



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

ORIGINAL APPLICATION NO. 33/2015

BETWEEN:

The Goa Foundation

...APPLICANT

AND

Goa State Environment

Impact Assessment Authority & Ors. ...RESPONDENTS

AFFIDAVIT IN REJOINDER OF THE APPLICANT

I, Dr. Claude Alvares, Secretary of the Applicant organization above named, do hereby state and submit as under:

- 1) I state that I have read and understood the contents of the latest Counter Affidavit dated 21.04.2025 filed by the Resp. No. 3/G.S.I.D.C. in this matter, and am filing the present affidavit in rejoinder thereto. At the outset, I deny all the facts and averments in the said counter of the R.3 which are not consistent with the pleadings in the amended O.A. I state that I am not replying to each and every statement made in the said



Counter, and nothing may be deemed to be admitted unless the same is specifically admitted in this reply but should be treated as though the same has been set out seriatim and denied and disputed specifically.

- 2) On the preliminary objection of delay and laches set out by the R.3, the Applicant denies that the present O.A. is barred by limitation. The present O.A. was filed expressly in terms of the liberty granted by the N.G.T. in its order disposing of Appeal 31/2014 dt. 27.03.2015, and this liberty was granted as the N.G.T. found *prima facie* material which indicated a violation of the C.R.Z. Notification. Even when this O.A. was first filed, this Tribunal, conscious of the highly ecosensitive nature of the construction in question, took up the issue of Interim Relief and passed an order dt. 17.04.2015 calling for an Expert Study/Report on the environmental impacts of the construction on the Estuarine Area. Much water has flown under the Bridge since then, with the NIOT Report being submitted and all concerned parties having submitted their comments thereon. At this juncture, it is submitted that the substantial questions raised in this O.A. ought to be decided on merits.



3) It is further submitted that a 5-member bench of this Tribunal in the case of *Forward Foundation vs. State of Karnataka*, (2015) SCC Online NGT 5, has recognized the concept of a “continuing cause of action” and “recurring cause of action” as distinct and separate from the “cause of action first arose” under S. 14 of the NGT Act, 2010, and the applicant in fact replied to the challenge of limitation placing reliance on there being a Continuous cause of Action in its affidavit filed on 09.09.2016 itself, after GSIDC had raised the issue in its affidavit dated 15 opposing the OA. The reliance placed by the R.3 on the decision of the Hon’ble Bombay High Court in *Windsor Hotel* is misplaced, as that decision did not consider the exhaustive 2015 5-Member Judgement in *Forward Foundation*, which this Hon’ble Tribunal is bound by and has also applied in a number of cases. Firstly, the cause of action in present case is concerning construction of a bridge on Tiracol River which is in violation of the CRZ Notification, 2011 and the same is a continuing cause of action as the structures already constructed and other construction activity carried out at site continue to exist till date and with each day of their existence, the violation / disobedience / non-compliance of the law continues giving a fresh cause of action. Without prejudice to this point, it is

submitted in the alternative that the construction activity of the said bridge came to a stop on 22.12.2014 when this Hon'ble Tribunal passed stay order in Appeal No. 31/2014 (WZ) (Pg. 26-27) and that should be taken as the date when the cause of action was complete for calculating the period of limitation of six months as prescribed under Section 14 of the NGT Act, 2010. The present O.A. has been filed on 06.04.2015, which is within six months prescribed U/s 14 of the NGT Act, 2010. Secondly, the present O.A. is also filed U/s 15 of the NGT Act, 2010 as it seeks to restore the beach of Querim to its original condition and award costs towards damaging the beach and for its restoration (Prayer b. & c.). For this, the prescribed limitation period is five years from the date on which cause of such compensation or relief first arose. This date will be taken as 22.12.2014 on which date the stay order on construction activity was passed by this Hon'ble Tribunal (construction has not commenced till date) and on which date the damage to the beach / environment in the form of construction of bridge stopped or became complete. The present O.A. in terms of prayers sought U/s 15 of the NGT Act, 2010 being filed on 06.04.2015 is within limitation i.e. it is filed within five years as provided U/s 15(3) of the NGT Act, 2010.



