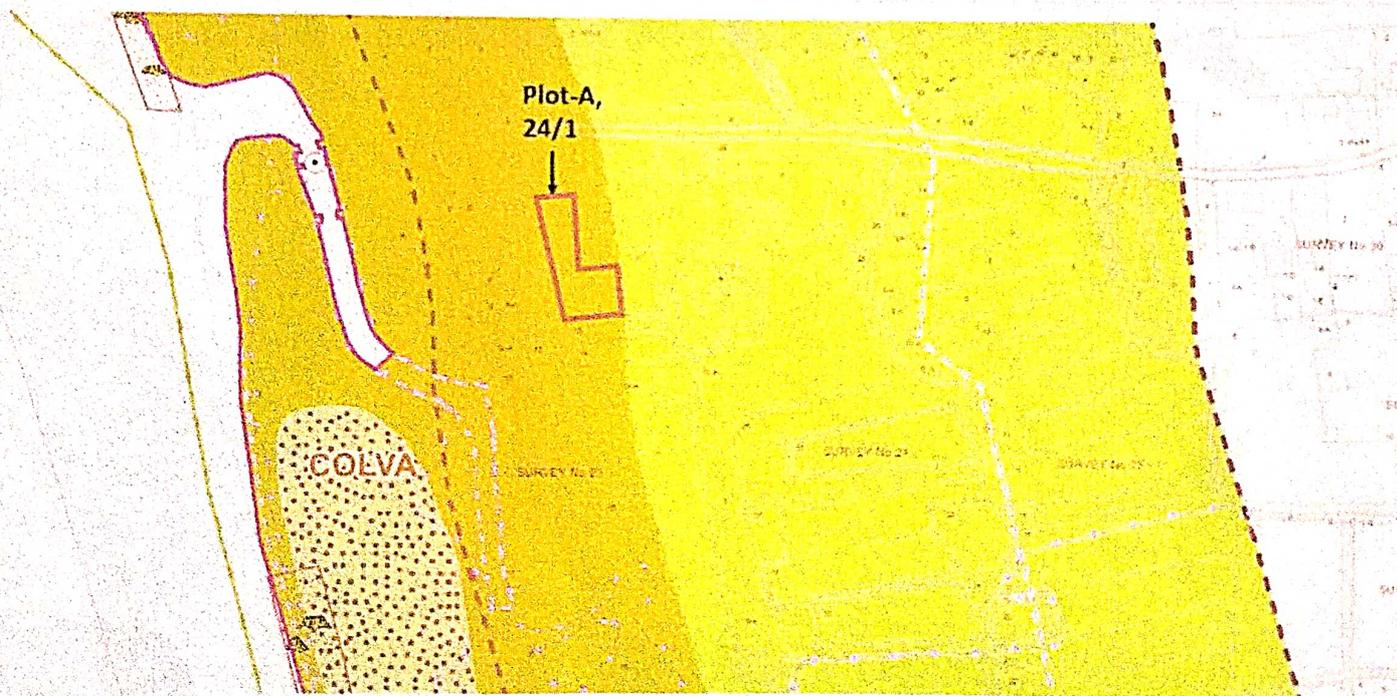
It is with deep regret that this forum is hereby requesting your good office to kindly call of a re-inspection of the above subject Site as the report dt 19.02.2024 conducted by the GCZMA expert member does not record most of the observations of illegalities noted and photos taken about 10 in nos of the violations including measurements taken by Mr.Rohan Verekar Engineer and Environment Assistant in my presence including measurements of the several violations in the details of the Site Inspection report. Though the Site Inspection was meant 'to inform current status'. Hence it is requested that the Site must be re-inspected and all violations be recorded in the interest of Environmental Justice and which are in violation of CRZ Notifications for the following reasons :-

1. The details of Report at point 1, states that the survey no 24/1 of Colva falls between 200-500m of HTL of CRZ – III as per CZMP 2011 this is falsely recorded as the property falls within 199m of HTL.

