

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE
APPEAL NO. 627 OF 2025 (WZ)**

BETWEEN

ALCHEMIST ASSET RECONSTRUCTION CO. LTD.

...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ANR.

...RESPONDENTS

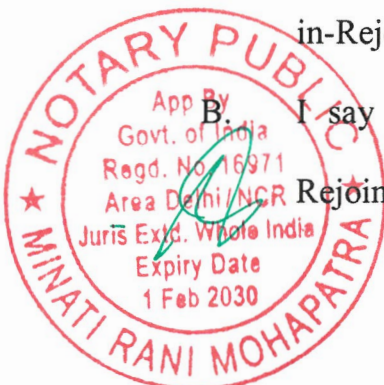
**AFFIDAVIT-IN-REJOINER ON BEHALF OF THE APPELLANT TO
THE AFFIDAVIT-IN-REPLY FILED BY THE RESPONDENT NO. 1**

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. 627 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



Akshat Sharma

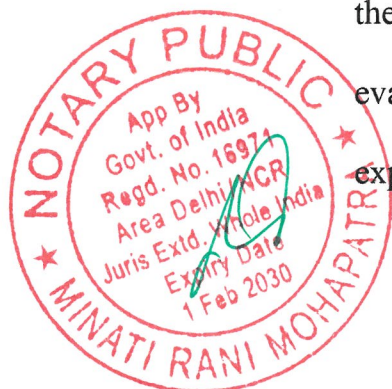
kindly be read as an integral part of the present rejoinder as the same are not being repeated for the sake of brevity. However, the Appellant craves leave of this Hon'ble Tribunal to rely upon and refer to the same, as and when required.

- F. Without prejudice, I say that the *locus standi* of the Appellant has been duly explained and detailed in Para 17 of the captioned appeal read with Annexure A-16 (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-



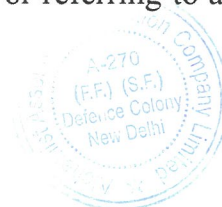
Akshay Kumar

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-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. 864 of 2025] filed by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of 26 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, whereby the Respondent No. 1, instead of directing demolition of all unauthorized structures identified in the Show Cause Notice dated 17.01.2025 bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468 (hereinafter referred to as "SCN"), has cryptically restricted demolition to structures of "*all the structures standing on the property beyond the approval of the GCZMA*"

without identifying the specific structures or referring to any particular



Akshay Chandra

Approval or Permission, thereby rendering the Direction vague and unworkable.

Moreover, the Impugned Direction erroneously relied on three Permissions allegedly issued by Respondent No. 1, namely, (a) Ref. No. GCZMA/S/115/01/218 dated 12.10.2001 pertaining to reconstruction of an existing eco-friendly Commercial House in Survey No. 102/1; (b) Ref. No. GCZMA/S/10-11/76/948 dated 16.01.2011, for repair and renovation of a house situated in Sy. No. 102/3-B of Agonda Village; and (c) Ref. No. GCZMA/S/15-16/10/1647 dated 05.10.2015, for addition of a first floor to House No. 398A located in Survey No. 102/3-B (erroneously mentioned as Survey No. 102/3 in the Impugned Direction) of Agonda Village (*which permission was neither enclosed with the Reply of Respondent Nos. 2 and 3 filed before the GCZMA, nor furnished to the Appellant at any stage*). Reliance on such extraneous permissions, including the 2001 permission relating to Survey No. 102/1 (not forming the subject matter of the SCN), which did not grant any permission for construction of commercial structures or for conversion of residential structures for commercial use, is arbitrary and misplaced.

It is submitted that as per the SCN, “Dunhill” operates on Sy. Nos. 102/3-B(P), 102/3(P), 102/4 and 102/7, whereas, “Dunhill Beach Resort” (under separate Show Cause Notice dated 17.01.2025 bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3467) operates on Survey



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Nos. 101/2(P), 102/2(P), 102/1-A(P) and 102/3-B(P). Pertinently, both establishments are in fact extensions of the same entity; however, Respondent No. 1 issued separate SCNs and directions, compelling the Appellant to file separate appeals. In doing so, Respondent No. 1 has conflated the unauthorized constructions under both SCNs and passed overlapping directions, including ordering demolition of structures not covered by the respective notices.

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 placing reliance on extraneous and irrelevant material and failing to consider that:*

(a) *Permission dated 12.10.2001 bearing Ref. No. GCZMA/S/115/01/218, and the Village Panchayat's Permission dated 31.10.2001, both in favour of 'Mateus de Menino Jesus Fernandes' (father of Respondent No. 2 - Dazline Fernandes), relied upon by Respondent No. 1 in the Impugned Direction, pertains only to reconstruction of an eco-friendly commercial house in Survey No. 102/1, which is not even the subject matter of the SCN. The SCN identifies encroachments in Survey Nos. 102/3-B(P), 102/3(P), 102/4(P), and, upon re-site inspection dated 14.05.2025, Survey No. 102/7, with no reference to Survey No. 102/1. The*



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said permission neither covers nor authorizes the structures in question and, in any event, does not permit erection of huts, shacks, commercial resort or even the constructions identified in the SCN. Reliance thereon is thus wholly extraneous and reflects non-application of mind;

