

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

Appeal No.09/2025 (WZ)

Bosco Cruz Fernandes.,                      ... Appellant

*Versus*

Goa Coastal Zone Management

Authority and ors.,                      ... Respondents



**AFFIDAVIT IN REJOINDER ON  
BEHALF OF THE APPELLANT TO  
THE AFFIDAVIT IN REPLY DATED  
03/06/2025 FILED BY THE  
RESPONDENT NO.1 AND THE  
AFFIDAVIT IN REPLY DATED  
01/03/2025 FILED BY THE  
RESPONDENT NO.4.**

I, Mr. Bosco Cruz Fernandes alias Cruz Augustin Fernandes, 60 years of age, Resident of House No.6/172-A, Cobbra Vaddo, Calangute, Bardez, Goa,

*Bosco Cruz*

the Appellant hereinabove, do hereby on solemn affirmation state and submit as under: -

1. I have got, read and understood the contents of the Affidavit-in-reply to the appeal dated 03/06/2025 filed by the Respondent No.1 and the Affidavit-in-reply to the appeal dated 01/03/2025 filed by the Respondent No.4 (hereinafter referred to as the "said replies" for the sake of brevity) in which affidavits the Respondent No.1 and the Respondent No.4 have made some additional statements / brought on record entirely new set of additional facts and / or set up an entirely new case which would warrant rebuttable and as such in response I crave leave to file the present Affidavit-in- Rejoinder.
2. At the outset, I deny each and every averment set out by the Respondents in the said replies, to the extent that the same are inconsistent with the case set out by this Appellant hereinbelow. I state that I am not dealing with each and every contention / averment made by the Respondents in the said replies, and the



avermments/contentions which have not specifically been dealt with and / or denied by me may not be taken as having been admitted by me.

3. The Appellant herein adopts and relies on the contents of paras 1 to 27 of the present appeal and the same shall be deemed to be legally incorporated and reproduced herein for all legal purposes.
4. I say that at the outset the present appeal has been filed assailing the Impugned Direction passed by the Respondent No.1 which is entirely without jurisdiction and is contrary to the scheme and mandate of the Coastal Regulation Zone, 1991. I say that admittedly the G.S.C.C.E upon consciously applying its mind has issued the Permission dated 30/09/1994 along with the approved plan for the Ground + 2 floor structure, in which circumstances the successive authority being the Respondent No.1 could not have taken a contrary view.



5. I say that once the G.S.C.C.E had applied its mind on the issue and having issued the Permission dated 30/09/1994 pertaining to the subject structure, there was reasonable presumption of the said permission having been issued upon consideration of all the relevant factors which existed at the relevant point of time. I say that the Impugned Direction shows a complete non-application of mind on the part of the Respondent No.1, in as much as the same is reminiscent of an entirely non-speaking order which does not assign any judicious reasoning for arriving at the said conclusions.



6. I say that the Impugned Direction is entirely arbitrary, manifestly perverse and is contrary to the scheme and mandate of the Coastal Regulation Zone Notification, 1991. I say that the Survey Plan of the subject property bearing Survey No.242 sub-division 9 of village Calangute, Bardez, Goa itself indicated of several structures being shown therein, thereby warranting the proceedings to have been discharged

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qua the Appellant. I say that further the Gut Book Plan and the P.T. Sheet Plan produced on record had clearly indicated of the structures being reflected thereon indicating of the same being legal and existing authorized structures.

7. I say that the non-application of mind on the part of the Respondent No.1 in passing the Impugned Direction is writ large in as much as the Impugned Direction records of the second floor of the subject structure being allegedly illegal without any justification / basis being accorded for the same. I say that evidently, the Permission dated 30/09/1994 along with the plan appended thereto which itself has been relied upon by the Respondent No.1 to discharge the proceedings qua the Appellant, pertained to the structure which comprised to be a Ground + 2 floor structure which was an existing authorized structure.

8. I say that the present common affidavit-in-rejoinder is filed rebutting the contentions raised by the Respondent No.1 vide the Affidavit-in-reply to the



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appeal dated 03/06/2025 and the Affidavit-in-reply to the appeal dated 01/03/2025 filed by the Respondent No.4.