4) The principal focus of the counter affidavit dated 21.04.2025 is to advance the claim that the project is legitimate on the grounds that it has all the required approvals, without responding to the allegation that its construction is a CRZ violation. That answer can only be decided on the basis of arguments before this Hon'ble Tribunal. In quest of this, the Apex Court in its order remanding this matter back to this Tribunal, has kept all issues open. In fact, in its own order referring the issue of the impact of the bridge on the estuary to the NIOT, the Tribunal too was careful enough to keep all issues open. At no stage in the proceedings has the NGT expressed its approval for the project, or "allowed the project to proceed." Thus, the issue of whether the project violates the CRZ notification is still to be finally heard and adjudicated upon. That issue is now squarely before the Tribunal.

5) The fact that the construction of the bridge at Querim beach violates the CRZ notification is confirmed by a study of the CZMP of 1996 and the CZMP of 2022 (relating to the 2011

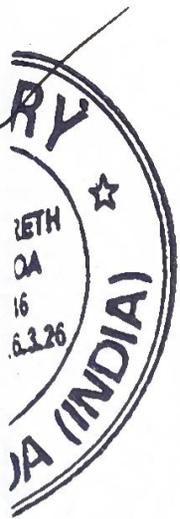


CRZ notification). This fact is not denied by the GSIDC. Both the CZMPs are on record in the OA. There is no response to this primary ground, based on which the NGT entertained the OA in 2014. No project can be constructed if it violates the provisions of the CRZ notification or the approved CZMP. Further, the draft CZMP maps prepared under the CRZ Notification 2011 at the scale of 1:4000 by the N.C.S.C.M. for the Goa Govt. confirms that the construction of the bridge is in the location of the ecosensitive Fish Breeding Areas of the Tiracol River, which is one of the contentions made in the O.A. The petitioner is enclosing hereto as Annexure A-1 the relevant Sheet/Map of the Draft CZMP 2011 maps at the scale of 1:4000, which pertains to the Tiracol River and estuary region where the Tiracol Bridge is proposed.

- 6) The order of the NGT ordering a study by an Expert Body was only to examine whether there would be an impact, as alleged by the Applicant, of the two piers on the delicate Tiracol estuary. The NIOT was not asked, and did not answer, the question of whether the project violated the provisions of the CRZ notification. It was not to assist the Tribunal in coming to

a decision on the main issue, which was whether the project was a violation of the CRZ notification.

- 7) The GSIDC has spent a significant proportion of its affidavit attempting to prove that the private party, M/s Leading Hotels, was not in any serious manner involved in the Tiracol bridge alignment, design and execution. However, the allegation of a nexus stands affirmed on the basis of documents obtained from the GSIDC under the RTI Act. The authenticity of these documents and their contents has not been specifically countered by the GSIDC and hence deserve to be admitted. These documents have been brought on record to demonstrate active involvement of the private party in the change in the alignment of the bridge and its design, which led to astronomical leap in costs of bridge construction. Faced with the documents on record, the denial that the private party was not involved in shifting the alignment from the Regional Plan route to the impugned route does not hold water.





8) The entire objective of the argument set out in the GSIDC counter is that there is a need for a bridge and the bridge is an officially sanctioned project as per the Regional Plan of Goa 2021. The argument advanced, without any basis, is that the applicant is against the construction of a bridge to connect Tiracol to the rest of Goan territory. This is absurd. Nowhere has the applicant ever denied the need of a bridge to connect Tiracol village with the rest of the territory of Goa across the Tiracol river. Applicant has in fact demanded the construction of the bridge, but as per the alignment provided in the Regional Plan 2021, which is the only alignment that has legal sanction even today. The issue is the *change from the Regional Plan alignment* a new alignment a few hundred metres west adjacent to the sea/river front, to suit the desires of the proponents of the 5-star Golf Course Luxury Project, as set out clearly in the documents annexed. Once the alignment was shifted to suit the resort and its clientele, the consequences were reflected not just in the enhanced cost of construction of the bridge, but disclosed significant environmental consequences which this Tribunal may note.

9) The bridge alignment, if it were to follow the RP 2021 alignment, copy of which has been in fact annexed by the GSIDC itself at

Annexure 10 of its counter, is environmentally sound. It uses the existing road and road approaches, does not require felling of a single tree, and does not require invading the sand dune banks of Querim beach, which is in any case prohibited activity under the CRZ notification. Neither does it require use of the Tiracol estuary mouth and its mercurial sandy spit for location of the piers. A map prepared by the petitioner showing the R.P. alignment of the Bridge and the finally approved alignment is enclosed herewith as

Annexure A-2.