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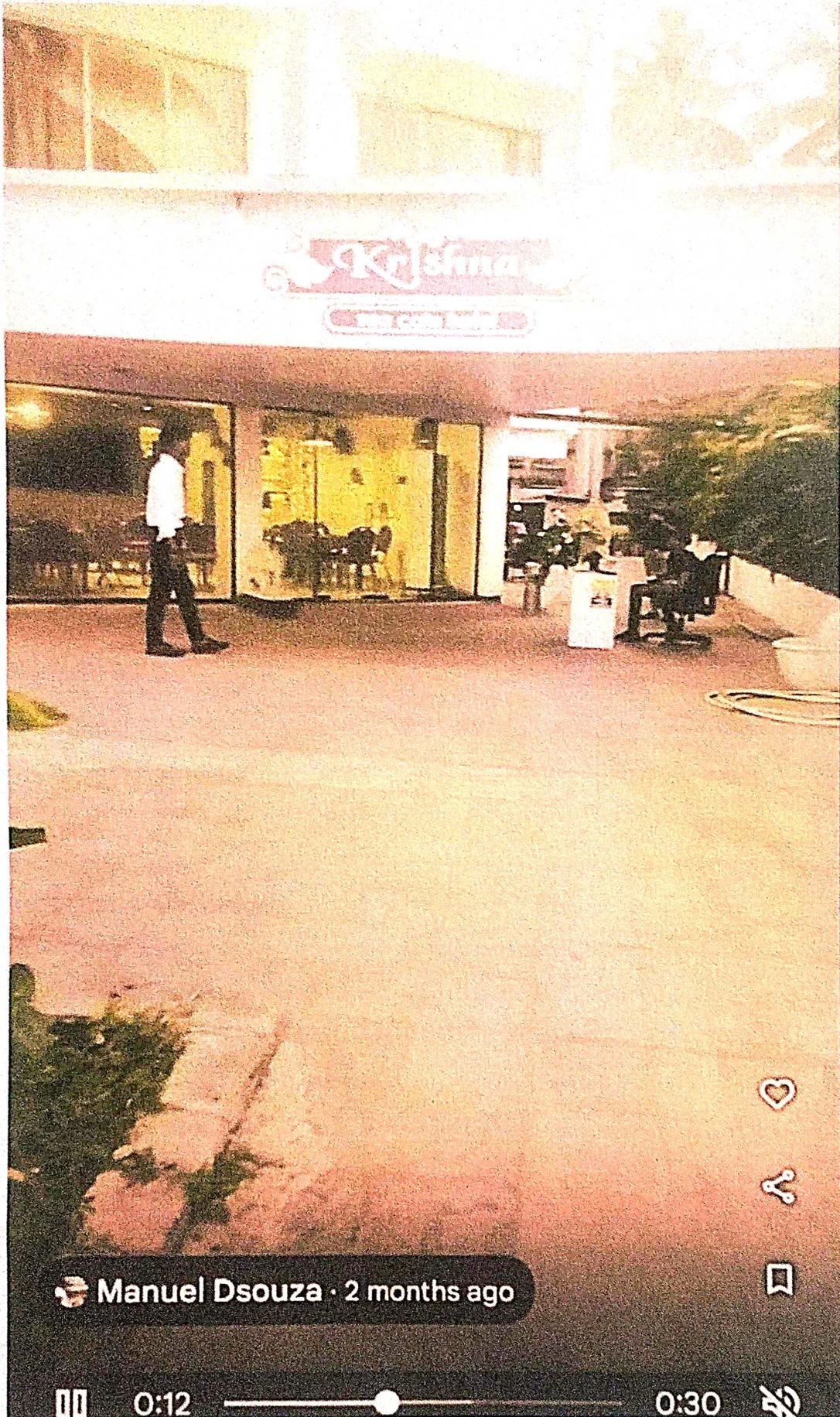
Final CZMP Map overlaid on the Google Satellite imagery of Colva village showing Plot-A, Survey No.24/1 of Colva Village, Salcete Taluka, Goa and the CRZ-III-0 to 200m NDZ zone



Draft CZMP 2011 Map at scale 1:4000 showing all the survey nos. of Colva village on which the boundary of Plot-A, Survey No.24/1 of Colva Village, Salcete Taluka, Goa is marked and clearly seen within the CRZ-III-0 to 200m NDZ zone

