

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE
APPEAL NO. 626 OF 2025 (WZ)**

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ORS.

...RESPONDENTS

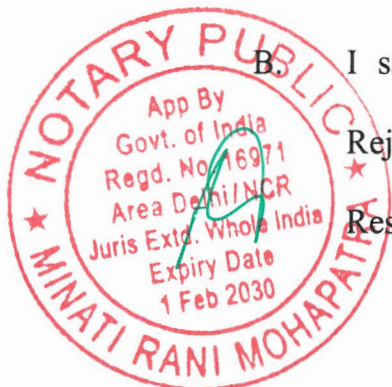
**AFFIDAVIT-IN-REJOINER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1**

Most Respectfully Sheweth:

I, Akshat Sharma, S/o Shri S. K. Sharma, aged about 38 years, working for gain at A-270, 1st and 2nd Floor, Defence Colony, New Delhi – 110 024, being the authorised representative of the Appellant hereinabove, do hereby solemnly affirm and state as under: -

A. I say that I am the Authorised Representative of the Appellant in the captioned Appeal No. 626 of 2025 (WZ), and as such, I am well conversant with the facts and circumstances of the present case and, in view thereof, am competent to sign, verify and file the present Affidavit-in-Rejoinder.

B. I say that the Appellant herein is filing the present Affidavit-in-Rejoinder to the Affidavit-in-Reply dated 18.03.2026 filed by the Respondent No. 1 to captioned appeal to clarify its position, and leave



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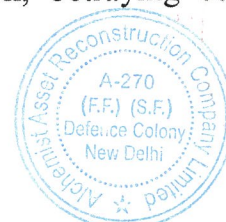
craves leave of this Hon'ble Tribunal to rely upon and refer to the same, as and when required.

- F. Without prejudice, I say that the *locus standi* of the Appellant has been duly explained and detailed in Para 14 of the captioned appeal read with Annexure A-14 (Colly) attached thereto and the contents whereof are reiterated in *toto*.

PRELIMINARY SUBMISSIONS

Before proceedings with the para-wise Rejoinder to the Reply filed by the Respondent No. 1, the Appellant humbly submits the following preliminary submissions for the kind consideration of this Hon'ble Tribunal. These submissions are made to place certain crucial facts, legal aspects, and the nature of the proceedings before this Hon'ble Tribunal, which will aid in the proper understanding of the issues at hand and in the adjudication of the present Appeal.

- G. At the outset, the Appellant respectfully submits that Respondent No. 1 has failed to furnish a para-wise reply to the averments made in the captioned Appeal, which, in law, amounts to a deemed admission thereof. The so-called response of Respondent No. 1 is a bald and evasive denial, devoid of any cogent reasoning or substantive explanation. Such conduct clearly reflects a casual, perfunctory and non-diligent approach on the part of Respondent No. 1 in addressing the core issues raised before this Hon'ble Tribunal. The Reply, in fact, is a stereotyped and mechanical reproduction, betraying complete non-



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application of mind and a failure to discharge its statutory obligations in a fair and reasoned manner.

H. The Respondent No. 1 has also not preferred any separate reply to the Application [I.A. No. 865 of 2025] filed by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of 25 days in filing of the captioned Appeal. In absence of any such specific reply, the contents of the said Application of the Appellant are also deemed to be admitted in law.

I. I say that the Appellant had preferred the captioned Appeal against the Impugned Direction dated 29.09.2025 issued by the Respondent No. 1 to the Respondent Nos. 2 and 3 under Section under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986, *inter alia*, on the grounds that the Impugned Direction is arbitrary, unreasoned, and passed in a mechanical manner. Instead of directing demolition of all illegal structures identified in the Show Cause Notice dated 17.01.2025 (hereinafter referred to as “SCN”), Respondent No. 1 has erroneously restricted the direction only to demolition of a masonry compound wall, thereby partly discharging the SCN without justification. It is reiterated that Respondent Nos. 2 and 3 have no ownership or occupancy rights, nor any valid approval / permission to undertake commercial activities in Survey Nos. 102/1, 102/3 and 102/3-B of Village Agonda, Canacona, Goa. The only permission granted by Respondent No. 1 was limited to one (1)



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temporary shack and six (6) temporary huts admeasuring 55.13 sq. mtrs. in Survey No. 102/1-A. However, under the guise of earlier Permission dated 12.11.2018 and extension Permission dated 26.07.2024, Respondent Nos. 2 and 3 have constructed and are operating extensive illegal commercial structures under the names “*Dunhill Beach Resort*” and “*Dunhill,*” which are in fact extensions of the same establishment.

It is further submitted that Respondent No. 1 issued two separate SCNs dated 17.01.2025 for the same establishment under different names and has consequently passed separate directions, leading to filing of Appeal Nos. 626 and 627 of 2025 (WZ). In doing so, Respondent No. 1 has conflated and mixed up the unauthorized constructions in both SCNs, resulting in overlapping and erroneous directions, including ordering demolition of structures not covered under the respective SCNs.

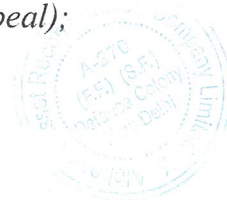
J. Succinctly submitted, the Impugned Direction deserves to be set aside by this Hon’ble Court for *inter-alia* the following reasons/ infirmities:

- 1) *For ignoring that all constructions, whether covered under the earlier Permission dated 12.11.2018 (since expired) read with or the extension Permission dated 26.07.2024 or not, were violative of the BCCR, as applicable to Agonda beach since the BCCR had assessed the carrying capacity of Agonda beach as Zero (Kindly refer to Para 13, read with Para 16 to 38 of the captioned Appeal);*



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- 2) *For failing to appreciate that Respondent Nos. 2 and 3 have neither ownership nor occupancy rights in Survey Nos. 102/1 and 102/3, and have not obtained any approval from Respondent No. 1 to carry out commercial operations therein (Survey Nos. 102/1(P) and 102/3(P)), which are predominantly owned by DPDCL and mortgaged to the Appellant. The only permissions granted by Respondent No. 1, dated 12.11.2018 and extension dated 26.07.2024, are strictly limited to Survey No. 102/1-A, permitting a total built-up area of 55.13 sq. mtrs., and do not authorize any commercial activity beyond the said extent, that is, on Survey Nos. 102/1 and 102/3 (Kindly refer to Paras 10 and 56 to 59 of the captioned Appeal);*
- 3) *For ignoring that the Permission granted was strictly limited to 55.13 sq. mtrs. in Survey No. 102/1-A, whereas the actual construction and commercial use extend far beyond the permitted area, covering approximately 787 sq. mtrs. in Survey No. 102/1 and about 4856 sq. mtrs. in Survey No. 102/3 (along with Sea 2000 and Oasis Beach Resorts). It is further evident from the Minutes of the 184th Meeting of Respondent No. 1 dated 05.09.2018 that Permission was granted only for 06 huts and 01 shack admeasuring 55.13 sq. mtrs. in Survey No. 102/1-A, and not for any construction in Survey Nos. 102/1 or 102/3 (Kindly refer to Para 11 & 75 of the captioned Appeal);*