(b) Permission dated 16.11.2011 bearing Ref. No. GCZMA/S/10-11/76/948 and the Village Panchayat permission dated 11.01.2013, granted to Mr. Mateus M. J. Fernandes was limited to repairs and renovation of an existing house in Survey No. 102/3-B. It did not authorize any new construction, extension, or commercial use. Reliance on this limited permission to justify extensive unauthorized constructions and operation of a commercial resort is wholly misconceived. Respondent No. 1 has failed to appreciate its restricted scope and has thereby erroneously validated illegal constructions;

(c) The purported Permission dated 05.10.2015 (Ref. No. GCZMA/S/15-16/10/1647), and the Village Panchayat permission dated 23.10.2015 issued in favour of Julia D'Costa (Wife of Mateus M.J. Fernandes) allegedly for addition of a first floor to House No. 398-A in Survey No. 102/3-B, has never been produced by Respondents Nos. 2 or



Akhil Sharma

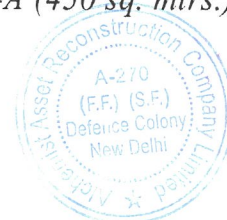
3 nor made available for verification. As per the Minutes of the 120th Meeting dated 11.09.2015, any such permission, if issued, pertained only to Survey No. 102/3-B (and not Survey No. 102/3, as incorrectly recorded) and was limited to addition of a first floor to an existing residential structure, not for any commercial activity. Reliance on such unverified and inapplicable material renders the Impugned Direction arbitrary, factually erroneous, and unsustainable;

(d) The only permissions permitting erection of huts and shacks are dated 12.11.2018 and 26.07.2024, and are strictly confined to Survey No. 102/1-A. Thus, Respondent No. 1 has erroneously relied on above enlisted three permissions relating to repair, renovation, and limited structural additions to justify and protect large-scale unauthorized commercial operations of Respondent Nos. 2 and 3, demonstrating clear non-application of mind;

(Kindly refer to Paras 9 to 11, 14 read with Paras 38 to 49 of the captioned Appeal);

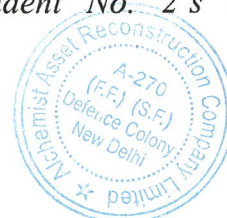
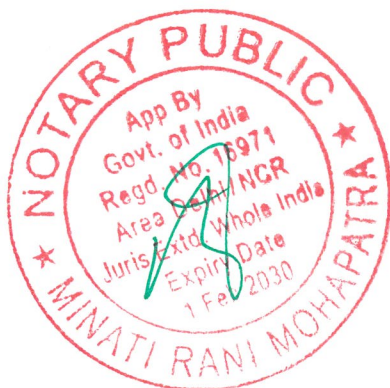
2) For ignoring false and inconsistent averments made by Respondent Nos. 2 and 3:

(a) Respondent No. 2, in her reply to the SCN, claims co-ownership of Survey Nos. 102/1-A (450 sq. mtrs.) and 102/3-



B (2050 sq. mtrs.) devolved from her father, Mateus de Menino Jesus Fernandes, which appears to be supported by entries in Forms I & XIV (as of 11.04.2016) and subsequent mutation entries. Respondent No. 2 has also tried to erroneously claim ownership of certain authorized structures / houses in Survey No. 102/1 and 102/3. Moreover, neither her name nor that of her father appears in Form I & XIV for Survey Nos. 102/1 and 102/3 at any point nor has the Respondent No. 2 produced any evidence of ownership in Survey Nos. 102/1 and 102/3. The Respondent No. 2 has thus falsely claimed that constructions in Survey No. 102/3 were undertaken pursuant to valid permissions, whereas no such approvals exist or could have been granted, particularly in respect of the undivided and mortgaged Survey No. 102/3 without the Appellant's concurrence. Respondent No. 1 failed to consider these material land records, which form part of the public record, thereby demonstrating lack of due diligence;

(b) Respondent No. 3, in response to the SCN, 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 of Respondent No. 2's own limited

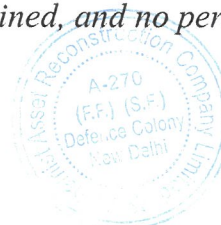


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ownership claim, such assertion is self-contradictory and legally untenable. No valid lease deed or documentary proof has been produced to substantiate the alleged lease. Despite these inconsistencies and absence of evidence, Respondent No. 1 failed to take cognizance of the same and proceeded to issue the Impugned Direction, ignoring known ownership disputes and thereby rendering the Direction arbitrary, perverse, and unsustainable in law;

(Kindly refer to Para 13 of the captioned Appeal.)