EXHIBIT A7 COLLY
ENTRANCE TO RECEPTION

1297
AND
BAR
&
RESTAURANT



298

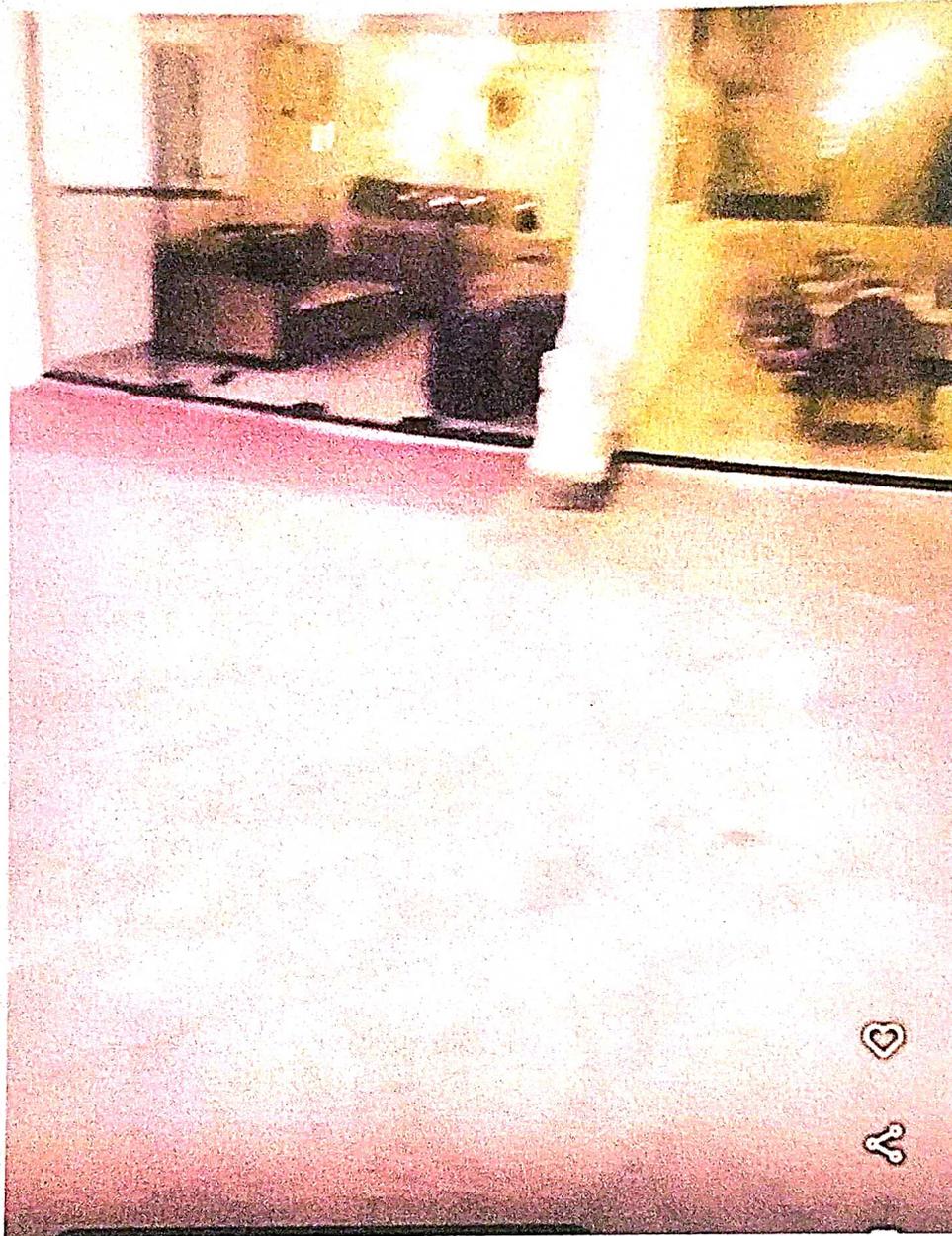
EXHIBIT A7 COLLY

SHAMIRAJ HOTELS PVT. LTD.
SEA COIN HOTEL SY NO. 24/1 COLVA VILLAGE
BAR & RESTAURANT IN STILT AREA



299

EXHIBIT A7 COLLY
RECEPTION & IN STILT AREA



300