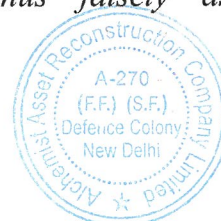


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4) *Blatantly ignoring the construction(s) on government land (Sy. No. 102/2) and taking no action with regard thereto. It is submitted that the Impugned Direction fails to undertake even a basic ascertainment of the actual area under construction on the ground so as to verify whether any portion of the 6 huts and 1 shack has been constructed in or upon Survey No. 102/2. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the offending structures. (Kindly refer to Paras 6, 12, 67 and 68 of the captioned Appeal);*

5) *For ignoring false, inconsistent, and misleading averments made by Respondent Nos. 2 and 3 regarding ownership, permissions, and leasehold rights:*

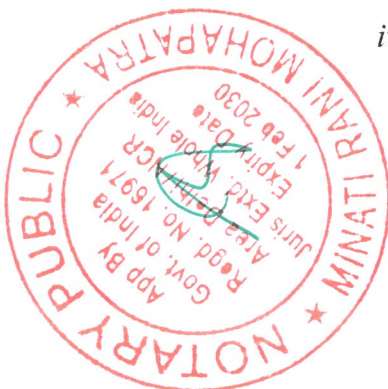
i. *Respondent No. 2, in her reply to the Show Cause Notice, has claimed co-ownership over Survey Nos. 102/1-A (450 sq. mtrs.) and 102/3-B (2050 sq. mtrs.) devolving from her father, Mateus de Menino Jesus Fernandes, based on entries in Form I & XIV. The Respondent No. 2 has also tried to erroneously claim ownership of certain authorized structures / houses in Survey No. 102/1 and 102/3. However, such ownership with no record evidencing any ownership or occupancy rights in Survey Nos. 102/1 or 102/3. The Respondent No. 2 has thus falsely asserted that*



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constructions in Survey Nos. 102/1 and 102/3 were undertaken pursuant to valid permissions.

- ii. The permissions issued by the Respondent No. 1 and the Village Panchayat, relied upon by Respondent Nos. 2 and 3, in favour of Mateus de Menino Jesus Fernandes, namely:
- (a) Permissions dated 12.10.2001 and 31.10.2001 for reconstruction of an existing eco-friendly house; and (b) Permissions dated 16.11.2011, 11.01.2013, and 23.10.2015 for repair, renovation, and addition of a first floor to an existing house in Survey No. 102/3-B, were all limited to residential structures and did not authorize any commercial use or operation of a resort. There is no material to show that any such structure was used for commercial purposes prior to 1991 or ever permitted by the Respondent No. 1 to be converted into a commercial establishment.
- iii. The only permissions permitting erection of huts and shacks are dated 12.11.2018 and 26.07.2024, which are strictly confined to Survey No. 102/1-A and limited to 55.13 sq. mtrs. Thus, reliance on earlier permissions to justify large-scale commercial constructions is wholly misplaced.
- iv. Respondent No. 3 has claimed leasehold rights over Survey Nos. 102/1, 102/1-A, 102/3, and 102/3-B based on the alleged ownership of Respondent No. 2. However, in view

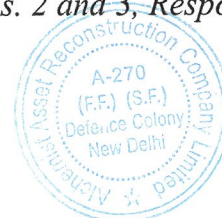
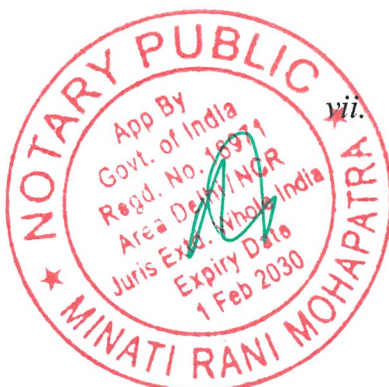


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of Respondent No. 2's own limited ownership claim, such assertion is self-contradictory and untenable. Further, no valid lease deed or documentary proof has been produced to substantiate the alleged leasehold rights.

- v. Respondent No. 1, while referring to the aforesaid permissions, has mechanically and erroneously concluded that the Respondents had requisite approvals to run a commercial resort across the subject survey numbers. In doing so, Respondent No. 1 failed to appreciate that such permissions were confined only to lands owned by Mateus de Menino Jesus Fernandes (i.e., Survey Nos. 102/1-A and 102/3-B) and for limited non-commercial purposes, and could not be extended to Survey Nos. 102/1 and 102/3.
- vi. The Respondent No. 1, being the Agency primarily responsible for safeguarding the coastal areas of Goa against unrestricted commercial exploitation, erred in casually accepting the conversion of residential structures into commercial structures / resort without examining their permissibility for such use under CRZ, 2011 read with the BCCR, as applicable to Agonda beach;

vii. Despite the absence of ownership rights, lack of valid permissions for commercial use, and clear inconsistencies in the claims of Respondent Nos. 2 and 3, Respondent No. 1



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failed to properly scrutinize the record and proceeded to pass the Impugned Direction, effectively shielding illegal commercial operations under the garb of inapplicable permissions, thereby rendering the same arbitrary, perverse, and unsustainable in law. (Kindly refer to Paras 56 to 61 of the captioned Appeal.)

- 6) *Failure of Respondent No. 1 to consider that Respondent Nos. 2 and 3 have been operating commercial establishments without mandatory statutory licences and approvals, inasmuch as no valid Panchayat licence has been produced, and the Panchayat NOCs dated 18.09.2024 are merely conditional, time-bound enabling documents (valid for six months) which expressly do not authorize erection of structures and require prior approvals from competent authorities including GSPCB, Tourism Department, Health Department, Fire Services, and GCZMA. It is an admitted position that no permission has been granted by Respondent No. 1 for any commercial structures in Survey Nos. 102/1, 102/3, or 102/3-B, and even for the limited permission in Survey No. 102/1-A, no valid licence exists. Further, no Consent to Operate from GSPCB has been obtained. Despite specific objections, Respondent No. 1 failed to consider these deficiencies and instead relied on irrelevant documents such as house tax receipts and departmental NOCs, including a Health Department NOC dated 11.02.2025 pertaining*



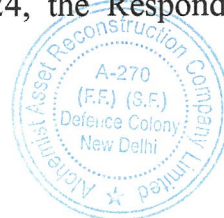
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to Survey No. 102/1, over which Respondent Nos. 2 and 3 have no rights. (Kindly refer to Paras 69 to 73 of the captioned Appeal.)

