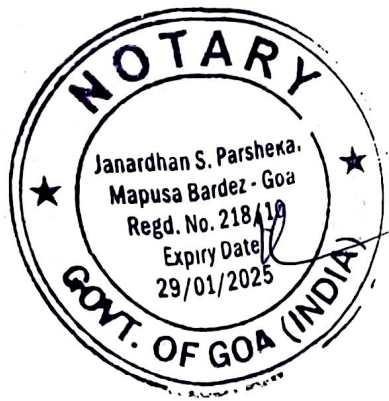


**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE BENCH AT PUNE**



O.A. NO. 98/2022 [WZ]

BETWEEN:

THE GOA FOUNDATION

...APPLICANT

AND

THE STATE OF GOA AND ORS.

...RESPONDENTS

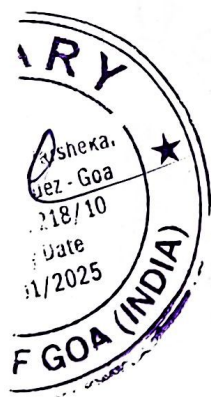
**AFFIDAVIT IN REJOINDER ON
BEHALF OF THE APPLICANT**

I, Dr. Claude Alvares, Secretary of the Goa Foundation, the Applicant herein, aged 74 years, r/o Parra, Bardez, Goa, do hereby state on oath as under:

1. I say that I have read and understood the affidavit filed by the Respondent No. 6 and 7 dt. 12.12.22. I state that I am not replying to each and every statement and averment made in the replies filed by the Resp. No.s 6 and 7, and nothing may be deemed to be admitted unless the same is specifically admitted herein but should be treated as though the same has been set out seriatim and denied and disputed specifically .
2. With respect to paragraphs 2, 3 and 4 of the Reply, I state a reference to the order dt. 03.10.2022 [Ann. 2] is relevant to deal with this objection raised. The Hon'ble High Court of Bombay at Goa declined to

entertain a Writ Petition filed by this Application and relegated the Applicant to approach this Hon'ble Tribunal with its grievances, pursuant to which the instant O.A. was filed. In said order, the Hon'ble H.C. directed that the issue of maintainability of proceedings would not be open to be raised before this Hon'ble Tribunal. As such, it is submitted that the objection of jurisdiction so raised by the R.6 & 7 is without any merit and unsustainable.

3. The Resp. No.s 6 and 7 in paragraph 6 of its Reply admit the fact that the subject properties viz. Sy. No.s 128/9 and 10 of Assagao village were provisionally identified as forests in the Thomas Committee Report.
4. With respect to paragraph 13 of the Reply, it is submitted that the Thomas Committee was tasked with identifying private forests in an area of 5 Ha. or more, not being contiguous to Govt. Forests, in addition to the other criteria relating to tree composition and canopy density. The Thomas Committee provisionally identified 16 Sy. Nos of Assagao village as private forest. Of these, Sy. Nos 128, 129, 130, 132 and 133 form one patch with a total plot area of about 69.59 hectares. The entire Sy No. 128. comprising 47 sub-divisions was provisionally identified as forest, excluding sub-division 14 only.
5. It is entirely shocking that all 5 survey nos are excluded by the Review Committee - Sy No.s 128 and 129 in June 2021 (2nd Interim report) and Sy Nos 130, 132 and 133 in January 2022 (4th Interim Report). The 4th Interim report in fact mentions that the survey nos. 130, 132 and 133 meet all three criteria



criteria but they are not qualifying as per the FSI satellite maps and other objections. On ground however, the area is fully forested. The relevant extract of the 4th Interim Report of the Review Committee is enclosed as **Annexure 1**, and Google Earth maps showing the contiguous forest area of Assagao village of the patch consisting of Sy. Nos 128, 129, 130, 132 and 133 are enclosed as **Annexure 2 Colly.**

6. With respect to paragraph 14 of the Reply, the Resp. No.s 6 and 7 have incorrectly stated that the exercise of identification of private forest has been completed with the judgement and order of this Tribunal in O.A. 478/2018. The order dt. 07.01.2021 passed in Execution Application No. 26/2020 directed that the entire exercise of Review of Private Forest by the Review Committee was to be completed within 3 months, i.e. by April 2021.



Owing to the severe delays in the completion of the Review Exercise, a second Execution Application bearing no. E.A. 21/2021 [WZ] came to be filed by this Applicant, and the Hon'ble Tribunal has passed two further orders therein dt. 30.11.2021 and 27.01.2022 directing for the final Reports to be placed before the Tribunal. The orders dt. 30.11.2021 and 27.01.2022 in E.A. 21/2021 [WZ] are enclosed as **Annexure 3 Colly.**

8. With respect to paragraph 15 of the Reply, I state that this Application has been filed within time pursuant to the liberty granted by the Hon'ble High Court in its order dt. 03.10.2022, and that there has been no delay in instituting this O.A.