- 10) A comparison between the R.P. alignment and the actual alignment of the bridge is set out hereinbelow in a tabular format:

Comparison of two Tiracol bridge alignments and location

Regional Plan Alignment	Shifted Alignment
Location: Inland	Location: Direct on beach and estuary
No violation of CRZ notification	Violates the CRZ notification
No destruction of forest or trees	Destruction of private forest, tenanted land
No sand dunes affected	Piers located within sand dune bank
No destruction of hill slope	Northern side hill slope to be damaged
No work in estuary or spit	Piers in estuary, one pier on spit
Uses existing road to ramp	New road to be created





11) The GSIDC nowhere provides any answer to the question of who shifted the alignment westwards directly to the sea-front and whether the change had been made to the statutory Regional Plan as required. In the new location, the impugned alignment is admittedly environmentally damaging: it damages the Querim beach and sand dunes, it poses threats to the estuary of the Tiracol river, and it requires the removal of forest on the northern access of the project. All this is unnecessary environmental damage, hence not permitted by the CRZ notification.

12) Applicant states that another bridge – constructed a few kilometers upstream at Aronda-Kiranpani – cost Rs.22 crores, also connects Goa with Maharashtra. Tiracol villagers use it during emergencies. The Tiracol bridge was estimated to cost Rs.77 crores, simply because it was decided to go in for a “signature bridge” to oblige the private party. The original GSIDC resolution was to construct the bridge presumably along the RP 21 alignment using GSIDC funds. However, after the alignment was illegally shifted, the cost increased steeply to Rs.77 crores. In the circumstances, the GSIDC had to abandon its earlier decision and move the NABARD for a loan

of the entire amount. It is in these circumstances that the OA has set out the fact that for 50 families who are residents of Tiracol Village, the Government appears ready to make an expenditure of Rs.77 crores.

13) In para 24, the GSIDC has attempted to fault the applicant for not making the M/s Leading Hotels a party. However, the entire Golf Course project is now in limbo, after the private party filed for bankruptcy proceedings before the NCLT on 06.07.2021, even before this matter could be taken up before the Apex Court. A copy of the notice of bankruptcy is at Annexure A-3. Seeking to make it a party respondent in such circumstances would be meaningless. In any case, in a project claiming public utility, the record with the GSIDC, a public sector corporation, is more than adequate to confirm a nexus, as alleged.

14) At para 31, the GSIDC avers in its counter that the applicant has not produced its own report to counter the report of the NIOT. This procedure is nowhere required in law, especially if the applicant has the benefit of relying upon expert advice, which it does. The Hon'ble Supreme Court in **Singrauli Super Thermal Power Station vs Ashwani Kumar Dubey** reported



in (2023) 8 SCC 35 has specifically held that in matters in which an expert committee report is involved, parties must be given opportunity to contest such reports, if parties seek to do so. The Court has not required parties to produce counter expert committee reports. The relevant portion of the judgment has been quoted below for the convenience of this Hon'ble Tribunal:

23. Therefore, applying the aforesaid principle to the cases that come up before the NGT, if the NGT intends to rely upon an Expert Committee report or any other relevant material that comes to its knowledge, it should disclose in advance to the party so as to give an opportunity for discussion and rebuttal. Thus, factual information which comes to the knowledge of NGT on the basis of the report of the Committee constituted by it, if to be relied upon by the NGT, then, the same must be disclosed to the parties for their response and a reasonable opportunity must be afforded to present their observations or comments on such a report to the Tribunal.

- 15) With reference to para 18, it is not denied that the bridge has been a longstanding part of the work/agenda of GSIDC since 2012. The bridge proposal is marked in the RP 2021, which was notified in 2010/2011. Even now, the applicant is ready to withdraw the OA if the GSIDC agrees to pursue the bridge project as per the RP 21 alignment, which is the only legal alignment. This course of action is now all the more desirable ever since the Golf Course project has folded up, together with the company which promoted it.





16) With reference to paras 26-31, dealing with the NIOT report, applicant denies all averments and claims made by the GSIDC. It reiterates its criticism of the NIOT report as set out in the OA and will refer to these objections as and when required in these proceedings. I reiterate that the NIOT was not asked, and did not answer, the question of whether the project violated the provisions of the CRZ notification. It was not to assist the Tribunal in coming to a decision on the main issue, which was whether the project was a violation of the CRZ notification.