**PARA WISE REBUTTAL TO THE AFFIDAVIT-  
IN-REPLY DATED 03/06/2025 FILED BY THE  
RESPONDENT NO.1:-**

9. With reference to the contents of para 2 of the affidavit-in-reply dated 03/06/2025 filed by the Respondent No.1 (hereinafter referred to as the "said reply" for the sake of brevity) the same are denied.
10. With reference to the contents of para 3 of the said reply, the same are denied. It is submitted that there is no any justification accorded by the Respondent No.1 as to why the construction of the second floor of the structure 'A' shown in the Site Inspection Report dated 28/07/2023 could be said to be allegedly illegal. It is reiterated and maintained that Permission dated 30/09/1994 along with the plan appended thereto issued by the G.S.C.C.E pertained to the structure which comprised to be a Ground + 2



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floor structure which was an existing authorized structure. It is submitted that in such circumstances, evidently the Respondent No.1 has committed a manifest and a patent error in law in passing the Impugned Direction.

11. With reference to the contents of para 4 of the said reply, the same are denied. It is submitted that the Permission dated 30/09/1994 along with the plan issued by the G.S.C.C.E evidently was a permission for carrying out repairs / renovation to the existing structure which has been governed by the mandate of Regulation CRZ-III (i) which is reproduced hereinunder:-



CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density. However, the following uses may be

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permissible in this zone – agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.”

The Appellant submits that the requisite permission for such repairs / renovation was obtained in terms of the mandate of Regulation CRZ – III (i) which comprised to be the Permission dated 30/09/1994 along with the plan issued by the G.S.C.C.E / erstwhile statutory authority which functioned under the mandate of the Coastal Regulation Zone Notification, 1991.

12. With reference to the contents of para 5 of the said reply, the same are denied. It is specifically denied that there was any remote cause for the issuance of the Show Cause Notice dated 29/01/2024 to the Appellant herein. It is specifically denied that there were any alleged gross illegal construction resulting in violation of the CRZ Notifications as alleged is specifically denied.



13. With reference to the contents of para 6 of the said reply, the same is a matter of record, and the same would not warrant any comments from the Appellant.
14. With reference to the contents of para 7 of the said reply, the same are denied. I say that the so called comprehensive site inspection and plotting exercise said to have been carried out by deployment of a technical team is specifically denied. It is submitted that the Report prepared itself indicates of the same being a tentative depiction of the structures and further of the fact that the boundaries of the structures reflecting in the Survey Plan could not be ascertained at loco. It is submitted that in such circumstances, it would not lie in the mouth of the Respondent No.1 to state that the structures existing at the time of promulgation of Survey Records did not correspond and / or confirm to the structures existing in the subject property.
15. With reference to the contents of para 8 of the said reply, the same are denied. It is submitted that the



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Agreement for Sale dated 12/10/1998 clearly depicts the subject structure therein. It is submitted that the same not mentioning the exact extent / dimensions of the subject structure i.e. Ground + 2 structures would in no manner warrant any adverse inference to be drawn as against the Appellant.

16. With reference to the contents of paras 9 and 10 of the said reply, the same are denied. It is specifically denied that the Appellant has failed to produce any cogent, reliable and convincing material / documents to show that the structures identified as 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'M', 'N', 'O', 'P' and 'R' and of the 2<sup>nd</sup> floor structure identified as 'A' in the Site Inspection Report dated 09/03/2023 are pre-1991 structures. It is submitted that the Survey Plan of the subject property coupled with the Gut Book Plan and the P.T. Sheet Plan would in categorical terms indicate of the structures marked at 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'M', 'N', 'O', 'P' and 'R' being pre-1991 structures. It is submitted that the Permission dated 30/09/1994 along with the plan issued by the



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G.S.C.C.E would indicate of the second floor of the structure identified as 'A' being legal and an authorized structure. I say that photographs cannot be remotely taken as evidence to indicate of the structures being post 1991 structures, and such an exercise is entirely alien to accepted standards of law.

17. With reference to the contents of para 11 of the said reply, the same are denied. It is specifically denied that the Impugned Order has any basis or justification for ordering demolition of the structures marked at 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'M', 'N', 'O', 'P' and 'R' and the second floor of structure 'A'. It is submitted that the Impugned Order speaks for itself and the same cannot be justified by the Respondent No.1 by giving alleged reasons in the present affidavit. The Appellant submits that it is trite law that reasons which go beyond the order itself cannot be considered, and such reasons / contentions on the part of the Respondent No.1 which go beyond the Impugned Order cannot be considered.