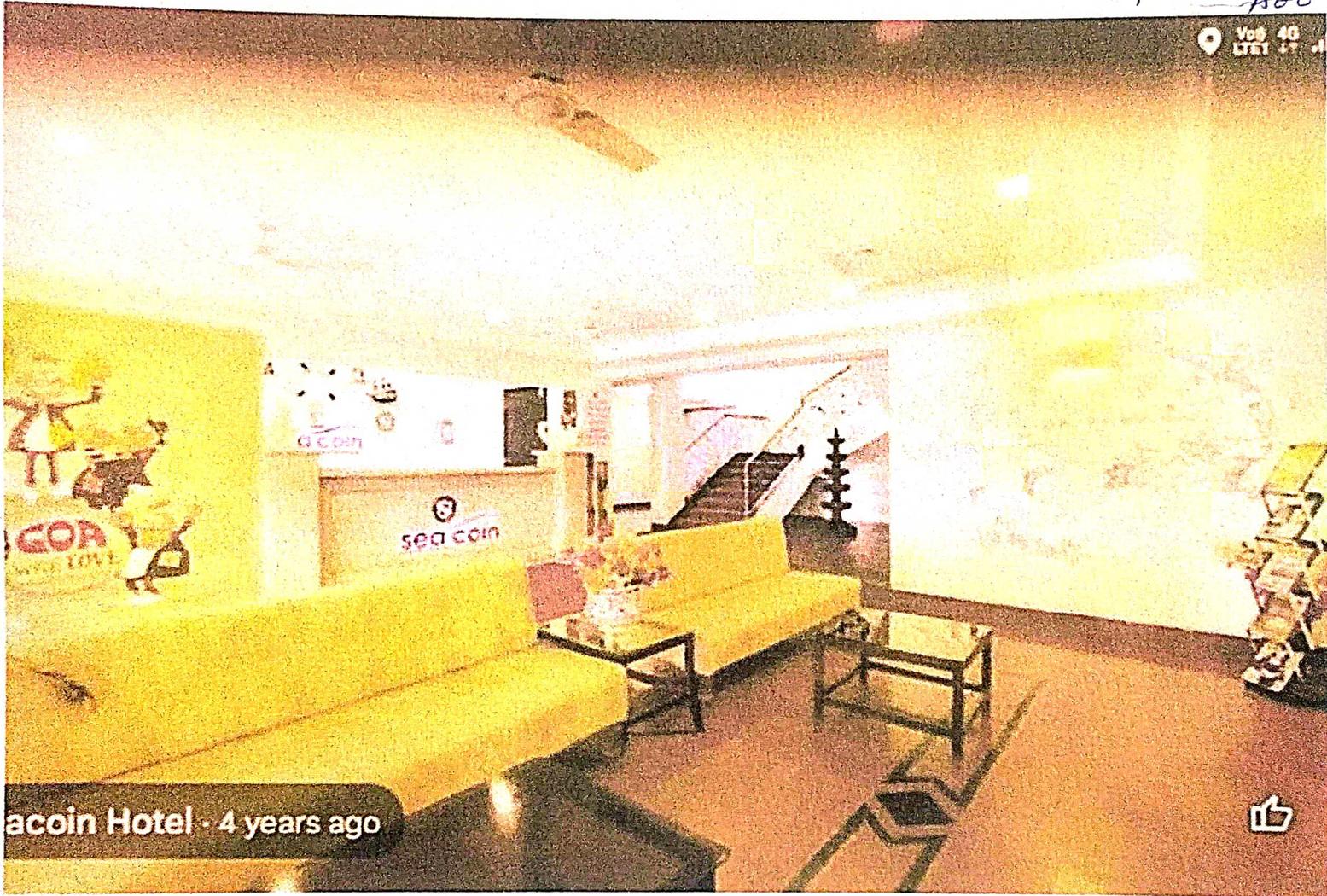
EXHIBIT A 7 COLLY

SHARIRAJ HOTELS PVT LTD.

SEA COIN HOTEL.

RECEPTION IN STILT WITH STEPS LEADING
TO UPPER FLOORS.

SY NO 24/1, COLVA VIL
AGE



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EXHIBIT A8

ENTIRE AREA AROUND HOTEL SEACOIN CONCRETISED.
34 NO
2411 COLVA
VILLAGE