- 3) *For ignoring that Respondent Nos. 2 and 3 have failed to obtain mandatory statutory approvals, including a valid Panchayat licence and a valid Consent to Operate from the Goa State Pollution Control Board (GSPCB). In their reply to the SCN, Respondent No. 2 merely annexed two Panchayat NOCs dated 18.09.2024 in respect of House Nos. 398/B and 398/A & C, which are only enabling documents valid for six months and expressly state (Clause 5) that they do not constitute permission to erect any temporary structures or shacks, and are subject to prior approvals from authorities including GSPCB, Tourism Department, Health Department, Fire and Emergency Services, and GCZMA. It is an admitted position that no such approvals, including Consent to Operate from GSPCB, have been obtained, and no permission has*



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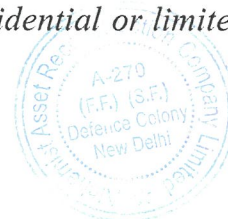
been granted by GCZMA for commercial structures in Survey Nos. 102/1, 102/3, 102/3-B, 102/4 or 102/7. Despite this, Respondent Nos. 2 and 3 continue to operate the resort "Dunhill/Dunhill Beach Resort" without requisite licences. Further, Respondent No. 1 has erroneously relied on extraneous documents such as house tax receipts and a Health Department NOC, which neither establish ownership nor confer any occupancy rights over Survey Nos. 102/1, 102/3, or 102/7 and have no nexus to the SCN dated 17.01.2025. It is also pertinent that no permission exists under Regulation 8(i)(V)(iii) of the CRZ, 2011 for Survey No. 102/3-B, and the only approval pertains to a residential house, which is being misused for commercial operations without requisite approvals. Despite these material deficiencies being specifically raised by the Appellant, Respondent No. 1 failed to consider or return any findings thereon, thereby abdicating its statutory responsibilities. (Kindly refer to Paras 80 to 84 of the captioned Appeal.);

- 4) The Respondent No. 1, being the statutory authority entrusted with safeguarding the coastal areas of Goa against indiscriminate commercial exploitation, has gravely erred in mechanically accepting the conversion of residential structures into commercial establishments / resort without examining their permissibility



under CRZ, 2011 read with the BCCR as applicable to Agonda beach.

In doing so, Respondent No. 1 has relied upon wholly extraneous and inapplicable permissions, including the Permission dated 12.10.2001 and Village Panchayat Permission dated 31.10.2001, which pertain only to reconstruction of an eco-friendly commercial house in Survey No. 102/1, a survey number not forming part of the subject matter of the SCN and not authorizing any huts, shacks, or resort activity. Further, the Permission dated 16.11.2011 and Village Panchayat Permission dated 11.01.2013 were limited strictly to repairs and renovation of an existing residential house in Survey No. 102/3-B, without permitting any new construction or commercial use. Even the purported Permission dated 05.10.2015, which has not been produced for verification, was at best confined to addition of a first floor to an existing residential structure in Survey No. 102/3-B and ~~did not authorize~~ any commercial activity. Despite the limited and residential nature of these permissions, Respondent No. 1 has erroneously relied upon them to legitimize extensive unauthorized constructions and the operation of a commercial resort across Survey Nos. 102/3-B(P), 102/3(P), 102/4(P), and 102/7. This misuse of permissions granted for residential or limited purposes

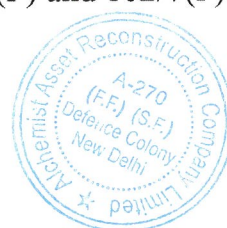
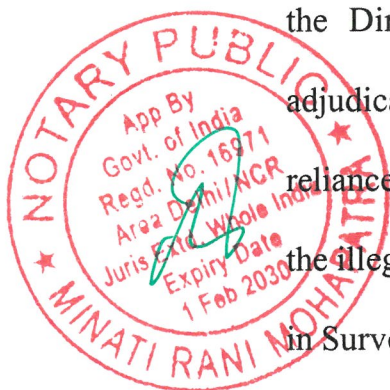


Akhil Chhabra

to justify large-scale commercial exploitation, including permanent and semi-permanent structures in violation of applicable conditions, reflects a clear non-application of mind and renders the Impugned Direction arbitrary, illegal, and unsustainable;

- 5) Failure of Respondent No. 1 to punish the Respondent No. 2 by imposing a fine and/or blacklisting it, for blatantly misusing its permission to inter alia encroach upon extensive areas of beach land and putting it to commercial use and thereby degrading the eco-sensitive and fragile beach of Agonda, signifying collusive inaction on part of Respondent No.1 to favour Respondent No. 2;

K. I say that the Impugned Direction issued by the Respondent No. 1, cryptically restricted demolition to “all other structures standing on the property beyond the approval of the GCZMA as mentioned in the Show Cause Notice bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468 dated 17.01.2025,” without identifying the specific structures or referring to any particular Approval or Permission, thereby rendering the Direction vague and unworkable and without examining and adjudicating upon the submission of the Appellant *inter-alia* that: (1) the reliance is placed on extraneous permissions and irrelevant material; (2) the illegal constructions by the Respondent Nos. 2 and 3 extend to land in Survey Nos. 102/3-B, 102/3(P), 102/4(P) and 102/7(P).