17) With reference to para 31, I say that it is correct that the Review Committee has excluded the relevant survey numbers from the status of private forest. However, the methodology and work of the Review Committee are squarely under challenge in the Apex Court. The Apex Court has admitted an appeal bearing case no. C.A. 2135/2024 filed in this regard, which is pending hearing. It has also passed an interim order dated 03.03.2025 in. I.A. No. 267501/2024 filed in the said Appeal, disallowing any further conversion of plots through issue of conversion sanads where such plots have been identified as final forest by the Thomas and Araujo Expert Committees.



- 18) With reference to para 33, I deny that the project was conceived after meticulous studies. Meticulous studies carried out by the Town Planning Department and notified in the RP 21 required the bridge to follow a different alignment which did zero environmental damage. No permission has been obtained for the impugned alignment. I reiterate that the bridge alignment was shifted to satisfy the whims and fancies of a private golf course project proponent. I say that the RP 21 alignment would have worked out economical, and also benefited the local people. In fact, if the RP 21 alignment had been adopted, the bridge would have been constructed and in use by now.
- 19) With reference to the allegations made in para 34, I deny that the filing of the OA is to further concerns that are not genuine environment concerns. The GSIDC is put to strict notice to show how it has kept the environment in mind when shifting the alignment at gross public expense to an environmentally unsound location. It has not consulted the CZMP and the CRZ notification nowhere appears on its records.
- 20) With reference to the averments made in para 35, I say that till date the GSIDC has not provided any explanation of the vast



cost increase in construction of the Tiracol bridge, except that it was eager to please the promoters of the golf course, as can be seen from the documents on record. It has not explained why it breached its own resolution to rely upon its own funds to construct the bridge, and because of its illegal decision to shift the alignment to the sea-front, was forced to approach NABARD for the full loan of Rs.77 crores. If costs are a consideration, this Tribunal ought to consider whether it should not pass appropriate orders for recovery of these huge amounts from the directors of the corporation, and for the foolhardy adventure of taking the law into their own hands by violating the statutory Regional Plan for Goa and the CRZ Notification.

- 21) I state that the contents of this affidavit are partly in the nature of facts which are true to my own knowledge and as per official documents/records, and partly in the nature of my submissions based on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true and correct copies of their respective originals.



Solemnly affirmed at Mapusa, Goa,

This the 29th day of July, 2025.

[Handwritten Signature]

APPLICANT/DEPONENT

VERIFICATION

I hereby verify that the contents of paras 1 - 21 of my above affidavit are true to my knowledge; official documents/records, and legal advice which I believe to be true and correct. I say that no part of it is false and nothing material has been concealed therefrom, and the annexures enclosed are true and correct copies of their respective originals.

Verified on the 29th day of July, 2025, at Mapusa, Goa

[Handwritten Signature]

APPLICANT/DEPONENT

(CLAUDE ALVARES)
G-8 St. Barth's Apt.,
Feira Alta,
Mapusa 403507 GOA

Executed before me by the Executant/s who has / have been identified by:

