

**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

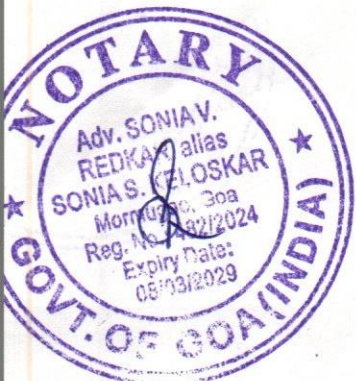
Versus

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 72 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 Affidavit in Reply filed by the Respondent no.1 and crave leave to reply as under.
2. I say that I 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 Affidavit in reply which are contrary to the record and state that the contents of the aforesaid Affidavit 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 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.

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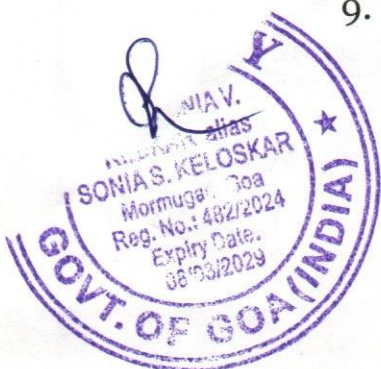
6. I say that the Joint Inspection Report as available on the website before the Hon'ble Tribunal is from page 105 to 126.

7. 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 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.’

8. I say that the aforesaid Report makes a categorical assertion which indicates the presence of part of the demolished structures and other connected extraneous materials.

9. 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



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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.

10. I say that the Report at page 107 in the suggestions at point 2 states as follows:

“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.”

11. 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

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with to its logical conclusion and the property can be restored.

12. 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 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/orders.
13. I say that in view of the Report dated 14.01.2025 and Reply Affidavit dated 12.03.2025 of the Respondent No. 1, 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.



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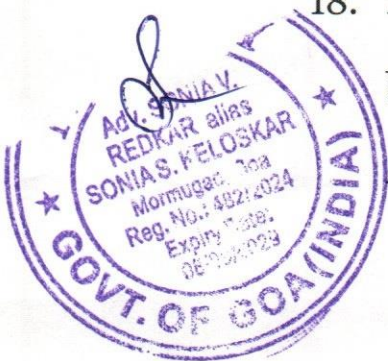
14. I say that the Goa State Biodiversity Board has also given the estimate of cost towards restoration after the observations/ suggestions have been complied with amounting to Rs. 9,57,000/- (Rupees Nine Lakhs Fifty Seven Thousand Only) as off 14.01.2025 and which the Respondents 5 to 12, i.e. the Violators must be directed to deposit with the Respondent No. 1 so that the work of restoration can accordingly be carried out at the earliest before onset of monsoons, and if the Respondents 5 to 12 fail and/or avoid to deposit/ pay the said amount, the said amount must be recovered from the Respondents 5 to 12 under the Land Revenue Code by 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 as well as directing the filing of affidavits/statement of assets and liabilities by the Respondents 5 to 12.
15. I say that any delay in taking action on this will defeat the purpose of not only restoration of environmental

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NOTARY

degradation but also the cost of restoration will go up over the course of delay.

16. 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.
17. I the Applicant therefore most respectfully urges and requests 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.
18. 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



5/12/2024

in view of the Joint Inspection Report dated 14.01.2025 pursuant to inspection on 20.12.2024/ Affidavit dated 12.03.2025 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.

19. I say that it is of utmost importance that the Respondent No.1 be directed to file a fresh Affidavit clearly laying out the steps and action proposed to be taken in view of the clear and categoric findings as evident from the report filed by the Goa State Biodiversity Board dated 14.01.2025.

Solemnly affirmed on 24th day of March 2025 at Vasco-da-Gama, Goa.

Sworn/Solemnly affirmed before me
By Suvarn C. Bandedkar
who is known to me / identified
By.....

S. N. B. ...

DEPONENT

Sonia S. Keloskar
24/3/2025

(Adv. SONIA V. REDKAR
alias
SONIA S. KELOS KAR)
NOTARY
H. No. 130, Behind NSD,
Opp. Laxmi Bar, Alto-Dabolim, Goa.
Reg. No. 32/2025
Date 24/3/2025