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18. With reference to the contents of para 12 of the said reply, the same are denied. It is specifically denied that the present appeal is liable to be dismissed.
19. Nothing may be deemed to be admitted for want of any specific denials on the part of the Appellant.

**PARA WISE REBUTTAL TO THE AFFIDAVIT-  
IN-REPLY DATED 01/03/2025 FILED BY THE  
RESPONDENT NO.4:-**

20. With reference to the contents of para 1 of the affidavit-in-reply dated 01/03/2025 filed by the Respondent No.4 (hereinafter referred to as the "said reply" for the sake of brevity) the same are denied.
21. With reference to the contents of para 2 of the said reply, the same are denied.
- A) With reference to the contents of para 2 (A) of the said reply, the same are denied. It is submitted that the construction / re-construction / repairs of existing authorized structures in No Development Zone and in CRZ – III areas is regulated under the



Coastal Regulation Zone Notification, 1991. It is submitted that the mandate of Regulation CRZ-III (i) provides for the following:-

CRZ-III (i)

The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density. However, the following uses may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water."



It is submitted that the perusal of the aforesaid Regulation in categorical terms indicates therein that repairs of existing authorised structures not exceeding existing FSI is a permissible activity in terms of the Coastal Regulation Zone Notification, 1991.

B) With reference to the contents of para 2 (B) of the said reply, the same are denied. It is specifically denied that the Appellant has not produced the necessary permissions. It is submitted that it is trite in law that the scope of the present proceedings can be restricted to adjudicating the legality of the structures in the context of the Environment Protection Act, 1986 and the Rules contained therein. It is submitted that the Appellant has produced on record the specific permission i.e. Permission dated 30/09/1994 along with the plan issued by the G.S.C.C.E which was issued in terms of Regulation CRZ-III (i) of the Coastal Regulation Zone Notification, 1991.

C) With reference to the contents of para 2 (C) of the said reply, the same are denied. It is specifically denied that the electricity bills / house tax receipts can be brushed aside by the Courts of law. It is submitted that the alleged recent Bombay High Court ruling which otherwise has not been named or quoted, has been stated out of context by the



Respondent No.4. It is submitted that the issuance of the Electricity Bill by a statutory authority which indicates of the energization date being of a date prior to the coming into force of the Coastal Regulation Zone Notification, 1991 would in fact be conclusive proof of the existence of the said structure. It is submitted that apart from the same, the Survey Plan of the subject property which reflects the subject structures coupled with the Gut Book Plan and the P.T. Sheet Plan clearly indicated of the structures being shown therein as existing structures.



D) With reference to the contents of para 2 (D) of the said reply, the same are denied. It is submitted that the statutory permissions produced on record by the Appellant, carry presumptive value in terms of law. It is submitted that in any event, merely questioning the legality / validity of the permissions without the same having been effectively declared as void or null by any Court of law would not be available to the Respondent No.4. I say that it is trite in law that an

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order / permission does not bear the brand of invalidity on its forehead, and unless the necessary proceedings are taken at law to establish the cause of invalidity and to get it quashed or otherwise upset, it will remain as effective for its ostensible purpose as the most impeccable of orders / permissions.

E) With reference to the contents of para 2 (E) of the said reply, the same are denied. It is specifically denied that the Appellant has been operating commercial establishments from the subject structures. It is submitted that the Respondent No.4 has made entirely arbitrary and vague allegations in the absence of the same being supported by any documentary proof.

F) With reference to the contents of para 2 (E) of the said reply, the same are denied. It is submitted that merely stating of alleged reliance being placed upon several legal precedents without quoting and / or relying upon the same would not be available to the Respondent No.4.



G) With reference to the contents of para 2 (G) of the said reply, the same are denied. It is submitted that the Respondent No.4 has also acknowledged of the fact that the exemption available to traditional fisherman pertains to reconstruction of dwelling units for residential purposes that existed prior to 1991. It is specifically denied that the Appellants claims would be required to be discarded and consequently the appeal allegedly dismissed.