- 7) Failure of Respondent No. 1 to punish the Respondent Nos. 2 and 3 by imposing a fine and/or blacklisting it, for blatantly mis-using its permission to *inter alia* encroach upon Government land, comprising in Survey No. 102/2 and degrading the eco-sensitive and fragile beach of Agonda, signifying collusive inaction on the part of Respondent No.1 to favour Respondent Nos. 2 and 3.

K. I say that the Impugned Direction issued by the Respondent No. 1, discharges, except the direction to demolish masonry wall, the Show Cause Notice dated 17.01.2025 on the basis of the Permission/ Approval dated 26.07.2024 without examining and adjudicating upon the submission of the Appellant *inter-alia* that: (1) the said permission/ approval(s) could not have been issued in the first place in view of the saturation of the Agonda beach and the beach having *zero* carrying capacity as far back as in the year 2016, as brought out unambiguously in the Beach Carrying Capacity Report; (2) the commercial constructions extend to Survey Nos. 102/1, 102/3 and 102/3-B for which no permissions had been issued by the Respondent No. 1; (3) the illegal constructions by the Respondent Nos. 2 and 3 extend to government land i.e. Sy. No. 102/2; etc.

L. I say that, as per the earlier Permission/ approval dated 12.11.2018 and extension Permission dated 26.07.2024, the Respondent No. 3 was



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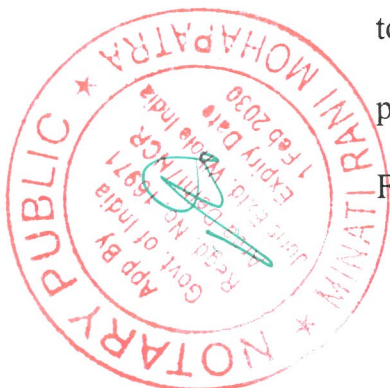
granted approval for erection of *temporary 6 huts and 1 shack having total built up area of 55.13 sq. mtrs* in property bearing Survey No. 102/1-A, Agonda, Canacona, Goa.

However, upon an inspection by the Respondent No. 1, pursuant to the Complaint of the Appellant dated 07.02.2024, it was found that the Respondent Nos. 2 and 3 had built a number of semi-permanent as well as permanent structures not only on Survey Nos. 102/1 (P), 102/1-A (P), 102/3-B (P) and 102/3(P), but also made constructions on Survey No. 102/2, which is a government land. The following list of structures erected by the Respondent Nos. 2 and 3 were detailed in the Show Cause Notice dated 17.01.2025:

- 6 nos. *temporary huts*
- 1 no. *temporary restaurant with attached kitchen on permanent base.*
- 1 no. *permanent structure (toilet) with mangalore tile roof.*
- 1 no *permanent plinth*
- 3 nos. *permanent underground chambers*
- 1 no. *permanent structure with OHT on top.*
- 1no. *well with masonry parapet*
- *Masonry compound wall*

Intriguingly, the Respondent No.1 did not bring out, on the basis of its site inspection, the extent of built-up area erected by the Respondent Nos. 2 and 3. I say that, that was done by the Respondent No. 1 not only to favour Respondent No. 3 but to also conceal its own inaction and passivity as regards safeguarding the highly fragile Agonda beach.

Further, the Respondent No. 1, while discharging the Respondent No. 3



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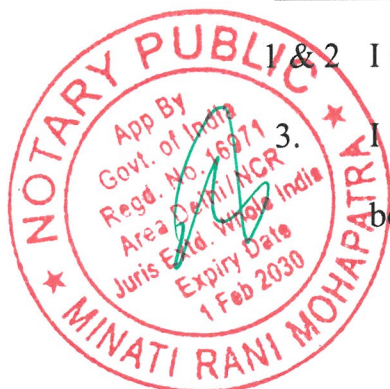
of the SCN dated 17.01.2025, except to the extent of direction to demolish masonry wall, did not bother to check whether any of the so-called permitted structures viz. 6 huts and 01 shack were erected on Government Land i.e. Sy. No. 102/2.

M. I say that the Respondent No. 1, has neither discharged its statutory obligations as an authority mandated to enforce the CRZ, 2011 nor effectively passed orders for protection of the beaches of Goa especially the designated Turtle Nesting and site fragile beach of Agonda. The Respondent No. 1 has not only failed to implement the BCCR through its orders but also consciously and deliberately issued permissions and failed to take any recourse against the already issued permissions which are clearly in teeth of the recommendations of the said Report despite being aware that the beach carrying capacity of Agonda Beach has been determined to be *zero*. Further, it is humbly submitted that the Respondent No. 1 while discharging the SCN dated 17.01.2025 on the basis of the existing permission dated 26.07.2024, not only failed to check the adherence of the permission *qua* the Beach Carrying Capacity Report but amounts to wrongful ratification/approval the said permission dated 26.07.2024.

PARA WISE REPLY

1 & 2 I say that the contents of Para 1 & 2 of the Reply merit no response.

3. I say that the contents of Para 3 of the Reply are emphatically denied as being erroneous, misconceived, misleading and devoid of any merit. It



is respectfully submitted that the *locus standi* of the Appellant is unequivocally established, inasmuch as the Appellant was the original Complainant before Respondent No. 1, and it was pursuant to the Appellant's Complaint dated 07.02.2024 that the Show Cause Notice dated 17.01.2025 came to be issued by Respondent No. 1 to Respondent Nos. 2 and 3. Moreover, the Appellant is the sole secured mortgagee of the parcel of land owned by DPDCL in Sy. Nos. 102/1 and 102/3, which are the survey numbers identified in the SCN as encroached upon. The alleged encroachments as enlisted in the SCN, carried out beyond the permissible area in Survey No. 102/1-A under the guise of the Permission dated 26.07.2024, directly relate to this land. Accordingly, any order passed pursuant to the said Show Cause Notice has a direct and substantial bearing on the rights and interests of the Appellant. The Appellant, therefore, squarely falls within the ambit of an "aggrieved person" under Section 16 of the NGT Act.