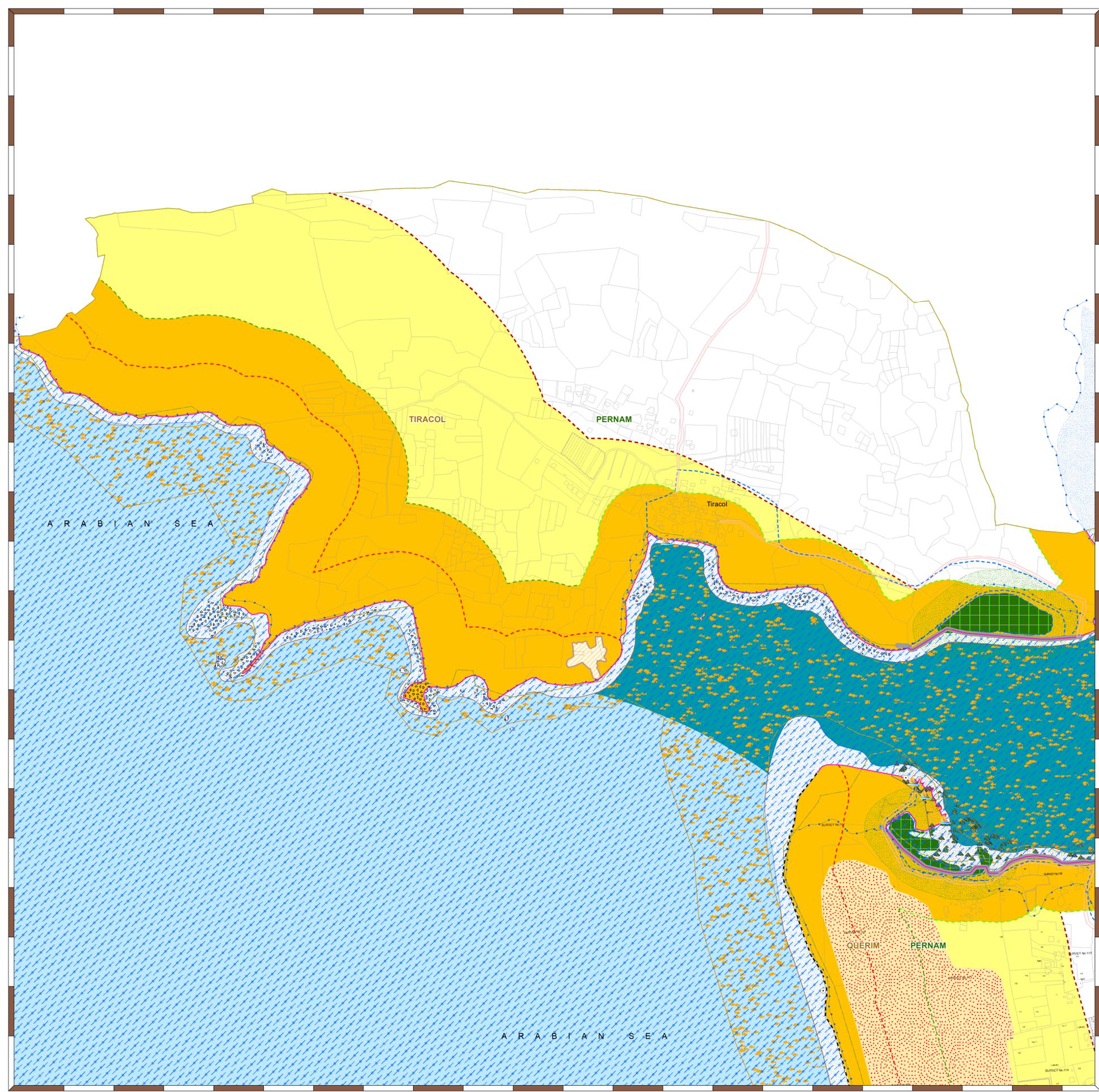
Known to me personally

Place & Date *Mapusa - Goa 29/07/25*

Reg. No. *2009/2025*

Bruno Nazareth
ADVOCATE & NOTARY
STATE OF GOA - INDIA
☎ : 0832-2250012 / 8010918065 / 9890010012 - 16 -





**DRAFT COASTAL ZONE MANAGEMENT MAP
GOA STATE**

Sheet No. : 235
Projection :- UTM Datum :- WGS 1984 Map No.GA: 235

0 95 190
Meters
1:4,000

Goa State

Legend
Taluka having CRZ
Taluka Out of CRZ

Legend

- Lighthouse/Beacon
- Fish Landing Centre/ Ramp
- Water Quality Monitoring Location - SW-II
- Multi Purpose Cyclone Shelters
- Sluice Gate - Prior to 1991
- Bund - Prior to 1991
- Road
- Railway Line
- Seawall
- High Tide Line
- Low Tide Line
- Hazard Line
- Port Limit
- Khazan Land
- Boat Parking /Net Mending Area
- Rock Outcrop
- Jetty or Shipyard
- Fishing Ward Boundary
- Fish Breeding Area
- Fisherman Community Complex
- Waterbody
- Survey Plots
- Village Boundary
- Municipal/Other Urban boundary
- Taluk Boundary

CRZ Lines

- 100m CRZ line for Bays
- 100 m Line in CRZ III Area
- 200 m Line - NDZ
- 500 m CRZ Line
- CRZ Line for River or Creek

CRZ CATEGORY

CRZ - I

- Mangroves - CRZ IA
- 50m Mangrove buffer zone - CRZ IA
- Archaeological and heritage sites - CRZ IA
- Reserve Forest - CRZ IA
- Mudflats - CRZ IA
- Salt Marsh - CRZ IA
- Sand Dunes - CRZ IA
- Corals and coral reefs - CRZ IA
- Nesting Grounds of Birds - CRZ IA
- Turtle Nesting Grounds - CRZ IA
- Intertidal Zone -CRZ IB
- Aquaculture / Saltpan - CRZ IB