22. With reference to the contents of para 3 of the said reply, the same are denied. It is specifically denied that the present appeal is misconceived in law and on facts. It is submitted that a mere Site Inspection Report dated 09/03/2024 would not by itself comprise to be proof of alleged illegality qua the structures shown reflected therein.

23. With reference to the contents of para 4 of the said reply, the same are denied. It is specifically denied that the Appellant has made any outlandish claims and made imaginary interpretation of the present

laws in force in the State of Goa. It is submitted that the Respondent No.4 has made vague and arbitrary claims without any reason or basis.

24. With reference to the contents of para 5 of the said reply, the same are denied. It is specifically denied that the Appellant has come up with explanation only qua 1 structure out of the 17 structures. It is specifically denied that the Appellant has merely made a blanket statement claiming that the structures had been in existence since prior to 1970 without any documents. It is submitted that the Survey Plan of the subject property, coupled with the Gut Book and the P.T. Sheet Plan, Electricity Bills, House Tax Receipts clearly indicates of the subject structures being authorized, legal and existing structures since prior to the coming into force of the Coastal Regulation Zone Notification, 1991.

25. With reference to the contents of para 6 of the said reply, the same are denied. It is submitted that the relevant document i.e. Certificate of Registration of



Fishing Boat issued by the Department of Fisheries, Government of Goa was produced on record to indicate of the fact of the Appellant belonging to the traditional fisherman community. The arbitrary and ludicrous contentions of the Respondent No.4 about the registration of the boat with the Fisheries Department not granting rights to the Appellant to construct are entirely frivolous contentions and no such case was ever set up by the Appellant.



26. With reference to the contents of paras 7 and 8 of the said reply, the same are denied. It is reiterated and maintained that the Respondent No.1 / Goa Coastal Zone Management Authority adjudicating proceedings under the mandate of the Environment Protection Act, 1986 read with rules, can be concerned only with the requirements in the context of the said provisions of law. It is submitted that the Impugned Direction has already considered the legality of the structure i.e. Ground + 2 structure in the context of the Permission dated 30/09/1994

along with the plan as having been validly issued by the G.S.C.C.E.

27. With reference to the contents of para 9 of the said reply, the same are denied. It is submitted that the contention of the Respondent No.4 about the availability of only 33% FAR is entirely misconceived in law. It is submitted that the said requirement of law would not apply qua legal, existing and authorized structures of which only repairs are sought. It is submitted that Regulation CRZ – III (i) of the Coastal Regulation Zone, 1991 clearly permits repairs to be conducted of existing authorized structures not exceeding FSI without the same prescribing any other limitation.

28. With reference to the contents of para 10 of the said reply, the same are denied. It is specifically denied that the structures in question are not seen reflected on the Survey Records i.e. Survey Plan of the subject property. It is submitted that the Survey Plan clearly depicts and indicates of the subject structures being



shown reflected therein as existing, legal and authorized structures.

29. With reference to the contents of para 11 of the said reply, the same are denied. It is submitted that the Bill dated 28/12/2022 relied upon by the Appellant clearly indicates of the same pertaining to the Ground + 2 structure which shows of the energization date being as on 02/01/1991 which categorically indicates of the legality of the said structure and of the same being in existence since prior in point of time to the Coastal Regulation Zone, 1991 having come into force. It is submitted that the Letter issued by the Village Panchayat of Calangute shows of the House No.6/172/A being in existence since the years 1970. It is submitted that the said two documents having been issued by the statutory authorities would indicate of conclusive proof of the existence of the said structures prior to the coming into force of the Coastal Regulation Zone, 1991.



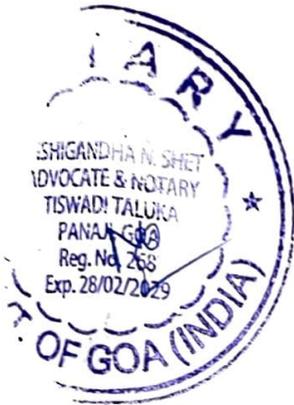
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30. With reference to the contents of para 12 of the said reply, the same are denied. It is submitted that the Judgment passed by the Hon'ble High Court of Bombay at Goa in *(In the Matter of Illegal Construction) v/s State of Goa 2024 SCC Online Bombay 514* is quoted out of context and the same does not apply to the factual situation in the present case. It is submitted that the observations of the Hon'ble High Court of Bombay at Goa about the reliance placed on House Tax Receipts and Electricity Bills being unjustified was in the context of the Resolutions being passed by the Village Panchayat of Anjuna to discharge violations thereon in the context of the Goa Panchayat Raj Act, 1994. It is submitted that the Hon'ble High Court of Bombay at Goa has further gone on to state that the aspect of legality pertaining to the subject structures is to be decided only by the Respondent No.1 / Goa Coastal Zone Management Authority in the context of the Coastal Regulation Zone Notification, 1991. It is submitted that the Respondent No.4 appears to have wrongly



