BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE AT PUNE

Appeal No. 07/2022(WZ)

LAVU NAMDEV TORASKAR   ...APPELLANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & OTHERS   ...RESPONDENTS

AFFIDAVIT IN REJOINDER

I, **LAVU TORASKAR**, son of Namdev Toraskar, 55 years of age, Indian National, having residence at H. No. 443/B, Vaddy, Candolim Bardez – Goa 403515, the Appellant above named, do hereby on solemn affirmation state and submit as under:

1. I say that I am filing the present Affidavit in Rejoinder in response to the Affidavit in Reply filed by Respondent No. 1. I dispute and deny the contents of the said reply which are inconsistent and contradictory to the case put forth by the Appellant. Anything that is not specifically

denied shall not be deemed to be admitted. I further crave leave to refer to and rely upon the averments made in the Appeal.

2. I say that the Gut Book maintained by the Talathi clearly shows the existence of the structure. I say that non-reflection of the structure in the Gut Book maintained by the ISLR is an error; I have already initiated necessary proceedings viz. Case No. 18/15/2021/BAR-I/LRC-MISC before the Deputy Collector & SDO Bardez to rectify the said error and the same is pending. I say that the said proceedings have been initiated much prior to the passing of the Impugned Order, and even prior to the filing of Additional Reply before the GCZMA. I say that the Respondent No. 1 was duty bound to consider the outcome of the said proceedings as the same have a direct bearing on the existence of the structure prior to 19/02/1991. I say that one of the Notices dated 29/07/2021 issued by the Ld. Deputy Collector & SDO

Bardez was submitted in the office of the Respondent No. 1.

3. I say that I have produced the Electricity Bill dated 01/11/2017 which shows the energisation date as 02/01/1991. I deny that I have produced any other electricity bill. I dispute the veracity of the bill purportedly relied upon by the Respondent whilst passing the Impugned Order. The Impugned Order as well as the Reply is silent on the date of the purported electricity bill which shows the energisation as 11/09/2000. I say that Respondent No. 1 being a statutory authority could not have placed reliance upon a document without giving an opportunity to me to respond to the same.

4. With regard to paragraphs 8 and 9, the contents of the same are denied. It is denied that the Appellant has not furnished any documents to substantiate the claims qua the existence of the structure. I say that I have produced the house tax receipts in respect of the said house. I further say that I have produced a letter dated 10/07/2007

issued by the Village Panchayat wherein the Panchayat has certified that the H.No 443/B(New) and 13/5(Old), is an old house existing prior to 1968. The same establishes the existence of structure in the subject property. As far as letter dated 04/04/2022 at 'Exhibit A' of the Reply is concerned, the same is in respect of H.No. 447A. Whereas the subject structure is bearing H.No. 443B. I further say that the said letter appears to be addressed to Shanil Toraskar. The Respondent No. 1 has not clarified as to how the same has come in possession of the said Respondent.

5. I deny that I have manipulated the records of the village panchayat. I say that the Annexure A-2 bears a round stamp of Village Panchayat.

6. I say that the contents of paras 1pt, 2pt, 3pt, 4pt and 5of the accompanying application for stay are true to my knowledge and/or based on information; and the contents of the remaining paras, viz. 1pt, 2pt, 3pt, 4pt are in the

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nature of the legal submissions and/or inferences of

facts, which I believe to be true.
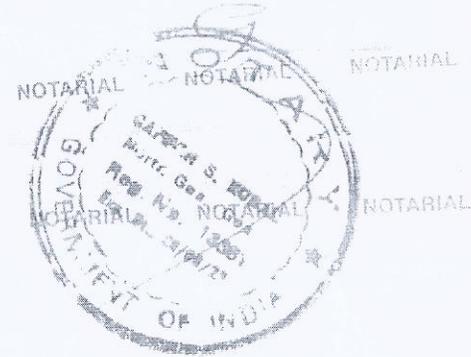

Solemnly affirmed at Panaji, Goa

On this 11th day of April, 2022

DEPONENT

Identified by me:

(Adv. for the Applicant)

Solemnly affirmed beforeme by

Reg. No: 07/468 Date: 12·4·2022

known / Identified to me by.

EC1N304304c2

GANESH KUBAL

Notary (Govt. of India)

Panaji-Goa, India