L. I say that, 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 No. 2 had built a number of semi-permanent as well as permanent structures on *Survey Nos. 102/3-B, 102/3(P), 102/4(P) and 102/7(P)*. The following list of structures erected by the Respondent Nos. 2 and 3 were detailed in the Show Cause Notice dated 17.01.2025:

- *1 DG set placed on a permanent base and covered with a metal-fabricated shed with G.I. sheet roofing;*
- *1 permanent plinth;*
- *2 septic tanks;*
- *1 permanent structure (staff room);*
- *1 permanent structure with a metal roof;*
- *1 permanent plinth for a water tank;*
- *1 permanent structure;*
- *1 well with a masonry parapet;*
- *1 permanent RCC structure;*
- *a random rubble masonry compound wall on two sides and a laterite masonry compound wall on the remaining two sides;*
- *1 permanent structure;*
- *1 permanent (G+1) structure;*
- *1 permanent structure in a dilapidated condition;*
- *1 permanent plinth; and*
- *1 permanent entrance arch with a metal gate and paved access on a permanent base.*

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 No.2. I say that, that was done by the Respondent No. 1 not only to favour Respondent Nos. 2 and 3 but to also conceal its own inaction and passivity as regards safeguarding the highly fragile Agonda beach.



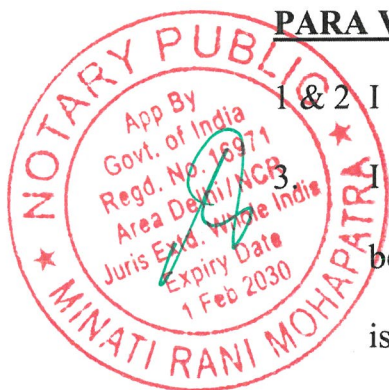
Akhil Sharma

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 that, the Impugned Direction is vague, unreasoned, and cryptic, as it directs demolition of structures beyond the approval mentioned in the SCN dated 17.01.2025, whereas the said SCN contains no reference whatsoever to any approval of any kind allegedly granted by it, thereby leaving it to the imagination of the Appellant regarding the specific structures which have been ordered to be demolished. Consequently, under the guise of this vaguely worded SCN and Impugned Direction, Respondent Nos. 2 and 3 have proceeded to raise permanent and semi-permanent structures and to operate the *Dunhill*, particularly within 200 mtrs. of High Tide Line ('HTL'), more specifically being merely 70 mtrs. from HTL, thereby being close to the designated Turtle Nesting Area, which in turn is in blatant violation of the CRZ norms and the authority's own mandate.

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

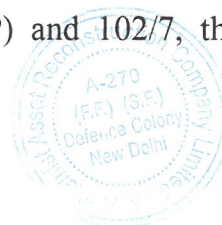


Akshay Ghosh

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 also the sole secured mortgagee of the parcel of land owned by DPDCL in Sy. Nos. 102/3 & 102/7, hence, 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.

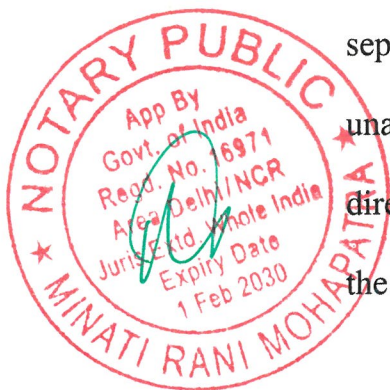
Without prejudice, the Impugned Direction, in effect, cryptically restricted demolition to "*all other structures standing on the property beyond the approval of the GCZMA as mentioned in the Show Cause Notice bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468 dated 17.01.2025,*" without identifying the specific structures or referring to any particular Approval or Permission granted by Respondent No. 1, which is *ex facie void ab initio* being contrary to the CRZ Notification, 2011 as applicable to Agonda Beach.

The Impugned Direction is further vitiated by non-application of mind, as it does not specify the structures to be demolished. While the Show Cause Notice identified illegal constructions, collectively on Survey Nos. 102/3-B, 102/3(P), 102/4(P) and 102/7, the Impugned



Direction issues a vague and omnibus order leaving it to the imagination of the Respondent Nos. 2 and 3 as to which structures are to be demolished and which ones are to be retained. 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 constructions in or upon Survey Nos. 102/3 and 102/7 were covered within the three purported relied upon permissions / approvals. In the event such encroachment is found, the Respondent No. 1 ought to have consequently passed appropriate orders directing demolition of the specifically identified offending structures.

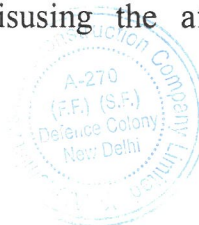
The Impugned Direction, thus, fails to address the Appellant's objections, including that the SCN issued apropos "Dunhill" operates on Sy. Nos. 102/3-B(P), 102/3(P), 102/4 and 102/7, whereas, "Dunhill Beach Resort" under separate SCN operates on Survey Nos. 101/2(P), 102/2(P), 102/1-A(P) and 102/3-B(P). Pertinently, both establishments are in fact extensions of the same entity; however, Respondent No. 1 issued separate SCNs and directions, compelling the Appellant to file separate appeals. In doing so, Respondent No. 1 has conflated the unauthorized constructions under both SCNs and passed overlapping directions, including ordering demolition of structures not covered by the respective notices. Hence, the present statutory appeal.



Akshay Asset Reconstruction Company Limited

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 erroneously relied on three Permissions allegedly issued by Respondent No. 1, namely, NOC / Permission / Approval dated 12.10.2001 pertaining to reconstruction of an existing eco-friendly Commercial House in Survey No. 102/1; Permission dated 16.01.2011, for repair and renovation of a house situated in Sy. No. 102/3-B of Agonda Village; and Permission dated 05.10.2015, for addition of a first floor to House No. 398A located in Survey No. 102/3-B (erroneously mentioned as Survey No. 102/3 in the Impugned Direction) of Agonda Village (*which permission was neither enclosed with the Reply of Respondent Nos. 2 and 3 filed before the GCZMA, nor furnished to the Appellant at any stage*). Reliance on such extraneous permissions, including the 2001 permission relating to Survey No. 102/1 (not forming the subject matter of the SCN), is arbitrary and misplaced.