CRZ - II

- CRZ Landward of HTL - CRZ II

CRZ - III

- No Development Zone - CRZ III
- 200 to 500 m from HTL - CRZ III

CRZ - IV

- Waterbody - CRZ IVA
- Waterbody - CRZ IVB

GA 242 GA 243
GA 235
GA 236 GA 237
GA 232
PERNAM PALIEM
GA 233 GA 234
ARAMBOL

GA 242
TIRACOL
GA 235
GA 236
QUERIM
GA 232
GA 233

DATA SOURCE

I) National Center for Sustainable Coastal Management	V) Department of Water Resources - Goa
1) HTL, LTL	1) Bund prior to 1991
2) CRZ - IA	2) Sluice Gate prior to 1991
3) Infrastructure facilities such as Lighthouse, Sea wall, Breakwater or Jetty	3) Khazan Land
II) Survey of India	VII) Goa State Pollution Control Board
1) Hazard Line	Water Quality Monitoring Location - SW - II
III) DSLR	VIII) Department of Environment
1) Road, 2) Survey Plots 3) Village Boundary	Port Limit, Light House, Beacon
4) Municipal Boundary 5) Taluk Boundary	IX) Department of Fisheries - Goa
IV) Department of Fisheries - Goa	CRZ - Coastal Regulation Zone
1) Fish Landing Centre/Ramp 2) Fishing Ward Boundary	NDZ - No Development Zone
3) Fish Breeding Area 4) Fisherman Community Complex	DSLRL - Directorate of Settlement & Land Records
5) Net Mending Yard	

ABBREVIATIONS

CRZ - Coastal Regulation Zone
NDZ - No Development Zone
DSLRL - Directorate of Settlement & Land Records

Note : HTL has been updated as per the amendment to the CRZ Notification 2011 vide S.O.1422(E) dt 1st May 2020. (Ver 1.0)