construed the essence of the Judgment passed by the Hon'ble High Court of Bombay at Goa.

31. With reference to the contents of para 13 of the said reply, the same are denied. It is specifically denied that the House Tax Receipts and the Electricity Bills could be said to have no value in deciding the legality and existence of a structure prior to 1991. It is submitted that the Respondent No.4 has completely quoted the Judgment of the Hon'ble High Court of Bombay at Goa out of context.



32. With reference to the contents of para 14 of the said reply, the same are denied. It is reiterated and maintained that the complaint filed by the Complainant / Respondent No.4 was entirely vague, baseless and without locus.

33. With reference to the contents of para 15 of the said reply, the same are denied. It is specifically denied that the Appellant has only addressed the structures falling in 200-500 meters and has not addressed the legality of the structures falling in 0-200 meters. It is

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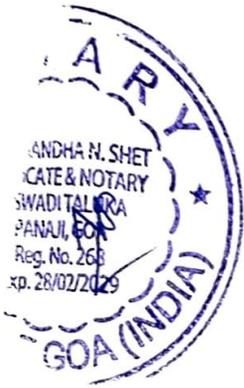
submitted that the detailed reply dated 14/12/2023 filed before the Respondent No.1 / Goa Coastal Zone Management Authority has clearly indicated of the legality of each structure with reference to the structures shown depicted in the Site Inspection Report drawn by the Respondent No.1.

34. With reference to the contents of para 16 of the said reply, the same are denied. It is submitted that the said contentions are entirely misconceived and frivolous in as much as the Respondent No.1 has already relied upon and considered the validity of the Permission dated 30/09/1994 issued by the G.S.C.C.E.

35. With reference to the contents of para 17 of the said reply, the same are denied. It is specifically denied that the approval of the License as on 21/03/2023 by the Village Panchayat of Calangute could in any remote manner be construed to be fraud on the part of the Panchayat Authorities. It is submitted that the statutory permissions produced on record by the



Appellant, carry presumptive value in terms of law. It is submitted that in any event, merely questioning the legality / validity of the permissions without the same having been effectively declared as void or null by any Court of law would not be available to the Respondent No.4.



36. With reference to the contents of para 18 of the said reply, the same are denied. It is specifically denied that in Permission dated 30/09/1994 the Clauses 11 and 12 have been blanked out by the Appellant. It is submitted that the Respondent No.4 has raised entirely arbitrary and frivolous contentions in the context of the authenticity of the Permission dated 30/09/1994, which would not be available to the Respondent No.4. It is reiterated and maintained that the Permission dated 30/09/1994 has attained finality for want of challenge. It is submitted that contentions of alleged fraud / questioning the validity of the Permission dated 30/09/1994 cannot be considered by this Hon'ble Court, in the absence of the Respondent No.4 having challenged the same



that the subject structures have always been utilized for residential purposes.

39. With reference to the contents of para 21 of the said reply, the same are denied. It is specifically denied that the reliance upon the Deed of Sale dated 12/10/1998 would indicate of the legality only qua the structure marked at F in the Show Cause Notice and that other 16 structures did not exist therein. It is submitted that the Deed of Sale dated 12/10/1998 reflects the structure i.e. Ground + 2 and partly house ground floor with mangalore tiles roofing which was purchased by the Appellant.

40. With reference to the contents of para 22 of the said reply, the same are denied. It is submitted that the Village Panchayat of Calangute has issued a Repairs and Renovation permission dated 21/03/2023 on the basis of the Permission dated 30/09/1994 issued by the G.S.C.C.E. It is specifically denied that the same would be patently illegal without insisting for a fresh CRZ approval and TCP approval.



