



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

M.A. No. 10/2024

In

Execution Application No. 05/2023

In

Appeal No. 16/2022

BETWEEN

Mr. Suvarn Rajaram Bandekar ... Applicant

Versus

**Goa Coastal Zone Management
Authority & Ors. ... Respondents**

AFFIDAVIT-IN-REJOINDER

ON BEHALF OF THE APPLICANT

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

I, Mr. Suvarn R. Bandekar, son of Late Shri Rajaram N.S.
Bandekar, Age 71 years, R/o. Raj Tara, F.L. Gomes Road,
Vasco-da-Gama, Goa, the Applicant, do hereby on solemn
affirmation beg to state and submit as under:

S. R. Bandekar

1. I say that I have read and understood the contents of the Affidavits in Reply filed by the Respondents 5 & 6, 7 and 9 & 11 and crave leave to reply as under.
2. I say that I have read the Affidavits in Reply filed by the Respondents 5 & 6, 7 and 9 & 11 and have been advised to file the present Rejoinder to deal with averments contained therein.
3. I say that I deny all the contents of the aforesaid Affidavits in reply which are contrary to the record and state that the contents of the aforesaid Affidavits in reply which are not specifically denied and/ or dealt with and/ or which may have escaped specific denial, shall be taken as denied.
4. I say that I reiterate the contents of the Application dated 17.05.2024 along with annexures/ exhibits filed by the Applicant as if reproduced herein.
5. I say that all the contentions which were sought to be raised by the Respondents in their Affidavits in Reply for the most part have been put to rest by this Hon'ble Tribunal vide its Order dated 17.10.2024.

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6. I say that after the hearing by this Hon'ble Tribunal on 20.01.2025, the Report dated 14.01.2025 prepared by the Goa State Biodiversity Board was made available/ accessed on the website of this Hon'ble Tribunal.
7. I say that in terms of the Order dated 20.01.2025, the Respondent No. 1 was to file its Reply Affidavit as undertaken on the said date of hearing which however, as of 15.03.2025 11.45 a.m., is not available on the website of this Hon'ble Tribunal and therefore the present Rejoinder is filed without prejudice to the right to file rejoinder to the Reply/affidavit filed by the Respondent no.1.
8. I say that the Joint Inspection Report as available on the website before the Hon'ble Tribunal is from page 105 to 126.
9. I say that the Report at page 106 at point no. 4, makes the following observation:
"It was observed that septic tanks, plinths, exist at the site. It was also noticed that plumbing pipes; underground pipes, wooden logs, PVC water storage



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tanks, construction debris, etc. lying in the inspected area (photos attached). Lateritic stones, mangalore roof tiles were seen stacked in the property; temporary tent like structure covered with plastic sheet is used to stack wooden planks and other materials.'

10. I say that the aforesaid Report makes a categorical assertion which indicates the presence of part of the demolished structures and other connected materials.
11. I say that in the circumstances the Respondent No. 1 appears to have failed in carrying out the demolition of the structures in totality and therefore the Respondent No. 1 ought to be directed to file an affidavit/ plan of action indicating therein the exact steps that will be taken so that the part of the structures and other connected materials which continue to exist will be removed/ demolished from the property bearing Survey No. 16/7 at Sernabatim village, Salcete Goa.
12. I say that the Report at page 107 in the suggestions at point 2 states as follows:

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“All the extraneous material such as plinths, stacked lateritic stones, mangalore tiles, etc. existing in the inspected property should be removed in such a way that there should be no leftovers which will interfere in the restoration process. Temporary tent like structures existing in this area should also be removed.”

13. I say that the restoration that needs to be done will be fruitfully done only if the aforesaid observations and suggestions are complied so that the restoration process as contemplated and stated by the Goa State Biodiversity Board in the Report can be proceeded with to its logical conclusion and the property can be restored.

14. I say that the photographs more specifically at page 109, 110 and 111 clearly point to the fact that the demolition carried out is incomplete and therefore for the process of restoration the necessary steps towards the removal of extraneous material in the property is of utmost importance so as to ensure that the Orders



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passed by the Respondent No. 1 and upheld right upto the Hon'ble Supreme Court of India are complied with in totality thus ensuring the sanctity of the process.