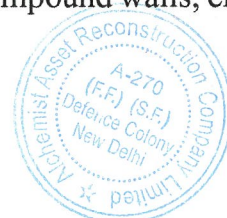
The Respondent No.1 has also consciously not taken due cognizance of the Appellant's submissions as regards the existence of a title dispute over Sy. Nos. 102/3 and 102/7 as well as the illegalities committed by the Respondent Nos. 2 and 3, by misusing the aforesaid three



Akshay Kumar

Permissions *inter alia* by way of (a) erecting permanent/ semi-permanent structures; (b) exceeding the permissible built-up area; and (c) operating commercial structures in the garb of Permission(s) for residential repairs and construction.

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, in issuing the Impugned Direction, has demonstrated complete non-application of mind, lack of due diligence, and abdication of its statutory duty under the CRZ Notification, 2011, particularly as the custodian of the ecologically sensitive Agonda beach, a designated turtle nesting site. The Impugned Direction is vague and unreasoned, as it directs demolition of “*all other structures standing on the property beyond the approval of the GCZMA as mentioned in the Show Cause Notice bearing Ref. No. GCZMA/S/ILLE-Compl/24-25/18/3468 dated 17.01.2025*”, despite the SCN containing no reference to any such approvals given by Respondent No. 1, thereby enabling Respondent Nos. 2 and 3 to continue unauthorized constructions and commercial operations under the name *Dunhill*. The site comprises numerous permanent and semi-permanent structures, including a DG set on a permanent base with metal shed, multiple permanent plinths, septic tanks, staff room, RCC and other permanent structures, G+1 construction, well with masonry parapet, compound walls, entrance arch



Akshay Sharma

with gate, and other built-up features, all within 200 meters, and in fact approximately 70 meters, of the High Tide Line, in violation of CRZ norms. Further, encroachments extend to Survey Nos. 102/4 and 102/7, yet Respondent No. 1 has failed to identify or rely upon any valid permission, approval, or NOC justifying such constructions, and has not specified which structures fall within which survey numbers or which are liable for demolition, rendering the Impugned Direction wholly arbitrary and unenforceable.

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.

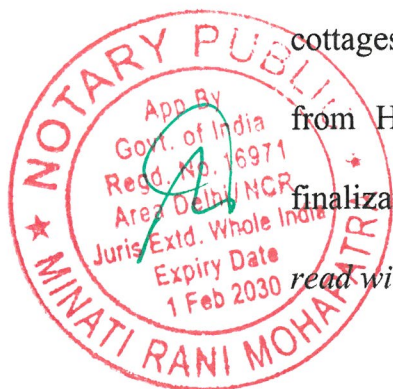
It is submitted that, the acceptance of BCCR by the Respondent No. 1 constrains it from sanctioning / allowing any seasonal structures



Akshay Singh

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(s) issued in favour of the Respondent Nos. 2 and 3.

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 32 of the Appeal read with Annexure A-19 attached thereto refers in this regard*). In fact,

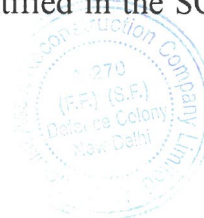


Akshay

by placing reliance on the three Permissions 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 the Respondent No. 1 has erroneously placed reliance on three permissions while passing the Impugned Direction for the following reasons:

- 1) Permission dated 12.10.2001 bearing Ref. No. GCZMA/S/115/01/218, and the Village Panchayat's Permission dated 31.10.2001, both in favour of 'Mateus de Menino Jesus Fernandes' (father of Respondent No. 2 - Dazline Fernandes), relied upon by Respondent No. 1 in the Impugned Direction, pertains only to reconstruction of an eco-friendly commercial house in Survey No. 102/1, which is not the subject matter of the SCN. The SCN identifies encroachments in Survey Nos. 102/3-B(P), 102/3(P), 102/4(P), and, upon re-site inspection dated 14.05.2025, Survey No. 102/7, with no reference to Survey No. 102/1. The said permission neither covers nor authorizes the structures in question and, in any event, does not permit erection of huts, shacks, or the constructions identified in the SCN. Reliance



thereon is thus wholly extraneous and reflects non-application of mind;

- 2) Permission dated 16.11.2011 bearing Ref. No. GCZMA/S/10-11/76/948 and the Village Panchayat permission dated 11.01.2013, granted to Mr. Mateus M. J. Fernandes was limited to repairs and renovation of an existing house in Survey No. 102/3-B. It did not authorize any new construction, extension, or commercial use. Reliance on this limited permission to justify extensive unauthorized constructions and operation of a commercial resort is wholly misconceived. Respondent No. 1 has failed to appreciate its restricted scope and has thereby erroneously validated illegal constructions;
- 3) The purported Permission dated 05.10.2015 (Ref. No. GCZMA/S/15-16/10/1647), and the Village Panchayat permission dated 23.10.2015 issued in favour of Julia D'Costa (Wife of Mateus M.J. Fernandes) allegedly for addition of a first floor to House No. 398-A in Survey No. 102/3-B, has never been produced by Respondents Nos. 2 or 3 nor made available for verification. As per the Minutes of the 120th Meeting dated 11.09.2015, any such permission, if issued, pertained only to Survey No. 102/3-B (and not Survey No. 102/3, as incorrectly recorded) and was limited to addition of a first floor to an existing residential structure, not for