Without prejudice, the Impugned Direction, in effect, discharges the Show Cause Notice, except to the extent of direction to demolish masonry wall, on the basis of Permission dated 12.11.2018, read with Permission dated 26.07.2024, which are *ex facie void ab initio* being contrary to the CRZ Notification, 2011 and the BCCR recommendations as applicable to Agonda Beach. The Impugned Direction fails to consider the Appellant's contention that the said permission(s) and all consequential approvals are in violation of the BCCR, particularly Para



6.3(2) [*Specific Recommendations for Shacks and Other Temporary Structures in Private Land*] read with Table 24 thereof, apart from the other legal and factual contentions also raised.

The Impugned Direction is further vitiated by non-application of mind. While the Show Cause Notice identified illegal constructions across Survey Nos. 102/1 (P), 102/2 (Government Land), 102/1-A (P), 102/3 (P), and 102/3-B (P), the Impugned Direction orders demolition only to a limited extent, namely, of a masonry wall, while disregarding the other encroachments on survey numbers other than Survey No. 102/1-A (P), as well as the existence of permanent and semi-permanent structures. Moreover, the Impugned Direction fails to undertake even a basic ascertainment of the actual area under construction on the ground so as to verify whether any portion of the 6 huts and 1 shack has been constructed in or upon Survey No. 102/2. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the offending structures.

Furthermore, while allowing 1 Shack and 6 huts to remain in view of the permission dated 26.07.2024, the Impugned Direction does not verify and confirm whether the permitted built-up area of 55.13 sq. mtrs. for the Shack and 6 huts had been complied with or exceeded. To that extent, the Impugned Direction is both defective and incomplete.



The Impugned Direction, thus, fails to address the Appellant's objections, including the prohibition on new constructions on Agonda Beach under the BCCR, and instead improperly relies upon and effectively ratifies the Permission dated 26.07.2024 which could not have been issued in the first place. Hence, the present statutory appeal.

4. I say that the contents of Para 4 of the Reply are denied as being wrong, misleading and incorrect, because the Impugned Direction has been passed without due and proper consideration/ examination of the written and oral submissions made by the Appellant. It is submitted that the Impugned Direction issued by Respondent No. 1 is based on the presumption that the Permission dated 12.11.2018 and Extension Permission dated 26.07.2024 issued by it is valid and consistent with CRZ, 2011 read with the BCCR, as applicable to Agonda beach (*which report scientifically assessed beach carrying capacity having been determined as "zero"*). The Appellant has questioned and challenged the very foundation of the said Permission in its pleadings/ submissions before the Respondent No. 1 since no such permissions could have been issued after 03.01.2017, the date on which the BCCR was accepted in *toto*. The Respondent No. 1 has, for reasons best known to it, not adjudicated upon this crucial issue. It is, therefore, submitted that once the very foundation of the permission granted by GCZMA is under challenge as being violative of the BCCR (as applicable to Agonda

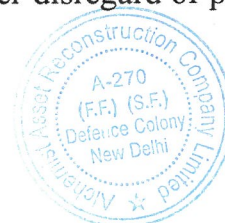
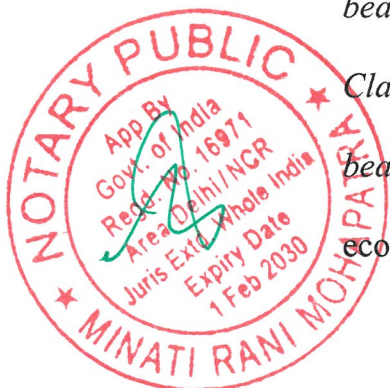


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Beach), any action founded thereon, including the Impugned Direction, stands vitiated and is *ex facie* unsustainable in law.

The Respondent No.1 has also consciously not taken due cognizance of the Appellant's submissions as regards the illegalities committed by the Respondent Nos. 2 and 3 in Sy. Nos. 102/1 & 102/3 as well as the false averments as to ownerships and leasehold rights made by Respondent Nos. 2 and 3, by misusing the Permission dated 26.07.2024 *inter alia* by way of (a) erecting permanent/ semi-permanent structures; (b) erecting commercial structures for which no permission from the Respondent No. 1 exists; (c) exceeding the permissible built-up area; and (d) encroaching upon Government land comprising Survey No. 102/2.

5 & 6. I say that the contents of Para Nos. 5 and 6 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is significant to mention that, the Respondent No. 1 failed to consider that by issuing the Permission dated 12.11.2018 and extension Permission dated 26.07.2024, which it could not have issued after 03.01.2017 *i.e. the date on which the Respondent No. 1 resolved to accept the BCCR in toto, thereby accepting that the beach carrying capacity threshold of Agonda beach had been exceeded and, therefore, rendering provisions of sub-Clauses (iii) and (iiia) of Clause 8 (i) V (3) inapplicable to Agonda beach*, the Respondent No. 1 Authority has failed to preserve the ecology of pristine beach of Agonda in utter disregard of provisions of

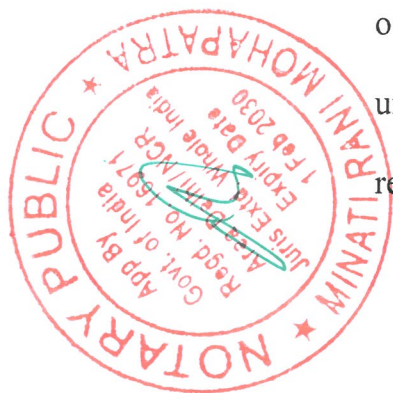


Coastal Regulation Zone Notification, 2011 (CRZ, 2011) read with the BCCR, as applicable to the Agonda beach.

Most respectfully I say that, the permissions issued by Respondent No. 1 are justiciable, and this Hon'ble Tribunal, acting as the first appellate authority, is duty-bound to adjudicate upon the present challenge on both factual as well as legal grounds.

It is further submitted that, as per the findings of the NCSCM, the Agonda beach was fully saturated, even in the year 2016, and no new shacks/ huts/ resorts/ hotels should have been allowed on that beach after 03.01.2017 i.e. the date of acceptance of BCCR by the Respondent No. 1. Instead, owing to total disregard of the findings of the BCCR on the part of Respondent No. 1, various shacks, huts, even resorts came to be opened on the Agonda beach with or without the permission of the GCZMA and have been flourishing commercially with impunity.