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41. With reference to the contents of paras 23 and 24 of the said reply, the same are denied. It is specifically denied that the subject structures are being used to run a Guesthouse and restaurant. It is submitted that bare allegations have been made by the Respondent No.4 without any remote substantial proof. It is submitted that the Judgment has been quoted out of context and the same would not be relevant in the context of the present proceedings which are under the mandate of the Environment Protection Act, 1986 and the rules.

42. With reference to the contents of para 26 of the said reply, the same are denied. It is submitted that mere bare denials have been made by the Respondent No.4 without any explanation being accorded thereto which exercise is impermissible in terms of law. It is submitted that the Respondent No.4 has in fact admitted of the pendency of the Special Civil Suit No.47/2016/A wherein identical reliefs are being already sought by the Respondent No.4, in the



eventuality of which the Respondent No.4 could not be permitted to avail of the present remedy.

43. With reference to the contents of para 27 of the said reply, the same are denied. It is specifically denied that the Deed of Sale dated 05/04/2016 has been executed by alleged fraud by allegedly keeping out of the actual owners of the property. It is submitted that the pendency of the Special Civil Suit No.47/2016/A before the Court of the Civil Judge Senior Division at Mapusa would itself indicate that the filing of the present complaint, is an ill motivated attempt by the Respondent No.4 to exert undue pressure on the Appellant. The contentions of the Respondent No.4 about traditional fisherman are entirely misconceived in law and on facts.

44. With reference to the contents of para 28 of the said reply, the same are denied. It is submitted that the Permission dated 30/09/1994 issued by the G.S.C.C.E which is admittedly relied upon by the Respondent No.1 / Goa Coastal Zone Management



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Authority as a valid permission, had been issued in favour of the late mother of the Appellant. It is submitted that further the Survey Plan of the subject property clearly reflects of the structures being shown thereon.

45. With reference to the contents of para 30 of the said reply, the same are denied. It is specifically denied that the Appellant has provided explanation only qua one structure i.e. Structure F and that there is no other explanation. It is submitted that the records including the Reply dated 14/12/2023 filed by the Appellant would in categorical terms indicate that the Appellant had clearly elicited of the legality of each structure with reference to the structures shown depicted in the Site Inspection Report.

46. With reference to the contents of para 31 of the said reply, the same are denied. It is specifically denied that the License is suspect or that there is no corresponding approval of the Respondent No.1. The said contentions are a mere figment of imagination of



the Respondent No.4 and are in any event without any basis.

47. With reference to the contents of para 32 of the said reply, the same are denied. It is specifically denied that the Appellant is under misconception or feigning ignorance of the established legal procedure. It is reiterated and maintained that the Appellant has satisfactorily discharged his burden of indicating of the subject structures being entirely legal and authorized in terms of law.

48. With reference to the contents of para 33 of the said reply, the same are denied. It is specifically denied that the Appellant is trying to extend the one permission for all of the structures. At the cost of repetition, it is submitted that the Appellant has specifically indicating of how each of the subject structures are legal which facts are already on record.

49. With reference to the contents of para 34 of the said reply, the same are denied. It is submitted that a blanket statement about the grounds raised by the



Appellant having no connection with the documents produced on record before the Respondent No.1 is arbitrary, frivolous and deserves to be discarded on the face of it.

50. With reference to the contents of para 35 of the said reply, the same are denied. It is specifically denied that the Appellant has come to this Hon'ble Court with alleged unclean hands and has been allegedly misusing the allegedly illegal premises for running a guesthouse and running alleged commercial operations. It is reiterated and maintained that the subject structures have always been utilized for residential purposes by the Appellant. The alleged contentions of the Respondent No.4 are in any event without any remote proof.

51. With reference to the contents of para 36 of the said reply, the same are denied. It is specifically denied that any relief from this Hon'ble Court would result in alleged miscarriage of justice.



52. With reference to the contents of para 37 of the said reply, the same are denied. The alleged conclusions of the Respondent No.4 are specifically denied.