15. I say that in view of the Report dated 14.01.2025 the Respondent No. 1 must be directed to file an Affidavit spelling out clearly the steps proposed to be taken in the light of the observations and suggestions made in the aforesaid Report so that the restoration of the property can be completed.
16. I say that the Goa State Biodiversity Board has also given the estimate of cost towards restoration after the observations/ suggestions have been complied with amounting to Rs. 9,57,000/- (Rupees Nine Lakhs Fifty Seven Thousand Only) as off 14.01.2025 and which the Respondents 5 to 12, i.e. the Violators must be directed to deposit with the Respondent No. 1 so that the work of restoration can accordingly be carried out and if the Respondents 5 to 12 fail and/or avoid to the said amount, the said amount must be recovered from the Respondents 5 to 12 under the Land Revenue Code by

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attaching their properties such as the Residential House bearing H. no. 107/A in land under Survey No. 76/1 just about 500 mtrs. away from the subject site.

17. I say that this needs to be done especially considering the fact that the Respondents are habitual/ rampant violators of environment and were infact involved in a similar case of major environmental violation in the adjacent properties bearing Survey Nos. 16/4 and 16/4-A wherein an illegal road of 80 mtrs. length, 10 mtrs. in width and 0.75 mtrs. of height was constructed in the year 2010 using mud and boulders by the same Respondents to suit their requirements of an easy access to the subject property under Survey No. 16/7 and which was then removed on 14.06.2012 as per orders of the Respondent No. 1 confirmed by the Hon'ble High Court of Bombay at Goa, using heavy earth moving machineries and dumpers by side casting the mud and boulders which has caused colossal damage to the sand dunes and environmental degradation during the course of construction as well

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as the removal of the said illegal long road and which matter is also pending before this Hon'ble Tribunal under Appeal No. 32/2022. I say that any delay in taking action on this will defeat the purpose of not only restoration of environmental degradation but also the cost of restoration will go up over the course of delay.

18. I say that with respect to para 1 of the Affidavit in reply filed by the Respondents 5 & 6, they are unnecessarily trying to mix-up, confuse and mislead this Hon'ble Tribunal, as the Hon'ble Shah Commission Report speaks for itself and needs to be read in conjunction with the various Hon'ble Supreme Court Orders and one of the Advocates representing one of the Respondent's is fully aware of the facts as he himself was appearing for a very large Mine Owner whose name also figures in the Hon'ble Shah Commission Report.

19. I say that the Hon'ble Shah Commission Report has nothing to do with this subject matter. I say that pointing out any violation by anyone anywhere else,

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cannot absolve the Respondents of environmental violations and damages carried out by the Respondents and this fact of violation and damage carried out by the Respondents now stand confirmed by various Orders of various Hon'ble Authorities/ Courts including this Hon'ble Tribunal. I say that the Respondents ought not to take shelter under some other unconnected issues to cover up their violations.

20. I say that with respect to para 2 of the Affidavit in reply filed by the Respondents 5 & 6, it is respectfully submitted that the Respondents cannot be permitted to avail sympathy. I say that it is a proven fact that the Respondents are habitual/ rampant violators involved in even land grabbing with a number cases filed against the Respondent No. 6 and if need be the list of such involvement in all cases and violations and acts can be produced before the Hon'ble Tribunal to understand the conduct of the Respondents. I say that The Respondents ought not to be permitted to mix-up, mislead and confuse this Hon'ble Tribunal with



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Mundkarial issues just to avail sympathy of this Hon'ble Tribunal.

21. I say that all the Respondents are very well to do and if they claim otherwise they should be advised to file the details of their assets and liabilities under oath by way of an Affidavit. I say that if filed it will also help this Hon'ble Tribunal to recover the damages under the Land Revenue Code as per the Law in force. I say that in the fact that the Respondent No. 7 lives in United Kingdom.
22. I the Applicant therefore most respectfully urge and request this Hon'ble Tribunal to direct the Respondent No.1 to comply with its own Order dated 25.03.2022 in letter and spirit in totality by ensuring that the restoration of land to its original condition is fulfilled in terms of the Report prepared by the Goa State Biodiversity Board dated 14.01.2025.
23. I the Applicant therefore state that the Affidavit filed by the Respondent No.1 dated 30.12.2023 in Execution Application 5/2023 would be incorrect and misleading



5.12 order

inview of the Joint Inspection Report dated 14.01.2025 pursuant to inspection on 20.12.2024 and the Respondent No. 1 must be directed to file a fresh Affidavit clearly laying down the steps proposed to be taken on account of its failure to fulfill and comply with its own Order dated 25.03.2022.

Solemnly affirmed on 15th day of March 2025 at Vasco-da-Gama, Goa.

Date: 15.03.2025

Place: Vasco-da-Gama

S. R. Bordela
DEPONENT

sworn/solemnly affirmed before me
by *Swarn R. Bordela*
who is known to me / identified
by

Vimmy D. Korgaonkar 15/3/2025
Adv. VIMMY D. KORGAONKAR
NOTARY
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Reg. No. *496/2025*