9. I state that the contents of paragraphs 1(p), 2(p), 4(p), 5(p), 6(p), and 7 are in the nature of facts true to my own knowledge, and that the contents of paras 1(p), 2(p), 3, 4(p), 5(p), 6(p), and 8 are my submissions made 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 copies of their originals.

Solemnly affirmed on the 10th day of March, 2023, at Mapusa, Goa

[Signature]
GOA FOUNDATION
Reg. No. 230GA/88
APPLICANT/DEPONENT

218/10
Date
2025
GOA (INDIA)

DECLARATION OF AFFIRMATION
I declare that the contents of the above affidavit are true to my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.
Subscribed and sworn to before me on 10/03/2023
JANARDHAN S. PARSHEKAK
NOTARY AT MAPUSA, BARDEZ - GOA
STATE OF GOA INDIA

VERIFICATION

I hereby verify that the contents of paras 1 - 9 of my above affidavit are true to my knowledge and belief, and that no part of it is false and nothing material has been concealed therefrom.

Verified on the 10th day of March, 2023, at Mapusa, Goa

[Signature]
GOA FOUNDATION
Reg. No. 230GA/88
APPLICANT/DEPONENT

NOTARIAL
NOTARIAL
NOTARIAL
NOTARY
JANARDHAN S. PARSHEKAK
Mapusa - Bardez - Goa
Regd. No. 218/10
Expiry Date
29/01/2025
GOVT. OF GOA (INDIA)

DECLARATION OF AFFIRMATION
I declare that the contents of the above affidavit are true to my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.
Subscribed and sworn to before me on 10/03/2023
JANARDHAN S. PARSHEKAK
NOTARY AT MAPUSA, BARDEZ - GOA
STATE OF GOA INDIA

**GOVERNMENT OF GOA**

**4TH INTERIM REPORT OF REVIEW COMMITTEE
ON
REVIEW OF PRIVATE FOREST AREAS
IDENTIFIED BY NORTH GOA AND SOUTH GOA DISTRICT COMMITTEE
(V. T. THOMAS & F. X. ARAUJO)**

JANUARY 2022

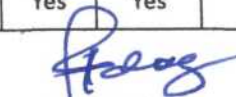
Detailed findings of the Review Committee after field verification for the areas fulfilling 40% canopy density & 5 Ha area as per forest cover map of Forest Survey of India.											
Sr.No	Taluka	Village	Survey number Identified by the North Goa & South Goa SLEC	Survey number fulfilling 40% canopy density & 5Ha area as per forest cover map 2014-15 LISS IV of Forest Survey of India	Map Sheet Number	Area of patch as per LISS IV satellite image ha (Approx)	Canopy Density > 40%	Patch more than 5 Ha	Whether Contiguous to Govt. Forests / Earlier Identified forest	EXTENT OF AREA QUALIFYING AS PRIVATE FOREST (HA)	Decision of Review Committee after analysis based on LISS IV FCM 2014-15 (FSI), Google Timeline change corroborated by LISS III FCM 2012-13, public hearing, review of objection, Division offence case, Tree Felling, FCA & Court order etc., if any)
1	Bardez	Calangute	28	Yes	22	1.93	Yes	Yes	No	0	The area does not qualify the criteria of private forest
2			43	Yes	22	1.12	Yes	Yes	No	0	The area does not qualify the criteria of private forest
3			44	Yes	22	2.61	Yes	Yes	No	0	The area does not qualify the criteria of private forest
4			45	Yes	22	0.19	Yes	Yes	No	0	The area does not qualify the criteria of private forest
5			46	Yes	22	0.87	Yes	Yes	No	0	The area does not qualify the criteria of private forest
6			47	Yes	22	0.85	Yes	No	No	0	The area does not qualify the criteria of private forest
7	Bardez	Assagao	101	Yes	79	12.03	Yes	Yes	No	0	The area does not qualify the criteria of private forest
8			74	Yes	79	0.092	Yes	Yes	No	0	The area does not qualify the criteria of private forest
9			130	Yes	79	8.43	Yes	Yes	No	0	The area does not qualify the criteria of private forest
10			132	Yes	79	5.93	Yes	Yes	No	0	The area does not qualify the criteria of private forest
11			133	Yes	79	0.083	Yes	Yes	No	0	The area does not qualify the criteria of private forest
12	Ponda	Panchawadi	104	Yes	60	5.64	Yes	Yes	No	0	The area does not qualify the criteria of private forest
13			125	Yes	60	4.36	Yes	Yes	Yes	0	The area does not qualify the criteria of private forest
14			128	Yes	60	13.26	Yes	Yes	No	0	The area does not qualify the criteria of private forest


ACF(N)


ACF(S)


AC(N)


AC(S)


DIR(DSLR)


DIR(AGRI)


DCF(WP)


CCF



Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Execution Application No. 21/2021(PB)

In

Original Application No.478/2018 (PB)

Earlier No. 16(THC)/2013(WZ)

Goa Foundation

Versus

Applicant(s)

State of Goa & Ors.

