

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



Appeal No.564/2025(WZ).

MR. FELIX AGNELO REMIGIUS LOBO.

.....APPELLANT.

V/s

GOA COASTAL ZONE MANAGEMENT

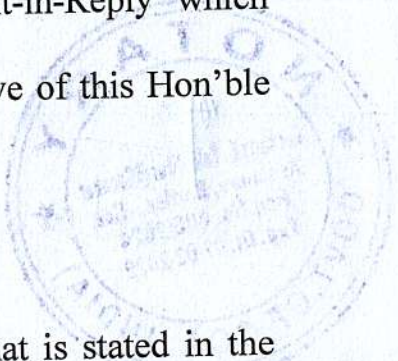
AUTHORITY AND ANR.

.....RESPONDENTS.

AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE
APPELLANT TO THE REPLY FILED BY THE
RESPONDENT NO.1.

I, **MR. FELIX AGNELO REMIGIUS LOBO**, Son of Late
Shri. Francisco Gregorio Domingos Lobo, 65 years of age,
Married, Indian National and R/o H. No.1114, Goenkar
Vaddo, Anjuna, Bardez-Goa, the Appellant above named, do
hereby on solemn affirmation make oath and state as under:

Lobo

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1. I say that Respondent No.1 has made statements and/or raised contentions in their Affidavit-in-Reply which requires rebuttal, as such I crave leave of this Hon'ble Court to file present Rejoinder.
 2. I reiterate, reaffirm and maintain what is stated in the Appeal and deny whatever is contrary and inconsistent to the case set up by me.
 3. I say that I have read and understood the contents of Affidavit-in-Reply filed on behalf of Respondent No.1 and in response to the said Affidavit-in-Reply, I would like to state and submit as under.
 4. I specifically deny with reference to Paragraph No.4 of Reply that Respondent No.1 has passed the **IMPUGNED ORDER** after following the principles of Natural Justice and that **IMPUGNED ORDER** is reasoned and a speaking Order. **IMPUGNED**





ORDER/DIRECTION, passed/issued by the Respondent No.1, is in gross violation of Principles of Natural Justice in as much as the documents relied by me in response to the Show Cause Notice and subsequently produced before passing of **IMPUGNED ORDER**, is/are not even considered leave aside giving reasons for rejecting the same.

5. I say that during the time when Show Cause Notice was pending for hearing and disposal before the Respondent No.1, on 14/03/2024, I applied before the Project Director, Goa Coastal and Environment Management Society and requested to issue Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa.
6. I say that Goa Coastal and Environment Management Society, vide its communication dated 09/05/2024, bearing No.2-4-2023/GC & EMS/MISC/51, issued to me

Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa.

7. I say that in the Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa, it is clearly mentioned that the structure i.e. my Residential House bearing House No.1114, is in existence since prior to year 1991 i.e. prior to coming into force of the CRZ Notification and which fact is not disputed by the Respondent No.1 in their Reply.
8. I say that vide letter dated 26/07/2024, I submitted Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa, issued by the Goa Coastal and Environment Management Society, before the Respondent No.1 and which Respondent No.1 acknowledged of having received the same on 26/07/2024 and which fact is not disputed by the Respondent No.1 in their Reply.





9. I say that on 26/07/2024 when I submitted Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa before the Respondent No.1, admittedly Show Cause Notice dated 23/05/2023 was pending for hearing and disposal before the Respondent No.1 and therefore for all legal purposes, Respondent No.1 was mandatorily required to take into consideration Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, issued by the Goa Coastal and Environment Management Society, while disposing off said Show Cause Notice dated 23/05/2023 and on perusal of **IMPUGNED ORDER/DIRECTION**, it is evident that Respondent No.1 neither considered nor looked into Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna and therefore **IMPUGNED ORDER/DIRECTION**, stands vitiated and on this count alone, **IMPUGNED ORDER/DIRECTION** deserves to be quashed and set aside.

10. I say that Mr. Hanumant Uttam Govekar who is from Anjuna Village and whom I know personally, filed an Appeal No.572/2025(WZ) before this Hon'ble Tribunal against the Order dated 09/07/2025 passed by the Respondent No.1 herein and by the said Order Mr. Hanumant Uttam Govekar was directed to demolish the RCC structure located in the Property bearing Survey No.132/13 of Anjuna Village, Taluka of Bardez-Goa.