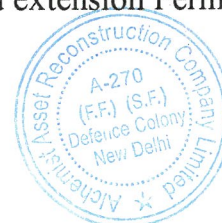
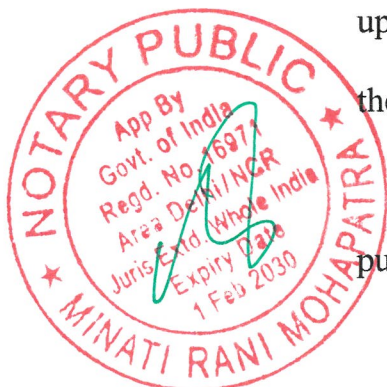
It is submitted that, the acceptance of BCCR by the Respondent No. 1 constrains it from sanctioning / allowing any seasonal structures in terms of Paragraph 8(i) V 3 (iii) of CRZ, 2011 on the Agonda beach. In consequence, the Respondent No. 1 should have regulated all commercial activities on the Agonda beach, after 03.01.2017 (the date of acceptance of BCCR) in terms of Paragraph 8(i)III (A) (ii) and (iii) of CRZ, 2011 which deals with activities / constructions permissible under CRZ-III and, in the light thereof, ought to have revoked / rescinded the Permission issued in favour of the Respondent No. 3.



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7. I say that the contents of Para No. 7 of the Reply are denied being wrong, erroneous, incorrect and misleading. It is submitted that by accepting the BCCR as applicable to Agonda beach, the Respondent No. 1 recognised that the beach carrying capacity of Agonda beach had been exceeded and, in order to protect and preserve that beach, it self-restrained its competence to sanction temporary shacks and huts on that beach under Paragraph 8(i)V3(iii) of CRZ, 2011. The Respondent No. 1 reiterated the need to not allow any further shacks and huts on the Agonda beach in its 193rd Meeting held on 21.02.2019 (Case No. 4.13) wherein it was decided *inter-alia* that no new applications for huts / shacks / tents / cottages in private properties / hotels along the beach area (0-200 mtr from HTL) is to be accepted and processed by GCZMA till the finalization of CZMP by the State Government (*Para 29 of the Appeal read with Annexure A-19 attached thereto refers in this regard*). In fact, by issuing the Permissions dated 12.11.2018 and 26.07.2024 in favour of Respondent No. 3, the Respondent No. 1 has itself violated the mandate accepted by it under the fully accepted BCCR, in utter disregard of the letter and spirit of the Order dated 17.12.2014 in OA/03/2014 passed by this Hon'ble Tribunal, and the same is evident upon perusal of the relevant Google Earth images of Agonda beach of the year 2017 onwards.

Without prejudice to the above, it is submitted that while the purported Permission dated 12.11.2018 and extension Permission dated



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26.07.2024 were granted to the Respondent No. 3 for construction of shacks and huts in Sy. No. 102/1-A, however, as per the GCZMA's own Show Cause Notice dated 17.01.2025, the constructions by Respondent No. 2 were found extending in Sy. Nos. 102/1, 102/3, 102/3-B and 102/2 as well, the last one a government land, where no permission is available for construction. Despite noting the same, the Respondent No. 1 failed to take any immediate steps to put an end to these illegalities.

Annexure – A-35 (Colly) are copies of year wise Photographs obtained by the Applicant from Google Earth Software from the year 2017 onwards evidencing growth of construction activities on Agonda beach.

8. I say that the contents of Para 8 of the Reply, though a matter of record, suppress the fact that in Para 9 of the Appellant's Complaint dated 07.02.2024, it was specifically mentioned that all illegal constructions/commercial operations on the Agonda beach were within the No Development Zone and were not permissible in terms of the BCCR, as applicable to Agonda beach, and that not only no cognizance was taken of this submission, rather the Respondent No.1 continued to issue permissions/ approvals for shacks and huts in an unrestricted manner, completely unmindful of the stress such permissions were creating *vis-à-vis* the carrying capacity of Agonda beach.

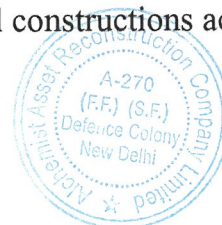
I say that the contents of Para 9 of the Reply, though a matter of record, hide the fact that the site inspection by the officials of the Respondent



Akshat Singh

No. 1 on the Appellant's complaint dated 07.02.2024 was carried out, after eight (08) months of submission of the complaint, starting from 07.10.2024. Further, after completing the site inspection on 24.10.2024, it took the Respondent No. 1, two (02) months and 25 days to issue the Show Cause Notice to the Respondent Nos. 2 and 3. These timelines exhibit a callous disregard on the part of Respondent No. 1 for the protection and preservation of the eco-sensitive and fragile Agonda beach tantamounting to collusion. It is submitted that even pursuant to the passing of the Impugned Direction, the Respondent No. 1 has failed to verify whether any such demolitions have been carried out or not, thereby being in hand-in-glove with the Respondent Nos. 2 and 3.

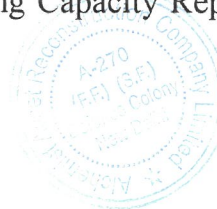
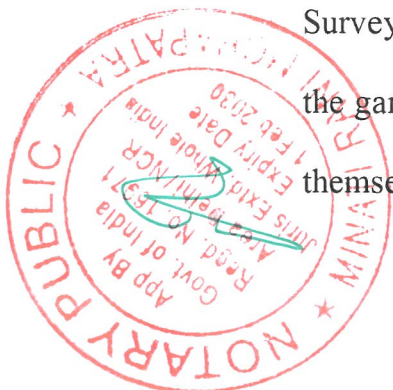
10 & 11 I say that the contents of Para Nos. 10 & 11 of the Reply, as submitted by the Respondent No. 1 are denied. It is submitted that the principal submission of the Appellant regarding the applicability of the BCCR to Agonda beach, and the consequential incapacity of the Respondent No. 1 authority in granting Permissions after 03.01.2017, though recorded incompletely and in passing, yet was not adjudicated upon in the Impugned Direction. I say that the GCZMA has been patently mechanical in its mindset and approach while dealing with the present matter at hand. The Impugned Direction is nothing but a verbose document which neither adjudicates nor addresses the various legal and factual issues raised by the Appellant. Despite the detailed findings in the SCN, which identified extensive illegal constructions across Survey



Akshay Sharma

Nos. 102/1 (P), 102/1-A (P), 102/3 (P), 102/3-B (P), and even Government land in Survey No. 102/2, the Respondent No. 1 has, without justification, restricted its direction merely to demolition of a masonry compound wall, thereby effectively discharging the SCN in part while ignoring the existence of multiple permanent and semi-permanent structures, including a restaurant on a permanent base, underground chambers, toilets, and other substantial constructions. It is reiterated that even pursuant to the passing of the Impugned Direction, the Respondent No. 1 has failed to verify whether any such demolition has been carried out or not, thereby being in hand-in-glove with the Respondent Nos. 2 and 3.

