

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

Appeal No.: 437/2025

BETWEEN:

COLVA CIVIC AND CONSUMER

FORUM & ORS.

... APPELLANTS

and

THE GOA COASTAL ZONE MANAGEMENT

AUTHORITY & ORS

... RESPONDENTS



**AFFIDAVIT-IN-REJOINDER TO THE PRELIMINARY
REPLY OF THE RESP. NO. 4**

1. I, Mrs. Judith Almeida, president of the Appellant no. 1 Forum, respectfully submits this affidavit-in-rejoinder to the preliminary reply filed by the Respondent no. 4, raising objections to the maintainability of the present appeal under Section 16(g) of the National Green Tribunal Act, 2010. At the outset, the Appellant denies all allegations, contentions, and legal objections raised in the said application unless specifically admitted herein. For the sake of clarity, the Appellant is not replying to each paragraph of the reply, *seriatim* but rather addresses the core issues raised therein. The appellant craves leave to file a para-wise reply if required.

2. R-4 asserts that an NOC dated 23.09.2021 was "approved in the 271st GCZMA meeting" and encloses it with a plan (Annexure R4-A to their reply) while accusing the Appellant

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of “*suppression*” for not enclosing the plan. The Appellant has consistently pleaded that the very grant is suspect because the official minutes of the 271st meeting carry no agenda item/decision concerning Bambolim, a discrepancy we raised at the earliest and which GCZMA has not explained. The existence of a “*plan*” attached to an NOC whose meeting-record provenance is missing does not cure the foundational defect. The onus lies on the authority and the beneficiary to establish that the NOC issued “*pursuant to the 271st meeting*” was actually considered and approved by the Authority; a bare recital on the NOC cannot override minutes. Fraud/irregularity vitiates all; a permission issued *de hors* deliberation is a nullity and, at the very least, revocable under

Clause

6.

3. The decisive, jurisdictional fact is *situs*: the wall lies seaward of HTL, within the intertidal zone [CRZ-I(B)], where hard armor (seawalls/retaining walls) is prohibited. Multiple official inspections and photographic evidence (tidal wetting, wave run-up, scouring at the toe) corroborate intertidal placement. Some more recent pictures of the site taken between 25-26.08.2025 are annexed and marked hereto as **Annexure A colly**. A permission referencing “*CRZ-III NDZ*” on a cadastral survey number cannot authorize a structure below HTL. A “*plan*” cannot authorize what CRZ law forbids at that location. If the site is intertidal, no private hard structure can be validated by a drawing label. Location trumps plan. The Appellant’s case is squarely that the on-ground execution intruded into CRZ-I(B), rendering it ultra

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vires the CRZ Notification irrespective of what was sketched for landward protection.

4. R-4's insinuation that the Appellant was obliged to annex the "approved plan" misses the point: status on ground in 2022 is the material fact. The then-existing intervention, by all indications, was gabion/rubble based; the 2025 activity involved excavation, shuttering and RCC plum concrete pours amounting to a new construction/reconstruction. Completion in 2022 forecloses any claim that 2025 was a mere continuation of the same work window.
5. R-4's effort to sanitize the wall by pointing to the "approved plan", describing rubble + plum concrete, is a red herring. Material specification cannot convert an intertidal hard structure into a permissible work. Both gabion and plum concrete constitute hard armoring for CRZ purposes; both alter coastal processes if placed below HTL. The determining question is *Where*, not *What*.
6. Even assuming the 2021 NOC was validly issued and fully utilized, any 2025 re-construction/new works required a fresh CRZ approval; a lapsed/consumed permission cannot justify a new wall. Two independent reasons apply:
 - (a) *Scope & Completion*: If 2021 works were completed by 2022, the permission stood exhausted/consumed; new alignment/deeper toe in 2025 needed fresh appraisal, especially after a demonstrated collapse/event.
 - (b) *Material deviation*: The 2025 works (deep excavation in



the beach, RCC sections, shuttering) are a material departure from any notional "repair". Under Clause 6 of the NOC itself, misdescription/violation triggers revocation, not indulgence. GCZMA's refusal to exercise Clause 6, while simultaneously claiming *functus officio*, is legally untenable.

7. As regards the argument on limitation framed by R-4, the Appellant does not challenge the 2021 NOC per se; the appeal is against GCZMA's 2025 decision to drop enforcement despite violations/fresh illegal work. Collateral examination of the 2021 NOC (for revocation or to show mismatch/fraud) is legally permissible while challenging a later Section EP Act-type decision. The cause of action is continuing so long as the illegal seawall remains and fresh acts occurred in 2025.

8. I state that the contents of this affidavit are true and to the best of my knowledge and nothing material has been concealed therein.

*Solemnly affirmed at Margao, Goa,
On this 10th day of September, 2025.*

[Signature]
DEPONENT

GOA CIVIC & CONSUMER FORUM
Regd. No. 268/2009/GOA



Solemnly affirmed before me by
Judith Almeida
who is identified to me by
EPIC No. KNX3050165
~~to whom I really know~~ on
this 10 day of Sep 2025

Reg No. 8761/2025

Savita
SAVITA G. KURTARKER
NOTARY
MARGAO-GOIA





Latest pictures of the ongoing construction work dt. 25.08.2025



Latest pictures of the ongoing construction work dt. 26.08.2025