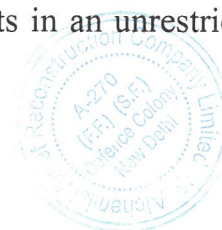


any commercial activity. Reliance on such unverified and inapplicable material renders the Impugned Direction arbitrary, factually erroneous, and unsustainable;

- 4) The only permissions permitting erection of huts and shacks are dated 12.11.2018 and 26.07.2024, and are strictly confined to Survey No. 102/1-A. Thus, Respondent No. 1 has erroneously relied on above enlisted three permissions relating to repair, renovation, and limited structural additions to justify and protect large-scale unauthorized commercial operations of Respondent Nos. 2 and 3, demonstrating clear non-application of mind.

Annexure – A-36 (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,



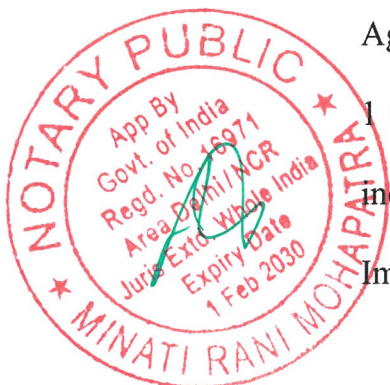
Akhil Khosla

completely unmindful of the stress such permissions were creating *vis-à-vis* the carrying capacity of Agonda beach.

9. 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 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 No. 2. 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 rather submitted 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 No. 2.

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.

I authority in granting Permissions after 03.01.2017, though recorded incompletely and in passing, but 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. As such, the same is a completely un-reasoned order liable to be set aside by this Hon'ble Tribunal. 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 No. 2.

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 No. 2 in proceedings arising out of the Show Cause Notice dated 17.01.2025, including approvals from the Tourism Department, Directorate of Health Services, Directorate of Fire and Emergency Services, the Goa State Pollution Control Board (GSPCB), as well as an NOC purportedly issued by the Village Panchayat of Agonda. The Impugned Direction placed reliance on the 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 (Clause 5) that they do not constitute permission to erect any temporary structures or shacks, and are subject to prior approvals from authorities including GSPCB, Tourism

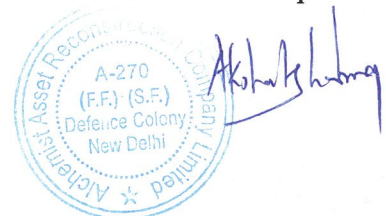
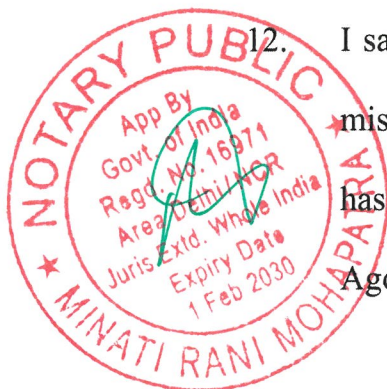


Akshat Sharma

Department, Health Department, Fire and Emergency Services, and GCZMA. It is an admitted position that no such approvals, including Consent to Operate from GSPCB, have been obtained, and no permission has been granted by GCZMA for commercial structures in Survey Nos. 102/3-B, 102/3(Part), 102/4(Part) and 102/7(P). Despite this, Respondent Nos. 2 and 3 continue to operate the resort *Dunhill* without requisite licences.

It is further submitted that Respondent No. 1 has erroneously relied on extraneous documents such as house tax receipts and a Health Department NOC, which neither establish ownership nor confer any occupancy rights over Survey Nos. 102/1 and 102/3, and have no nexus to the SCN dated 17.01.2025. Pertinently, no permission exists under Regulation 8(i)(V)(iii) of the CRZ, 2011 for Survey No. 102/3-B, and the only approval pertains to a residential house, which is being misused for commercial operations without requisite approvals. Despite these material deficiencies being specifically raised by the Appellant, Respondent No. 1 failed to consider or return any findings thereon, thereby abdicating its statutory responsibilities.

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 the relied upon



Permission dated 12.10.2001 does not pertain to the survey numbers forming the subject matter of the present proceedings; the Permission dated 16.01.2011 does not authorize any new construction and was limited only to repair and renovation of an existing structure; and the purported Permission dated 05.10.2015 was never produced by Respondent Nos. 2 or 3, nor is it available for verification, and in any event did not authorize any new construction. On the contrary, as per Respondent No. 1's own Show Cause Notice dated 17.01.2025, constructions by Respondent Nos. 2 and 3 were found to extend across Survey Nos. 102/3-B, 102/3(Part), 102/4(Part) and 102/7(P). Despite recording these findings, Respondent No. 1 failed to take any prompt or appropriate action in respect thereof.