It is further submitted that such selective action *vide* Impugned Direction is particularly arbitrary in light of the admitted position that Respondent Nos. 2 and 3 have no ownership or occupancy rights in Survey Nos. 102/1 and 102/3, which are predominantly owned by DPDCL and mortgaged to the Appellant, and that the only permission ever granted was limited to 55.13 sq. mtrs. in Survey No. 102/1-A for 01 temporary shack and 06 temporary huts. Notwithstanding the same, Respondent Nos. 2 and 3 have constructed and are operating extensive commercial structures, admeasuring approximately 787 sq. mtrs. in Survey No. 102/1 and about 4856 sq. mtrs. in Survey No. 102/3, under the garb of Permissions dated 12.11.2018 and 26.07.2024, which were themselves contrary to the Beach Carrying Capacity Report declaring



Akhil Sharma

Agonda beach to have *zero* carrying capacity. The Impugned Direction, however, fails to examine or adjudicate upon these foundational illegality issues.

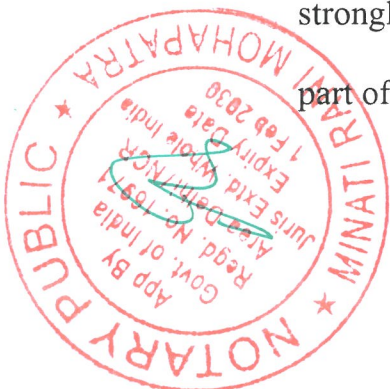
It is also worthwhile to state that, the Respondent No. 1, while passing the Impugned Direction, has placed reliance upon various permissions allegedly obtained by Respondent Nos. 2 and 3 in proceedings arising out of the Show Cause Notice dated 17.01.2025, including departmental NOCs, house tax receipts, and other records, many of which were irrelevant to the subject survey numbers. For instance, reliance has been placed on two Panchayat NOCs dated 18.09.2024 in respect of House Nos. 398/B and 398/A & C, which are merely enabling documents valid for six months and expressly state (at Clause 5) that they do not authorize erection of any temporary structures or shacks. These NOCs are conditional upon obtaining prior approvals from authorities including the Goa State Pollution Control Board (GSPCB), Tourism Department, Directorate of Health Services, Directorate of Fire and Emergency Services, and GCZMA. However, no permission has been granted by GCZMA for any commercial structures in Survey Nos. 102/1, 102/3, or 102/3-B, and even for the limited permitted area in Survey No. 102/1-A, no valid Panchayat licence exists.

Despite these deficiencies, Respondent No. 1 failed to consider or return any findings thereon.



It is further submitted that Respondent Nos. 2 and 3 have also failed to obtain a valid Consent to Operate from GSPCB and have been operating the resort without mandatory statutory approvals. Notwithstanding this, Respondent No. 1 has relied on extraneous documents such as house tax receipts and a Health Department NOC dated 11.02.2025, which pertains to Survey No. 102/1, that is the land over which Respondent Nos. 2 and 3 have no right, title, or interest. Such documents neither establish ownership nor have any nexus to the SCN. The failure of Respondent No. 1 to scrutinize these material deficiencies and its reliance on irrelevant documents demonstrate clear non-application of mind and abdication of statutory responsibility, thereby vitiating the Impugned Direction.

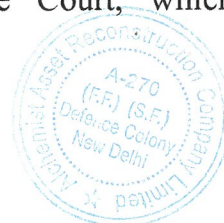
That Despite clear findings of encroachments even on Government land (Survey No. 102/2), Respondent No. 1 has failed to take any punitive or remedial action, including imposition of penalties or blacklisting of Respondent Nos. 2 and 3 for their blatant misuse of permissions and degradation of the ecologically fragile Agonda beach, which is a designated turtle nesting site. This inaction, coupled with the failure to verify compliance with even the limited demolition directed, demonstrates a complete abdication of statutory responsibility and strongly suggests collusion or, at the very least, wilful inaction on the part of Respondent No. 1.



Akshay Khelung

12. I say that the contents of Para No. 12 are denied being erroneous and misconceived. It is respectfully submitted that the Impugned Direction has been passed without due consideration of the BCCR as applicable to Agonda Beach. At the outset it is submitted that while the purported Permission dated 12.11.2018 and extension Permission dated 26.07.2024 were granted to the Respondent No. 3 for construction of shacks and huts in Survey No. 102/1-A, however, as per the GCZMA's own Show Cause Notice dated 17.01.2025, the constructions by Respondent No. 2 were found extending in Sy. No. 102/2 as well, which is a government land where no permission is available for construction. Despite noting the same, the Respondent No. 1 failed to take any immediate steps regarding the same.

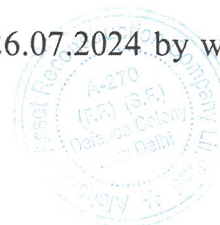
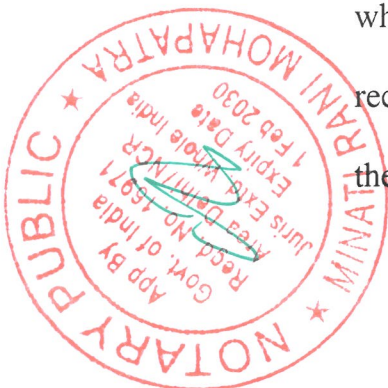
It is submitted that the Appellant has rightly impugned the said Direction in the present Appeal, being a separate and independent order in law. For the sake of record, it is submitted that, the Appellant had independently challenged the Permission dated 12.11.2018 and extension Permission dated 26.07.2024 by way of filing an Appeal No. 138/2025 before this Hon'ble Tribunal. However, the said appeal was dismissed by this Tribunal *vide* order dated 12.01.2026 on the ground of being barred by limitation. Pertinently, the said Order dated 12.01.2026 passed by this Hon'ble Tribunal in Appeal No. 138/2025 has been challenged by the Appellant by filing Civil Appeal Diary No. 20403/2026 in the Hon'ble Supreme Court, which is pending



Akshat Singh

adjudication as on date. Without prejudice to the aforesaid, it is respectfully submitted that it is well settled that a dismissal by a court of law on the ground of limitation does not constitute an adjudication on the merits of the case.