11. I say that amongst other grounds, one of the ground which was raised by Mr. Hanumant Uttam Govekar in Appeal No.572/2025(WZ) before this Hon'ble Tribunal was that "Satellite Imagery Report of the Property bearing Survey No.132/12 of Village Anjuna, issued by the Goa Coastal and Environment Management Society in which it is clearly mentioned that the structure bearing House No.654/1 of Mr. Hanumant Uttam Govekar is in existence since prior to year 1991 i.e. prior to coming into force of the CRZ Notification and before passing



1/3/8
[Signature]



IMPUGNED ORDER/DIRECTION, Respondent No.1 neither considered nor looked into Satellite Imagery Report of the Property bearing Survey No.132/13 of Village Anjuna”.

12. I say that this Hon'ble Tribunal vide Order dated 13/03/2026, quashed and set aside Order dated 09/07/2025 passed by the Respondent No.1 and consequently allowed Appeal No.572/2025(WZ) filed by Mr. Hanumant Uttam Govekar, since Satellite Imagery Report of the Property bearing Survey No.132/12 of Village Anjuna, issued by the Goa Coastal and Environment Management Society, was not considered in the Order dated 09/07/2025 passed by the Respondent No.1 herein since Satellite Imagery Report apart from other documents were relevant for arriving on right conclusion accordingly Respondent No.1 herein was directed to decide the matter afresh after proving an opportunity of hearing to Mr. Hanumant Uttam Govekar.

Annexed hereto and marked as **Annexure "A"** is the Copy of Order dated 13/03/2026 passed by this Hon'ble Tribunal in Appeal No.572/2025(WZ).



13. I specifically deny with respect to Paragraph No.5 of Affidavit-in-Reply that Survey No.73/40 of Village Anjuna, Taluka of Bardez-Goa falls within NDZ as per CZMP 2011 and Respondent No.1 is put to strict proof thereof.
14. I specifically deny with respect to Paragraph No.6 of Affidavit-in-Reply that any Site Inspection was conducted and that in said Site Inspection Report, violation of CRZ Notification was recorded and Respondent No.1 is put to strict proof thereof.
15. I say that though it is alleged in the Show Cause Notice that Respondent No.1 has conducted site inspection, however no report of such Site Inspection was forming



part of Show Cause Notice. Further there was no prior notice of whatsoever nature to me by the Respondent No.1 as well as by Village Panchayat Anjuna-Caisua, about conducting any such site inspection pursuant to Order/s passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No.2148/2022(F). I further say that factually no site inspection of whatsoever nature was conducted by the Respondent No.1 and Village Panchayat Anjuna-Caisua, with respect to said Structure i.e. Residential House bearing House No.1114. It is evident that said Show Cause Notice nowhere mentions about issuance of any sort of Notice to me by Respondent No.1 and Village Panchayat Anjuna-Caisua about conducting any site inspection.

16. With reference to Paragraph No.7 of Affidavit-in-Reply, I say that though I received Show Cause Notice, however I specifically deny that Show Cause Notice dated

23/05/2023 was issued pursuant to Site Inspection and Respondent No.1 is put to strict proof thereof.

17. I say that along with Reply filed in the above Appeal, Respondent No.1 for the first time produced Joint Site Inspection Report. However said Joint Site Inspection Report was not forming part of Show Cause Notice dated 23/05/2023 issued to me by the Respondent No.1.
18. I say that Reply filed by the Respondent No.1 nowhere speaks and/or shows as to when Joint Site Inspection was conducted by the Respondent No.1. Further even Show Cause Notice dated 23/05/2023 issued to me by the Respondent No.1 also nowhere speaks and/or shows as to when Joint Site Inspection was conducted by the Respondent No.1. I say that my signature is not appearing of the **Annexure A** forming part of Reply of Respondent No.1 and therefore this speaks in volumes that no site inspection of whatsoever nature was conducted by the Respondent No.1 and Village



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Panchayat Anjuna-Caisua, with respect to said Structure
i.e. Residential House bearing House No.1114.

19. With reference to Paragraph No.8 of Affidavit-in-Reply of Respondent No.1, I say that the documents produced by me along with Reply to Show Cause Notice and subsequent document produced by me before the Respondent No.1 i.e. Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, are not considered by the Respondent No.1.
20. With reference to Paragraph No.10 of Affidavit-in-Reply of Respondent No.1, I specifically deny that I failed to produce any cogent, reliable and convincing material/documents to show that the other 3 Impugned Structures mentioned in Show Cause Notice are pre-1991 structures.
21. With reference to Paragraph No.11 of Affidavit-in-Reply of Respondent No.1, I specifically deny that remaining

structures having no documentary or contemporaneous evidence establishing their existence prior to the cut-off date, could not be treated as pre-1991 structures and consequently the Respondent No.1 upon due application of mind and in exercise of its statutory powers, directed demolition of remaining three structures and Respondent No.1 is put to strict proof thereof. Structures which are ordered for demolition are part of my residential house and same are in existence prior to year 1991. RCC structure which is seen in the Photographs produced by the Respondent No.1 along with their Reply does not belong to me.