Respondent(s)

Date of hearing: 30.11.2021

**CORAM: HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant(s): Ms. Norma Alvares with Ms. Anamika Gode, Advocates

Respondent(s): Mr. Nalin Kholi with Mr. Harsha Peechara,, Advocate for R-1,2,4, & 8

ORDER

1. The Tribunal in continuation of the earlier orders, is passing the following order:-

- (i) Heard the submission of Ms. Norma Alvares, Learned Counsel appearing for the execution applicant.
- (ii) The Learned Counsel appearing for the execution applicant would submit that it is a second application filed for execution for identification and retrieval of the forest lands and though, the Tribunal had given sufficient time to complete the exercise, still the process is not completed and hence, prays for fixation of the outer time limit to complete the entire exercise and file a final report so as to enable the Tribunal to dispose of this execution application by passing appropriate orders.

- (iii) Mr. Nalin Kohli, Learned Senior Counsel assisted by Mr. Harsha Peechara, Learned Counsel appearing for respondent no.1-State of Goa would submit that a detailed interim reply has been filed, before the NGT Principal Bench Portal inadvertently and the copy of the same has also been forwarded to the Learned Counsel appearing for the original applicant.
- (iv) It is the further submission of the Learned Senior Counsel that the total such forest area has been estimated around 9183 ha. equivalent to 91 sqkms. and out of which, upto October, 2021 61% of the land has been identified.
- (v) It is also pointed out by the Learned Senior Counsel appearing for respondent no.1 that out of 12 months State of Goa is experiencing monsoon for nearly 06 months and coupled with the uncertain spread of Covid-19 pandemic virus and other practical difficulties, the entire process could not be completed on schedule and would further add that during January 2022, election to the Goa Legislative Assembly would take place for which, the officials have to be deputed and the said exercise may also go on between January and March 2022.
- (vi) In sum and substance, it is the submission of the Learned Senior Counsel that all sincere and necessary steps have already been taken and utmost priority has been given and one of the issues faced by them, is the claims made by nearly eight thousand persons objecting to the said enumeration/identification of forest land for which, individual call to be taken in the form of affording them, the opportunity of hearing and assures that the process would be completed as expeditiously as possible.

- (vii) The Learned Counsel appearing for the original applicant responding to the said submissions would submit that without waiting for any direction from the Tribunal and the said exercise should have been carried out long back and in that event, the State of Goa may not have to face the present problem and once again insisted for fixation of the outer time limit to complete the entire exercise.
- (viii) The Tribunal paid it's best attention to the rival submissions and also perused the materials placed on record.
- (ix) It appears from the submissions made by the Learned Senior Counsel appearing for respondent no.1 that nearly 61 % of the work/task has been completed upto October, 2021 and on account of the difficulties faced due to continuance of monsoon as well as election related work, there may be some difficulty in complete the said exercise and prays for further time to file the additional compliance report.
- (x) Call on 27.01.2022, for filing the additional compliance report.
- (xi) The Registry is also directed to verify and place the interim reply submitted by respondent no.1, on record.

M. Sathyanarayanan, JM

Dr. Arun Kumar Verma, EM

November 30, 2021
Execution Application No. 21/2021(PB)
In Original Application No.478/2018 (PB)
Earlier No. 16(THC)/2013(WZ)

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PUNE BENCH**

(By Video Conferencing)

Ex. Application No. 21/2021(PB)
IN
Org. Application No. 478/2018(PB)
(Earlier O. A. No. 16(THC)/2013(WZ))

The Goa Foundation

Applicant

Versus

State of Goa & Ors.

Respondent(s)

Date of hearing: 27.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Om D Costa Adv. for Applicant

Respondent(s): Mr. Nalin Kohli Adv. for R-1,2,4 & 8

ORDER

1. This application seeks compliance of earlier order of this Tribunal dated 12.10.2018 and 07.01.2021. By the later order, this Tribunal directed completion of identification and demarcation of balance private forests in terms of earlier order of this Tribunal dated 12.10.2018.

Operative part of the order is reproduced below:-

“1. This application seeks direction to produce the Review Committee report on identification and demarcation of balance private forests in terms of order of this Tribunal dated 12.10.2018, within one month. The issue concerns compliance of the Judgment of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad v.