13 & 14 I say that the contents of Para Nos. 13 and 14 are denied being incorrect and misleading. It is submitted that there is a miniscule delay of only 25 days in preferring the present captioned appeal, which period is well within the domain of this Hon'ble Tribunal to be condoned in favour of the Appellant. It is submitted that the Appellant has laid out a proper explanation in its corresponding application [I.A. No. 865 of 2025] to explain the reasons for the said inadvertent and miniscule delay. It is further submitted that, the Respondent No. 1 has an incorrect understanding of law and is convoluting issues. The challenge to NoC/permissions dated 12.11.2018 and 26.07.2024 has no relation to the I.A. No. 865 of 2025. The said application simply seeks condonation from this Hon'ble Court in filing appeal challenging the Impugned Direction dated 29.09.2025. Any alternate understanding on the part of the Respondent No. 1 is completely without basis as well as erroneous and unwarranted. Furthermore, the grounds on which the captioned appeal has been preferred have been detailed in the said appeal memo, contents whereof are not being repeated for the sake of brevity. For the sake of record, it is submitted that, the Appellant had independently challenged the Permissions dated 12.11.2018 and 26.07.2024 by way of filing an



Akhil Kumar

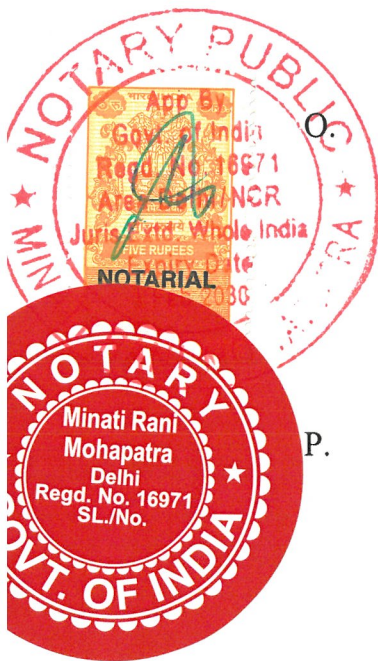
Appeal No. 138/2025 before this Hon'ble Tribunal. However, the said appeal was dismissed by this Tribunal *vide* order dated 12.01.2026 on the ground of being barred by limitation. Pertinently, the said Order dated 12.01.2026 passed by this Hon'ble Tribunal in Appeal No. 138/2025 has been challenged by the Appellant by filing Civil Appeal Diary No. 20403/2026 in the Hon'ble Supreme Court, which is pending adjudication as on date.

15. I say that the contents of the Para 15 of the Reply merit no response.

N. I say that the present Affidavit-in-Rejoinder is *bona fide* and is being filed in the interest of justice.

O. In view of the submissions made in the captioned Appeal as also the Affidavit-in-Rejoinder, it is most humbly prayed that the captioned Application may kindly be allowed in terms of the prayers sought by the Appellant.

P. I say that the contents of Paras A to F, G(p), H(p), I to M, Paras 1 to 15 and Paras N to O are true to my knowledge, and, the contents of Paras G(p) and H(p) are based on legal advice, which I believe to be true. The Annexure(s) annexed are true copies of the originals.



[Signature]
IDENTIFIED

18 APR 2026

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457



[Signature]
Advocate for the Appellant

ATTESTED

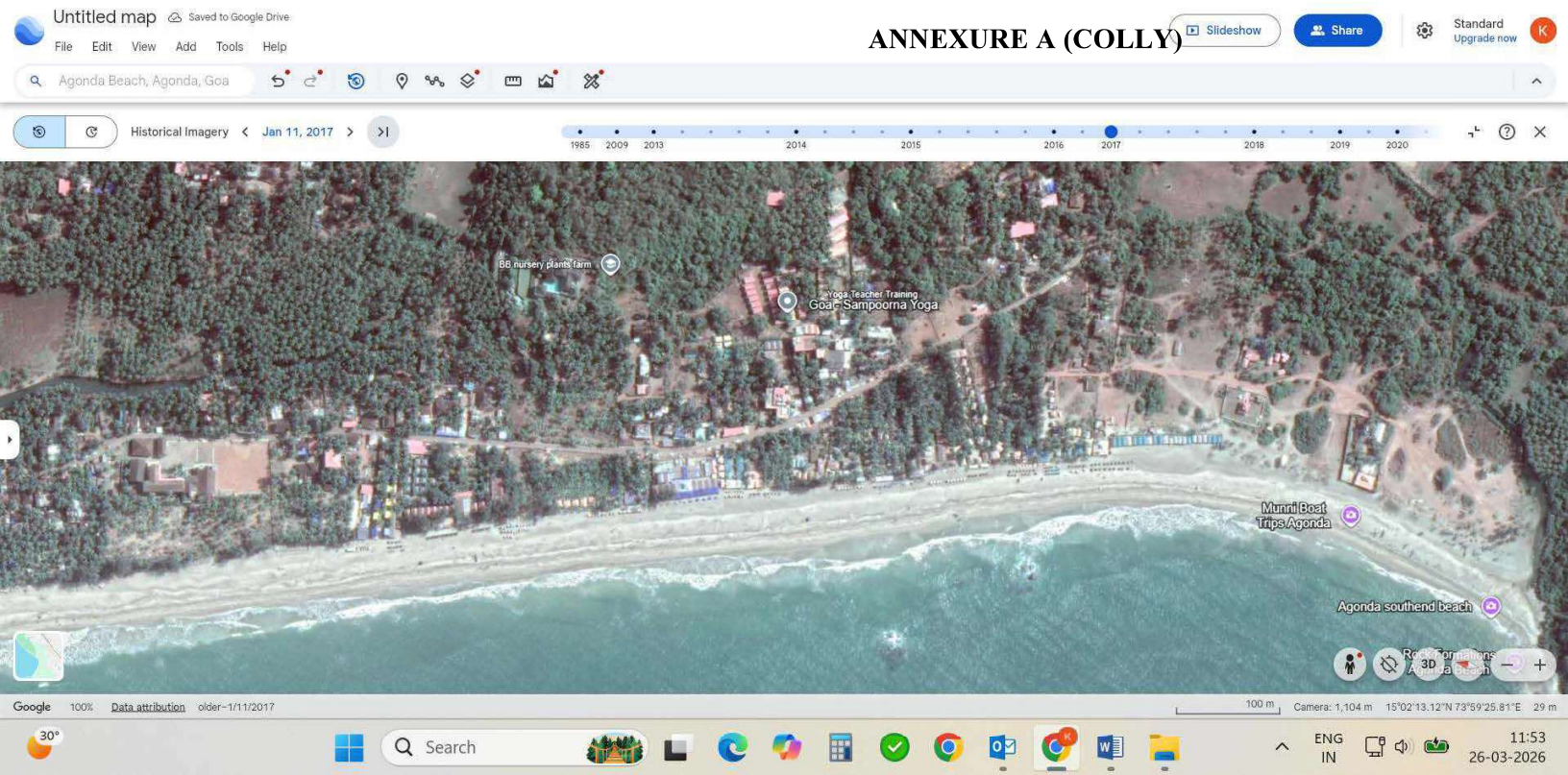
MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. *[Signature]*