A) With reference to the contents of para 37 (A) of the said reply, the same are denied. It is specifically denied that the Appellant has failed to prove that the structures existed prior to 1991 or were authorized. It is at the cost of repetition submitted that the construction / re-construction / repairs of existing authorized structures in No Development Zone and in CRZ – III areas is regulated under the Coastal Regulation Zone Notification, 1991. It is submitted that the mandate of Regulation CRZ-III (i) specifically permits repairs in terms of the mandate of which the Permission dated 30/09/1994 along with the approved plan had come to be issued by the G.S.C.C.E.



B) With reference to the contents of para 37 (B) of the said reply, the same are denied. It is submitted that the Survey Plan of the subject property bearing

Survey No.242 sub-division 9 of village Calangute clearly shows the subject structures being reflected therein as legal and authorized structures. It is submitted that the Respondent No.4 appears to be attempting to misconstrue / mis-interpret the ratio of the Judgment passed by the Hon'ble High Court of Bombay at Goa. It is submitted that the contentions pertaining to Gut Book are specifically denied.



C) With reference to the contents of para 37 (C) of the said reply, the same are denied. It is submitted that the approval by the Village Panchayat, refers to the grant of the Permission for Repairs and Renovation dated 21/03/2023 which was issued on the strength of the Permission dated 30/09/1994 issued by the G.S.C.C.E.

D) With reference to the contents of para 37 (D) of the said reply, the same are denied. It is specifically denied that any commercial operations are carried out by the Appellant in the subject property.

E) With reference to the contents of para 37 (E) of the said reply, the same are denied. It is specifically denied that any commercial operations are carried out by the Appellant in the subject property. The said contentions of the Respondent No.4 in any event are without any remote proof / documentation being adduced thereof. It is submitted that the documents produced on record in the context of the Boat Registration, was for the limited purpose of indicating of the fisherman status of the Appellant which category is protected in terms of law.

F) With reference to the contents of para 37 (F) of the said reply, the same are denied. It is specifically denied that the Appellants actions in any remote manner violate the Environment Protection Act, 1986.

G) With reference to the contents of para 37 (G) of the said reply, the same are denied. It is reiterated and maintained that the Appellant has satisfactorily discharged the burden cast upon the Appellant by



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conclusively indicating of the subject structures being legal and authorized in terms of law.

H) With reference to the contents of para 37 (H) of the said reply, the same are denied. It is submitted that the Judgments / Authorities cited are entirely quoted out of context and do not apply to the fact situation of the present case.

I) With reference to the contents of para 37 (I) of the said reply, the same are denied. It is specifically denied that the Respondent has indicated or made out any remote grounds which would warrant the dismissal of the present appeal. It is specifically denied that the grant of any relief would undermine the CRZ Regulations and set a dangerous precedent for future violations is specifically denied.

53. With reference to the contents of para 38 of the said reply, the same are denied. It is denied that the contentions of the Appellant are baseless and frivolous.



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54. Nothing may be deemed to be admitted for want of specific denials.

55. I state that whatever has been stated in paras 1pt, 4pt, 8pt, 9, 10pt, 13, 14pt, 15, 16pt, 17, 20, 25pt, 28pt, 29pt, 32pt, 33pt, 37pt, 39pt, 40, 42pt and 52pt of the affidavit-in-rejoinder are true and correct to my knowledge and the submissions contained in paras 1pt, 2, 3, 4pt, 5, 6, 7, 8pt, 10pt, 11, 12, 14pt, 16pt, 18, 19, 21, 22, 23, 24, 25pt, 26, 27, 28pt, 29pt, 30, 31, 32pt, 33pt, 34, 35, 36, 37pt, 38, 39pt, 41, 42pt, 43 to 51, 52pt, 53 and 54 of the affidavit-in-rejoinder are legal submissions which I believe the same to be true and correct.

Solemnly affirmed at Panaji

on this 12<sup>th</sup> day of July 2025

*[Handwritten Signature]*  
Deponent

Identified by:  
*[Handwritten Signature]*  
(Adv. C. Angle)

*Nishu*  
Nishigandha N. Shet  
Advocate & Notary  
Tiswadi Taluka  
Panaji - Goa  
Reg. No 989

SOLEMNLY AFFIRMED AND VERIFIED  
BEFORE ME BY Boscocruz Fernandes  
WHO IS IDENTIFIED BEFORE ME BY  
Adv. C. Angle WHOM I KNOW  
SR. No. 34123 DATED 12/07/2025