22. With reference to Paragraph No.12 of Affidavit-in-Reply of Respondent No.1, I specifically deny that Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna was submitted subsequent to final decision rendered on 11/06/2024 and Respondent No.1 is put to strict proof thereof. I say that **IMPUGNED**





ORDER/DIRECTION passed/issued by the Respondent No.1 is dated 30/04/2025 and which is much subsequent to submitting of Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna before the Respondent No.1.

23. On 26/07/2024 when I submitted Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa, before the Respondent No.1, admittedly Show Cause Notice dated 23/05/2023 was pending for hearing and disposal before the Respondent No.1 and same was not disposed off by the Respondent No.1 and therefore Respondent No.1 now cannot contend that Satellite Imagery Report was neither produced nor brought it to the notice of the Respondent No.1 prior to passing of **IMPUGNED ORDER/DIRECTION**.

24. It is specifically denied that I failed to place Satellite Imagery Report before Respondent No.1 despite having

ample opportunity to do so and that Respondent No.1 cannot be faulted for not considering a document that was neither produced nor brought it to its notice prior to passing of **IMPUGNED ORDER/DIRECTION** and Respondent No.1 is put to strict proof thereof.



25. It is specifically denied that I cannot be permitted to rely upon subsequently produced material to challenge the validity or legality of a decision otherwise taken on the basis of the record then available and Respondent No.1 is put to strict proof thereof.

26. I submit that Satellite Imagery Report of the Property bearing Survey No.73/40 of Village Anjuna, Bardez-Goa, is relevant and necessary document for arriving on right conclusion in the case in hand.

27. I say that there is no identification of the offending structure which is ordered for demolition by the Respondent No.1. No sketch and location of the

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offending structure which is ordered for demolition has been prepared and therefore Respondent No.1 was not justified in passing **IMPUGNED ORDER/DIRECTION.**

28. I submit that **IMPUGNED ORDER/DIRECTION**, dated 30/04/2025, passed/issued by the Respondent No.1 under Section 5 of The Environment (Protection) Act, 1986, Read with Rule 4 of The Environment (Protection) Rules, 1986, is not sustainable in the eyes of law and same deserves to be quashed and set aside on the grounds a set out by me in the Appeal.

29. I submit that nothing be deemed to be admitted for want of specific denial.

30. I therefore pray that this Hon'ble Tribunal be pleased to allow my Appeal.

I say what is stated in Paragraph No.1 to 25 and 27 of Affidavit-in-Rejoinder are true to my knowledge and

based on records and what is stated in Paragraph No.26
and 28 to 30 are my legal submissions which I believe to
be true.

Solemnly affirmed at Bardez-Goa,

On this 29th day of June, 2026.



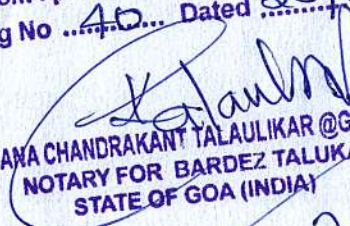
DEPONENT

Identified by:



Adv. Samir Gaonkar.

Solemnly affirmed before me by
Shri/Smt Felix Agnelo R. Lobo
who has been identified by Adv. Samir Gaonkar
whom I personally know.
Reg No 40 Dated 29/6/2026


RACHANA CHANDRAKANT TALAULIKAR @GAONKAR
NOTARY FOR BARDEZ TALUKA
STATE OF GOA (INDIA)
29/6/2026



Item No.35

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO. 572/2025 (WZ)
I.A. No. 706/2025 (WZ)**

Hanumant Uttam Govekar

.....Appellant

Versus

GCZMA & Anr.

....Respondents

Date of hearing: 13.03.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Appellant : Mr. Deepak Gaonkar, Advocate

Respondents : Ms. Supriya Dangare, Advocate for R-1/GCZMA

ORDER

1. We are passing this order in continuation to the earlier orders dated 26.09.2025, 06.02.2026 and 12.03.2026.

2. This appeal has been filed seeking quashing of the order dated 09.07.2025 passed by Respondent No.1- GCZMA directing demolition of one RCC Structure, located in the property bearing Survey No.132/13 of Anjuna Village, Bardez, Goa within one month from the date of receipt of the order.

