



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

APPEAL NO. 426 OF 2025

Mrs. Augusta Julia D' Souza

...Petitioner

Versus

Goa Coastal Zone Management Authority

...Respondent

**AFFIDAVIT IN REPLY ON BEHALF OF THE
RESPONDENT**

I, Shri. Sachin Desai, Major of age, holding post of Director, Department of Environment and Climate Change, Government of Goa the custodian of records of Goa Coastal Zone Management Authority, the Respondent no.1 herein, do hereby solemnly affirm and state as under:-

1. I say that I am holding the post of Director, Department of Environment and Climate Change, Government of Goa. I say that term of GCZMA has expired and proposal for reconstitution of GCZMA is already sent to MOEF & CC (New Delhi). I say that in my official capacity as stated above, I am conversant with facts of this case based upon officials records and hence, competent and authorised to swear the present affidavit on behalf of Respondent no.1 Goa Coastal Zone Management authority.

2. I say that I am filing the present Affidavit-in-reply for the purpose of opposing the relief sought in the present appeal. Nothing in the aforementioned Appeal filed by the Appellant be deemed to have been admitted for mere want of specific denial. Nothing may be deemed to have been admitted for want of traverse seriatim. I crave leave of this Hon'ble Tribunal to file an additional affidavit, if found necessary.

PRELIMINARY OBJECTIONS

1. The present Appeal filed by the Appellant is not maintainable either in law or on facts and is liable to be dismissed in limine. The Appeal is nothing but an attempt to circumvent the lawful and reasoned order passed by the Respondent Authority, which is a statutory body acting strictly within its mandate under the Coastal Regulation Zone (CRZ) Notification, 2011, and subsequent amendments.
2. The Appellant's claim of 'voluntary demolition' and subsequent 'de-sealing' by the Hon'ble High Court is a selective narration of events. The Hon'ble High Court's orders were specific to certain identified structures and interim in nature, and did not grant a blanket regularization or immunity to all illegal constructions at Survey No. 73/1 of Anjuna Village. The present Impugned Order addresses ongoing and unrectified CRZ violations that were not fully resolved by previous actions.
3. The Appellant's assertion that the Impugned Order dated 30.04.2025 (Annexure A-1 to the Petition) is vague, lacks



specificity, and is passed without application of mind, is a deliberate misrepresentation. The Respondent Authority has conducted thorough site inspections and investigations, culminating in detailed reports which form the basis of the Impugned Order. The Appellant, being the owner/occupier, is fully aware of the extent and nature of the illegal structures on her property.

4. The Appellant's bald claim that all structures are in existence prior to 1991 is unsubstantiated by concrete, verifiable evidence and is insufficient to escape the rigours of CRZ regulations. The onus is squarely on the Appellant to prove the legality of each structure, including its exact dimensions, date of construction, and necessary permissions, especially concerning structures in a critically sensitive Coastal Regulation Zone.
5. The present Appeal constitutes an abuse of the process of law, as it seeks to re-agitate issues already considered or for which the Appellant has failed to provide satisfactory compliance. The Respondent Authority has acted diligently and transparently, issuing multiple Show Cause Notices and providing ample opportunity for the Appellant to present their case, which was duly considered before the final Impugned Order was passed.

PARA-WISE REPLY

1. With reference to Paragraph 1 of the Appeal, the contents thereof, save and except what is expressly admitted hereinafter, are specifically denied. It is denied that the



Impugned Order dated 30.04.2025 (Annexure A-1 to the Petition) is passed without providing any sketch or maps, or that the structures to be demolished are unspecified. The order is based on comprehensive site inspections and records maintained by the Respondent Authority, which clearly delineate the nature and extent of the illegal constructions in contravention of CRZ norms. The Appellant is attempting to feign ignorance regarding the illegal structures existing on the property.

2. The contents of Paragraph 2 of the Appeal, referring to the Impugned Order dated 30.04.2025 as Annexure A-1, are a matter of record and need no specific reply from the Respondent.
3. The contents of Paragraph 3 of the Appeal are a matter of record.
4. With reference to Paragraph 4 of the Appeal, it is denied that 'all the said structures are in existence from prior to 1991'. While a Bar and Restaurant might be operating, the blanket claim regarding the pre-1991 existence of 'all structures' is false and unsubstantiated. The Respondent Authority asserts that a significant portion, if not all, of the structures now subject to demolition are either post-1991 constructions or illegal expansions/modifications to any potentially pre-existing structures, built without requisite permissions and in violation of CRZ Notification.
5. With reference to Paragraph 5 of the Appeal, it is specifically denied that the Appellant 'has all the requisite permissions from the Statutory Authorities' for 'all the



structures' in Survey No. 73/1. If such permissions exist for pre-1991 structures, they do not extend to subsequent illegal constructions or modifications which are the subject matter of the Impugned Order. The Appellant is put to strict proof of each permission for each structure and its exact date of construction.