Union of India & Ors., (1997) 2 SCC 267 and subsequent orders in pursuance thereof, leading to passing of order dated 12.10.2018 by this Tribunal requiring the pending work to be completed by March, 2019.

2. *The applicant has explained the background to the effect that in view of delay in duly complying with the mandate of law, the applicant moved the Bombay High Court. The High Court transferred the matter to this Tribunal. **The Tribunal considered the issue in light of various Committees already constituted on the subject. In connected matter, vide order dated 18.08.2020, the Tribunal directed confirmation of demarcated forest area to the extent of 46.11 sq. km. but the remaining work in terms of order dated 12.10.2018 in O.A. No. 478/2018 still remains incomplete, though the Tribunal had fixed the outer time limit of March, 2019 for the purpose.***

3. *The Government of Goa constituted a Committee on 21.01.2020 to submit report by 10.03.2020 on review of earlier reports prepared by Thomas and Araujo Committees. For this purpose, public notice was issued on 15.07.2020 and time to file objections was extended till 31.08.2020 on the ground of COVID-19 pandemic. However, the objections have still not been finalized. It is submitted that delay is unjustified and prejudicing the public interest. According to the applicant, the remaining work should not take more than one month.*

4. ***Surprisingly, learned Counsel for the State of Goa submits that the exercise will require one year time. We find the statement to be ridiculous and lacks sense of responsibility since the Tribunal, by order passed more than two years ago required the whole exercise to be completed by March, 2019. Thus, it is difficult to brush aside the contention of the applicant that the attitude of the State authorities is to deliberately delay the compliance of orders of this Tribunal for indefinite period, defeating the public interest. We have conveyed this to the learned Counsel appearing for the State of Goa with a warning that coercive measures may have to be taken if the concerned officers do not behave responsibly.***

5. ***Accordingly, let the entire exercise be completed positively within three months. If any grievance survives, it will be open to the applicant to take further remedies in accordance with law.***

2. Present application was filed on 27.07.2021 with the grievance that as against contemplated period of three months as per order dated 07.01.2021, compliance had still not been taken place. On 13.09.2021, notice was issued to the respondents. On 04.10.2021, it was stated that delay took place due to pandemic and due to magnitude of the work

involved. On 30.11.2021, it was reported that 61% work had been completed upto October, 2021 and some more time was required. The matter was accordingly deferred to today.

3. An additional compliance report has been filed on 24.01.2021 which is inter-alia as follows:-

“5. That the progress qua the process of enumeration of private forests, as delineated in the Fourth Interim Report, is reproduced hereunder:-

Division	Status of review after completion of field enumeration		
	Total area enumerated	Area qualified at field survey	Plan prepared for area qualifying
North	1840.00 ha	1023.34 ha*	442.20 ha*
South	4414.00 ha	1232.00 ha*	393.97 ha*
Total	6254.00 ha	2255.34 ha *	383.03 ha*

**Final status to be determined after hearing of the objectors/representations and total enumeration, if decide.*

6. ***That as evidenced from above, roughly 68% i.e. 6254 Ha of the total area to be enumerated (being 9183 Hectares) has been enumerated by 30.11.2021.***

7&8..xxx.....xxxx.....xxx

9. ***That in the 13th review committee meeting held on 29.12.2021, it was decided by the review committee to prepare and submit the 4th Interim Report, delineating the progress made in the review of Survey numbers provisionally identified as private forests and ground verification/ enumeration process. Accordingly, the fourth interim report was submitted to the Government on 04.01.2022 and the Government of Goa, on 07.01.2022, has approved the Fourth Interim Report submitted by the Review Committee.***

10. ***That while all the previous three Interim Reports have been duly uploaded on the website of the Forest Department, Goa on 13.09.2021 in compliance to the Hon'ble NGT order dated 07.01.2021, the Fourth Interim Report could not be uploaded online on account of the Model Code of Conduct for assembly election being in force in the state of Goa.***

11. That as regards the work undertaken post the submission of the Fourth Interim Report, the Review Committee has carried out enumeration of a cumulative 6856 Hectares, viz., 75 % (approx.) of the total area, as on 15.01.2022.”

4. Learned counsel for the respondents states that entire work will now be positively completed within next 60 days i.e. by 31.03.2022.

5. In view of the above, let further action be taken speedily. Compliance report be filed before the Registrar, Pune Bench by e-mail by 30.04.2022, who may, if any further direction is found necessary, place the matter before the Bench.

Subject to above, the application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Vijay Kulkarni, EM

Dr. Afroz Ahmad, EM

January 27, 2022

E.A. No. 21/2021(PB) in O.A. 478/2018(PB)

(Earlier O. A. No. 16(THC)/2013(WZ))

A