3. Learned counsel for the appellant has drawn our attention to page no.117 of the paper book, which is a Certificate dated 08.07.2010 issued by the Village Panchayat of Anjuan- Caisua, Bardez, Goa, wherein it is recorded that as per the Demand and Collection Register of House Tax and Light Tax, the house bearing No.654(1) stands in the name of Shri

Manumant U. Govekar (appellant herein), which is from the year 1990-91 situated at St. Anthony Prias Waddo, Anjuna, Bardez, Goa and that the tax is paid in the same name till date. It is also recorded in this Certificate that as per the Show-Cause Notice issued by the Village Panchayat dated 29.09.2008 and as per the reply given by the party dated 15.01.2009, the said house is situated in Sy. No.132/13 at Anjuna, Bardez, Goa. This certificate/document is annexed by the appellant within his additional reply to the said Show Cause Notice, which was submitted to the GCZMA on 08.05.2024 for consideration.

4. In view of above, it is urged by learned counsel for the appellant that above certificate/document was not considered by Respondent No.1- GCZMA while passing the impugned order of demolition. Apart from that, it is further stated that the satellite imagery Report of Sy. No.132/13 of Anjuna Goa, which was obtained by the appellant on 07.06.2024 from the Director, RSI Soft-tech India Pvt. Ltd., which is annexed at page nos.123 to 125 of the paper book, makes it clear that in Survey No.132/13 of Anjuna, the two structures, which are marked with green rectangular lines, are shown to exist prior to the year 1991. Based on this, it is urged by him that this is the same structure, which has been ordered to be demolished by Respondent No.1- GCZMA despite this structure being in existence prior to the year 1991. This document was also produced by the appellant before the GCZMA with his additional reply to the Show Cause Notice on 27.05.2024, but the same was not considered.

5. Thereafter, learned counsel for the appellant has drawn our attention to the letter dated 30.05.2024 written by the appellant addressed to the Member Secretary, Goa Coastal Zone Management Authority (GCZMA), wherein a request was made to provide an opportunity of hearing so that he

could have brought further documents on record. But the same was not allowed.

6. When we enquired from learned counsel for the appellant as to how he is alleging that above documents were not considered by the GCZMA, he read out the impugned order, which is narrated herein below:-

"AND WHEREAS, the said matter was taken up in the 373rd GCZMA Meeting held on 24/11/2023. The Authority heard the parties and after perusing the documents decided that, "The Respondent has produced various electricity bill right from the year 1987 however the house number is not mentioned on the electricity bill.

Receipt of supply of cold drinks in the year 1988 does not prove legality of the structure.

NOC for electricity connection to Shack issued by the Village Panchayat of Anjuna in the name of Hanumant Govekar this document cannot be relied upon as it does not pertain to the RCC structure. Moreover, there is no house number mentioned on the NOC. Hence this document does not support the case of the Respondent to prove the legality.

The Respondent has also paid professional tax from the year 1986 till 1988 but it does not make any mention of the structure.

The Respondent has produced house tax receipt of the year 1990-91 for house no 654(1) issued by the Village Panchayat of Anjuna does not state whether this house falls in the property bearing Sy. No.132/13 of Anjuna Village.

The Primary Health Centre has issued NOC for running the restaurant in St Anthony's Praias, Anjuna Bardez Goa. It is vague as to which structure /house no this permission is issued. There is no clarity to prove it the permission is issued to the structure in dispute. Moreover there were SCN issued in the past one by Panaji Planning and Development Authority for constructing bathroom and toilet on the beach. The Respondent has failed to

produce on record if the SCN issued by Panaji Planning and Development Authority has attained finality or not

The Authority after perusing the above document is satisfied that the Respondent is conducting the business but the main point in issue is the legality of the RCC structure constructed in the NDZ whether it has valid approvals from any authority for the purpose of erecting the structure in the NDZ. The Respondent has failed to prove that the structure was standing prior to 1991. Hence orders for demolition of the RCC structure standing in Sy No.132/13 of Anjuna Village."

7. Having gone through the above order, it is urged by learned counsel for the appellant that nowhere mention is made in the impugned order of the above documents having been considered. We assume and find that the above documents were not considered by the GCZMA while passing the impugned order, which appear to be relevant for arriving on a right conclusion. Therefore, we deem it appropriate to set aside the impugned order and direct Respondent No.1- GCZMA to provide an opportunity of hearing to the appellant again and decide this matter afresh within a period of one month from the date of uploading of this order

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

March 13, 2026
APPEAL NO. 572/2025 (WZ)
I.A. No. 706/2025 (WZ)
P.Kr.