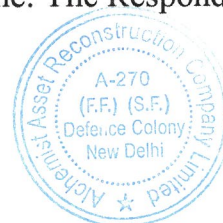
It is further submitted that The Respondent No. 1, being the statutory authority entrusted with safeguarding the coastal areas of Goa against indiscriminate commercial exploitation, has gravely erred in mechanically accepting the conversion of residential structures into commercial establishments / resort without examining their permissibility under CRZ, 2011 read with the BCCR as applicable to Agonda beach. In doing so, Respondent No. 1 has relied upon wholly extraneous and inapplicable permissions, including the Permission dated 12.10.2001 and Village Panchayat Permission dated 31.10.2001, which pertain only to reconstruction of an eco-friendly commercial house in



Aksha Kshama

Survey No. 102/1, a survey number not forming part of the subject matter of the SCN and not authorizing any huts, shacks, or resort activity. Further, the Permission dated 16.11.2011 and Village Panchayat Permission dated 11.01.2013 were limited strictly to repairs and renovation of an existing residential house in Survey No. 102/3-B, without permitting any new construction or commercial use. Even the purported Permission dated 05.10.2015, which has not been produced for verification, was at best confined to addition of a first floor to an existing residential structure in Survey No. 102/3-B and did not authorize any commercial activity. Despite the limited and residential nature of these permissions, Respondent No. 1 has erroneously relied upon them to legitimize extensive unauthorized constructions and the operation of a commercial resort across Survey Nos. 102/3-B(P), 102/3(P), 102/4(P), and 102/7. This misuse of permissions granted for residential or limited purposes to justify large-scale commercial exploitation, including permanent and semi-permanent structures in violation of applicable conditions, reflects a clear non-application of mind and renders the Impugned Direction arbitrary, illegal, and unsustainable.

That, the Impugned Direction merely records in passing the submissions advanced on behalf of the Appellant in this regard, without dealing with or adjudicating upon the same. The Respondent No. 1 has



Akshay Sharma

thus proceeded mechanically, without undertaking any detailed examination of the issues involved, and has thereby failed to discharge its statutory obligations.

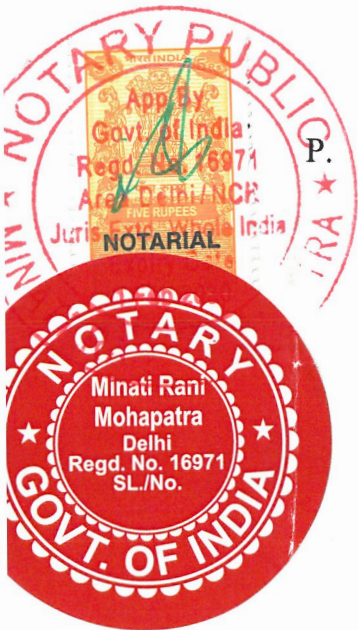
13 & 14 I say that the contents of Para Nos. 13 and 14 are denied being incorrect and misleading. It is submitted that there is a miniscule delay of only 26 days in preferring the present captioned appeal, which period is well within the domain of this Hon'ble Tribunal to be condoned in favour of the Appellant. It is submitted that the Appellant has laid out a proper explanation in its corresponding application [I.A. No. 864 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. That there is no pending challenge to the NoC/ permissions dated 12.01.2001, 16.01.2011 and 05.10.2015, and without prejudice, any pending challenge against any permission has no relation to the I.A. No. 864 of 2025. The said application simply seeks condonation from this Hon'ble Court in filing appeal challenging 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.



Abneta Production Company Limited
A-270 (FBI) (SEI)
Police Colony
New Delhi

- 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.