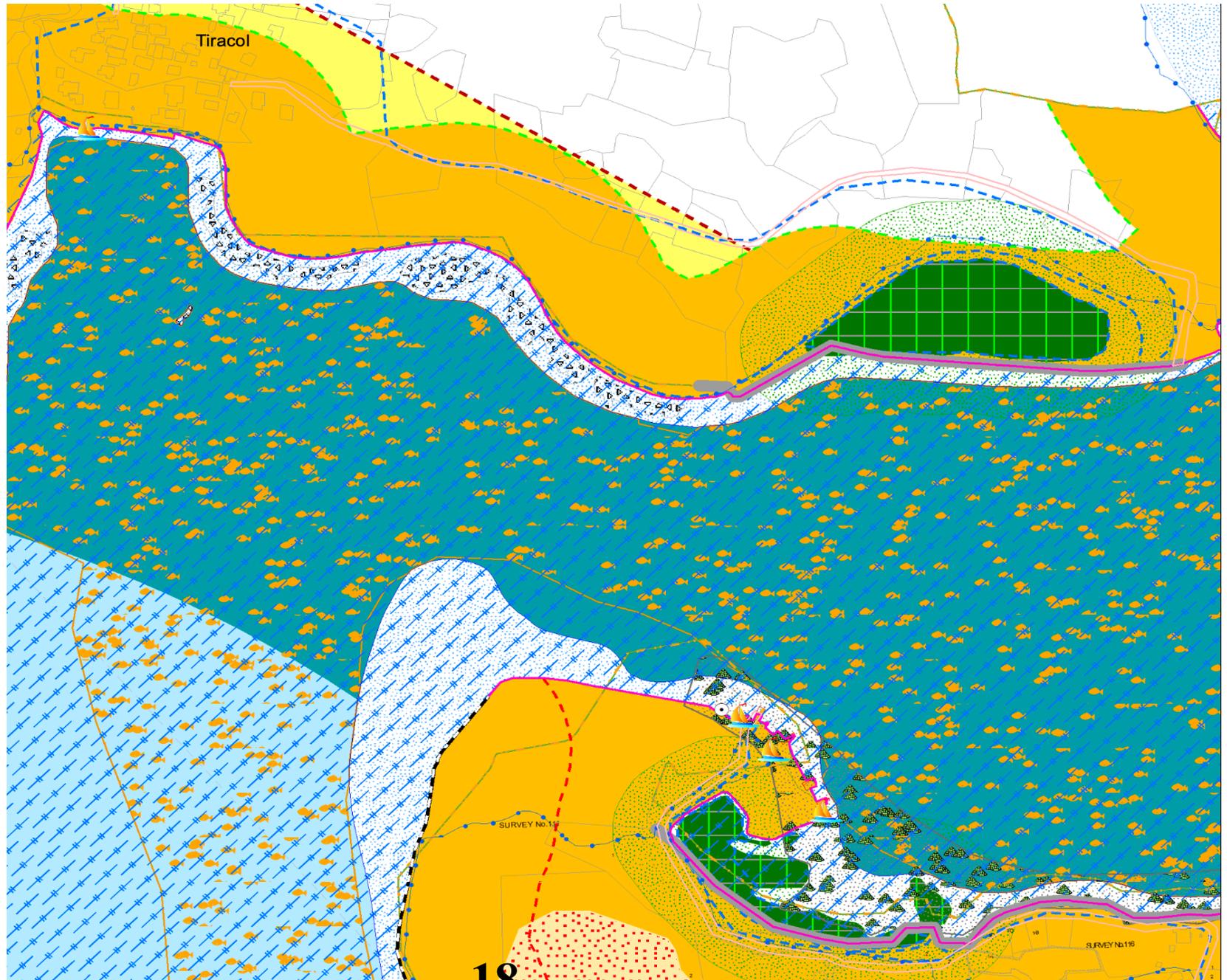
Prepared by

National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for

Department of Environment
Government of Goa

583
Zoomed in portion/extraction of Draft CZMP, Goa prepared as per the CRZ
Notification, 2011 at scale of 1:4000, showing the area of the Tiracol River/Estuary



CRZ Lines

-  100m CRZ line for Bays
-  100 m Line in CRZ III Area
-  200 m Line - NDZ
-  500 m CRZ Line
-  CRZ Line for River or Creek

CRZ CATEGORY

CRZ - I

-  Mangroves - CRZ IA
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-  Nesting Grounds of Birds - CRZ IA
-  Turtle Nesting Grounds - CRZ IA
-  Intertidal Zone - CRZ IB
-  Aquaculture / Saltpan - CRZ IB