Place: New Delhi
Date: 17-04-2026

18 APR 2026



ANNEXURE A (COLLY)



Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < May 16, 2017 >

1985 2009 2013 2014 2015 2016 2017 2018 2019 2020

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorna Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-5/16/2017

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m

30° Search [Taskbar icons: File Explorer, Edge, Photos, Calendar, Mail, Chrome, Word, PowerPoint]

ENG IN 11:53 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Nov 22, 2017 >

1985 2009 2013 2014 2015 2016 2017 2018 2019 2020

BB nursery plant farm

Yoga Teacher Training Goa - Sampoorna Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-11/22/2017

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m

30° Search [Taskbar icons: File Explorer, Edge, Teams, OneDrive, Calendar, Mail, Chrome, Word, Photos]

ENG IN 11:53 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Nov 22, 2017 >

Agonda Beach

BB nursery plants farm

Yogi Teacher Training Goa - Sampoorina Yoga

31°

Search

ENG IN

12:02 26-03-2026

A screenshot of a Google Maps interface showing a satellite view of Agonda Beach in Goa. The map includes labels for 'Agonda Beach', 'BB nursery plants farm', and 'Yogi Teacher Training Goa - Sampoorina Yoga'. The interface features a search bar, a menu, and a historical imagery timeline. The bottom of the image shows a Windows taskbar with various application icons and system information like the date and time.

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Feb 14, 2018 >

1985 2009 2013 2014 2015 2016 2017 2018 2019 2020

85 nursery plant farm

Yoga Teacher Training Goa - Sampoorna Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% Data attribution older-2/14/2018

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m

30°

Search

ENG IN

11:54 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Nov 15, 2018 >

1985 2009 2013 2014 2015 2016 2017 2018 2019 2020

BB nursery plant farm
Yoga Teacher Training Goa - Sampooma Yoga
Munni Boat Trips Agonda
Agonda southend beach

Google 100% Data attribution older-11/15/2018

30°

Search

ENG IN

11:54
26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Nov 23, 2019 >

BB nursery plants farm

Yoga Teacher Training
Goa - Sampurna Yoga

Munni Boat
Trips Agonda

Agonda southend beach

Google 100% Data attribution older-11/23/2019

30°

Search

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m


ENG IN 11:55 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Oct 10, 2019 >



Google 100% Data attribution older-10/10/2019

31° Search [Taskbar icons: File Explorer, Edge, Teams, OneDrive, Outlook, Word, PowerPoint]

ENG IN 12:00 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Sep 6, 2020 >

2014 2015 2016 2017 2018 2019 2020 2021 2022 2024

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorina Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-9/6/2020

30°

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ENG IN


11:55 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Sep 6, 2020 >



Google 100% [Data attribution](#) older-9/6/2020

50 m Camera: 291 m 15°02'07.48"N 73°59'23.08"E 24 m

31° Search

ENG IN 12:01 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Jan 23, 2021 >

BB nursery plants farm
Yoga Teacher Training Goa - Sampoorna Yoga
Munni Boat Trips Agonda
Agonda southend beach

Google 100% Data attribution older-1/23/2021

30°

Search

ENG IN 11:55 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Oct 29, 2022 >

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorna Yoga

Muntri Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-10/29/2022

30°

Search

ENG IN

11:56 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Dec 18, 2022 >

2014 2015 2016 2017 2018 2019 2020 2021 2022 2024

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorna Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-12/18/2022

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m

30°

Search

ENG IN


11:57 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Dec 18, 2022 >



Google 100% [Data attribution](#) older-12/18/2022

50 m Camera: 291 m 15°02'07.48"N 73°59'23.08"E 24 m

31°

Search

ENG IN

12:01 26-03-2026

This image shows a screenshot of a Google Maps interface. The main content is a satellite view of Agonda Beach in Goa, India. The map shows a sandy beach in the foreground, with buildings and dense green vegetation behind it. A timeline at the top of the map area indicates the date is set to Dec 18, 2022. The interface includes a search bar, navigation controls, and a taskbar at the bottom with various application icons. The system tray shows the date as 26-03-2026 and the time as 12:01.

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Mar 6, 2024 >

2014 2015 2016 2017 2018 2019 2020 2021 2022 2024

BB nursery plants farm

Yoga Teacher Training Goa - Sampoorna Yoga

Munni Boat Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-3/6/2024

100 m Camera: 1,104 m 15°02'13.12"N 73°59'25.81"E 29 m

30°

Search

ENG IN

11:57 26-03-2026

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Mar 6, 2024 >

Agonda Beach

BB nursery plants farm

Agoda Teacher Training Goa - Sampoorna Yoga

TRUE COPY

Google 100% Data attribution older-3/6/2024

31°

Search

100 m Camera: 785 m 15°02'20.79"N 73°59'13.15"E 20 m

ENG IN 12:02 26-03-2026

A screenshot of a Google Maps interface. The main map area shows an aerial view of Agonda Beach in Goa, India. The beach is a long, sandy strip along the coast, with buildings and vegetation inland. A yellow location pin is placed on the beach, labeled 'Agonda Beach'. Other labels on the map include 'BB nursery plants farm' and 'Agoda Teacher Training Goa - Sampoorna Yoga'. The interface includes a search bar at the top with the text 'Agonda Beach, Agonda, Goa', a menu bar with 'File Edit View Add Tools Help', and a 'Historical Imagery' timeline set to 'Mar 6, 2024'. At the bottom, there is a Windows taskbar with various application icons, a search bar, and system tray information including the date '26-03-2026' and time '12:02'. A 'TRUE COPY' watermark is visible in the bottom right of the map area.

993**Rejoinder in NGT Appeal No. 626/2025**

From: Karan Batura (karanbatura@yahoo.in)

To: shubhpri@yahoo.co.in

Date: Saturday, April 18, 2026 at 02:39 PM GMT+5:30

Mr. Priolkar,

Please find attached herewith the Rejoinder on behalf of the Appellant, being filed in the NGT Appeal No. 626/2025, for your records, reference and perusal.

Regards,

Karan Batura
Advocate-on-Record
Supreme Court of India



Rejoinder to R1 - Appeal No. 626 of 2025.pdf
20.1 MB