18 APR 2026

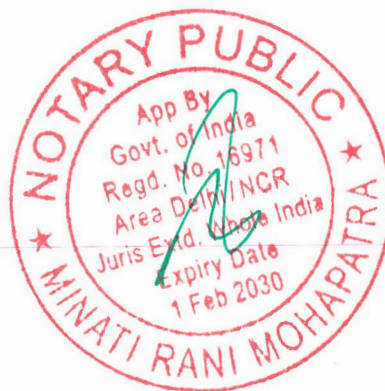
Akshat Chharia
Appellant

[Signature]
Advocate for the Appellant

Place: New Delhi
Date: 17-04-2026

18 APR 2026

[Signature]
IDENTIFIED

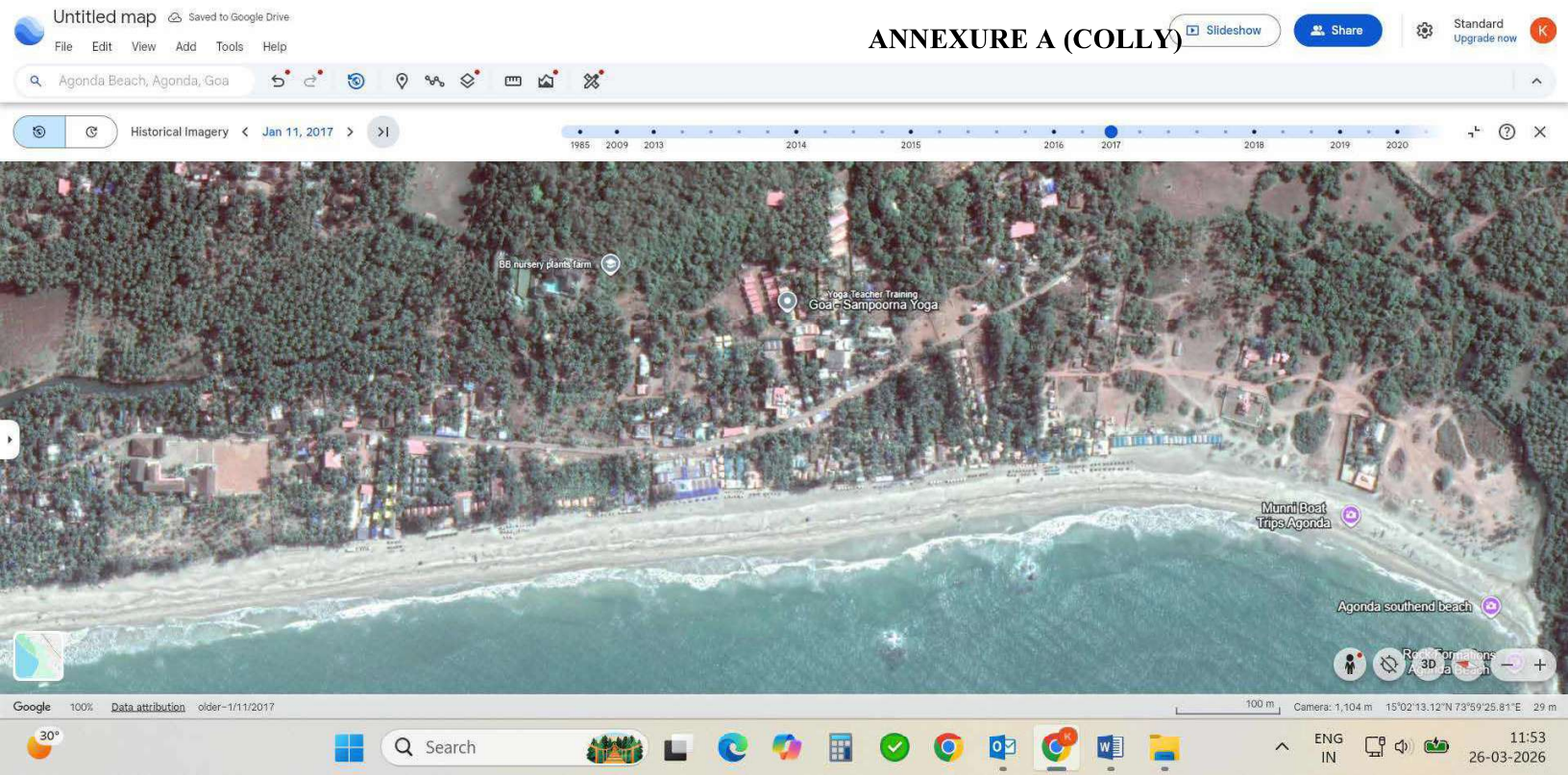


ATTESTED

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

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

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, 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 > | 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, Outlook, Word, PowerPoint, OneDrive]

ENG IN [System tray: Network, Volume, Battery, Time: 11:53, Date: 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

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

31°

Search

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12:02 26-03-2026

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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

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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

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26-03-2026

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File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Nov 23, 2019 >

BB nursery plants farm

Yoga Teacher Training
Goa - Sampoorna Yoga

Munni Boat
Trips Agonda

Agonda southend beach

Google 100% [Data attribution](#) older-11/23/2019

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26-03-2026

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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

50 m Camera: 291 m 15°02'13.12"N 73°59'26.65"E 30 m

Untitled map Saved to Google Drive

File Edit View Add Tools Help

Agonda Beach, Agonda, Goa

Historical Imagery < Sep 6, 2020 >

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

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

30°

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26-03-2026

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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°

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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°

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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 greenery behind it. A historical imagery timeline is visible at the top, set to Dec 18, 2022. The interface includes a search bar, navigation controls, and a taskbar at the bottom 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 < 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

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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 - Sampoorina Yoga

TRUE COPY

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

31°

Search

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. The map interface includes a search bar at the top with the text 'Agonda Beach, Agonda, Goa'. Below the search bar is a menu with 'File', 'Edit', 'View', 'Add', 'Tools', and 'Help'. To the right of the search bar are buttons for 'Slideshow', 'Share', and 'Standard Upgrade now'. A 'Historical Imagery' timeline is visible, showing a date of 'Mar 6, 2024'. The bottom of the screen shows 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.

991**Rejoinders in NGT Appeal No. 627/2025**

From: Karan Batura (karanbatura@yahoo.in)

To: shubhpri@yahoo.co.in

Date: Saturday, April 18, 2026 at 02:38 PM GMT+5:30

Mr. Priolkar,

Please find attached herewith the Rejoinder on behalf of the Appellant, being filed in the NGT Appeal No. 627/2025, for your records, reference and perusal.

Regards,

Karan Batura
Advocate-on-Record
Supreme Court of India



Rejoinder to R1 - Appeal No. 627 of 2025.pdf
22 MB