CRZ - II

-  CRZ Landward of HTL - CRZ II

CRZ - III

-  No Development Zone - CRZ III
-  200 to 500 m from HTL - CRZ III

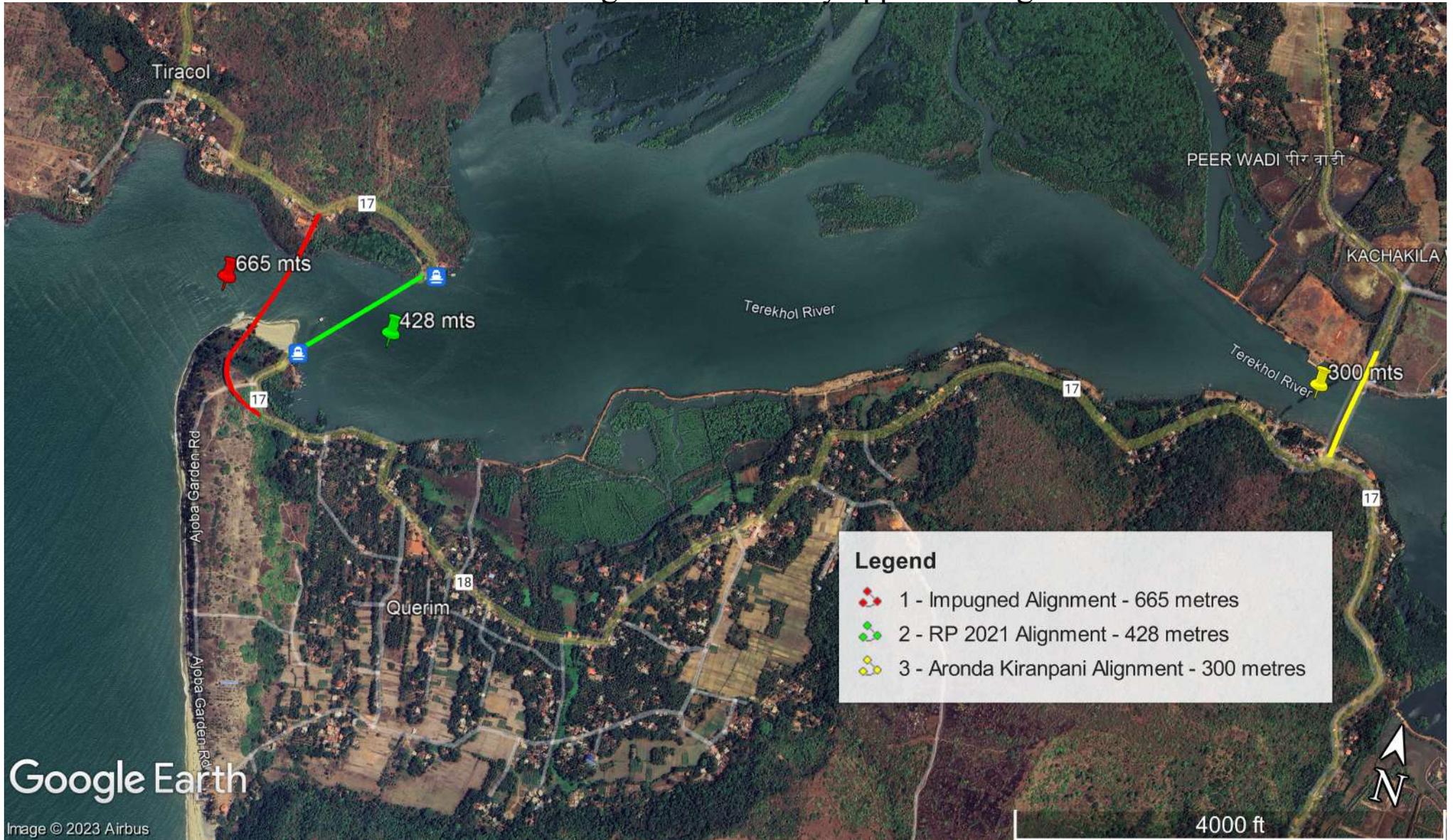
CRZ - IV

-  Waterbody - CRZ IVA
-  Waterbody - CRZ IVB

Legend

-  Lighthouse/Beacon
-  Fish Landing Centre/ Ramp
-  Water Quality Monitoring Location - SW-II
-  Multi Purpose Cyclone Shelters
-  Sluice Gate - Prior to 1991
-  Bund - Prior to 1991
-  Road
-  Railway Line
-  Seawall
-  High Tide Line
-  Low Tide Line
-  Hazard Line
-  Port Limit
-  Khazan Land
-  Boat Parking /Net Mending Area
-  Rock Outcrop
-  Jetty or Shipyard
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-  Fish Breeding Area
-  Fisherman Community Complex
-  Waterbody
-  Survey Plots
-  Village Boundary
-  Municipal/Other Urban boundary
- Taluk Boundary

Map prepared by the petitioner showing the R.P. alignment of the Tiracol Bridge and the finally approved alignment



REGISTERED OFFICE :
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ASIAN HOTELS (NORTH) LIMITED

AHL/CS/1013/2021
6th July, 2021

Corporate Services Department
BSE Ltd.
Phiroze Jeejeebhoy Towers
Dalal Street
Mumbai- 400 001

Listing Department
National Stock Exchange of India Ltd.
Exchange Plaza, 5th Floor
Plot No. C/1, G Block
Bandra (E), Mumbai – 400 051

Scrip Code/Scrip ID:
500023/ASIANHOTNR

Scrip Code / Symbol: 233/ASIANHOTNR

Dear Sirs,

Subject: Intimation under Regulation 30 of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

This is to inform the Stock Exchanges that vide an Order under section 7 of Insolvency & Bankruptcy Code 2016, read with rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 has been passed on June 25, 2021 for initiating Corporate Insolvency Resolution Process (CIRP) for Leading Hotels Limited, the material subsidiary of the Company. RP has been appointed and CIRP process has been started.

The above matter was discussed in the Audit Committee and Board meeting held on 5th July, 2021 and was approved by them.

You may kindly take the above on record.

Thanking you,
Yours faithfully,
For **ASIAN HOTELS (NORTH) LIMITED**

SHIV KUMAR JATIA
CHAIRMAN & MANAGING DIRECTOR