6. The contents of Paragraph 6 of the Appeal, regarding the filing of a Writ Petition by Mr. Ramesh Mazumdar and the Hon'ble High Court taking Suo Motu Cognizance, as well as the Report of Site Inspection dated 05.10.2022 (Annexure A-2 to the Petition), are a matter of record.
7. The contents of Paragraph 7 of the Appeal, regarding the issuance of Show Cause Notice dated 13.10.2022 (Annexure A-3 to the Petition), are a matter of record.
8. With reference to Paragraph 8 of the Appeal, the contents thereof are vehemently denied. It is denied that the Appellant 'demolished the structures for which they did not have requisite permissions' in a comprehensive manner, or that such compliance was 'seconded' by the Respondent and Village Panchayat to the extent of regularizing all illegalities. The de-sealing orders of the Hon'ble High Court (Annexure A-4 to the Petition) were specific to certain identified structures and based on interim compliances, and did not provide a blanket clearance for all illegal constructions at the site. The Respondent Authority, upon subsequent inspections found that violations persisted or new ones had emerged.



9. With reference to Paragraph 9 of the Appeal, the allegations of harassment are denied as false and baseless. The Respondent Authority issued the Show Cause Notice dated 23.05.2023 (Annexure A-5 to the Petition) strictly in accordance with law, based on fresh observations and/or the incomplete nature of previous compliances, and the persistent CRZ violations at the site. This action was a lawful discharge of the Respondent's duties, not harassment.
10. With reference to Paragraph 10 of the Appeal, the allegation that the Show Cause Notice or the Impugned Order is an 'abuse of the process of the Law' is categorically denied. The scrutiny by the Hon'ble High Court in Suo Motu Writ Petition 2/2022 was limited in scope. The Impugned Order (Annexure A-1 to the Petition) is the result of a thorough, independent assessment by the GCZMA, addressing all extant illegal constructions in the CRZ area, which were not comprehensively regularized or exempted by the previous proceedings or High Court orders.
11. With reference to Paragraph 11 of the Appeal, it is denied that the Respondent 'went ahead with the proceedings emanating from the Show Cause Notice dated 23.05.2023, despite none of the violations observed in the previous Report of 2022'. It is further denied that 'all the structures that exist on the said Survey Number are existing authorized structures'. The Appellant's Reply cum Written Submissions dated 28.12.2023 were duly considered by the Respondent Authority during its meeting dated 20.04.2025 (Exhibit-B) before the Impugned Order was passed. However, the



submissions and accompanying documents failed to convincingly demonstrate the legality of the structures under CRZ norms.

12. With reference to Paragraph 12 of the Appeal, the Appellant's interpretation is denied. While the Hon'ble High Court's initial orders or the GCZMA's site inspection report dated 05.10.2022 (Annexure A-2 to the Petition) might have focused on specific extensions, the Respondent's duty is to ensure full compliance with CRZ regulations for the entire property. The present Impugned Order aims to rectify all identified CRZ violations, not just a subset.
13. With reference to Paragraph 13 of the Appeal, the contents are denied. The Impugned Order is not a 'general, vague and sweeping directive'. It is a precise order aimed at demolishing all structures found to be in violation of the CRZ Notification. Any alleged 'pre-existing structures' must still conform to CRZ norms, and the Appellant bears the burden of proving their legality with concrete evidence, which she has failed to do.
14. With reference to Paragraph 14 of the Appeal, it is denied that the Respondent GCZMA 'did not consider even a single document' or gave 'no reason for non-consideration of the said documents'. All documents submitted by the Appellant along with her response (Annexure A-6 to the Petition) were thoroughly reviewed and considered during the decision-making process, as reflected in the Minutes of the GCZMA Meeting dated 11.06.2025. The Respondent Authority concluded that the documents were insufficient to establish



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the legality of the structures in question under CRZ regulations.

15. With reference to Paragraph 15 of the Appeal, it is denied that 'the Impugned order does not even specify the alleged structures which have to be demolished'. The Impugned Order, when read in conjunction with the detailed site inspection reports and records of the Respondent Authority, provides ample clarity regarding the structures in question. The Appellant cannot claim ignorance of structures on her own property.
16. With reference to Paragraph 16 of the Appeal, the allegations of harassment and collusion are vehemently denied as scandalous, baseless, and vexatious. The Respondent No. 1 acts impartially and in public interest, in accordance with its statutory mandate. The reference to PIL Writ Petition 4/2020 is irrelevant to the lawful discharge of duties by the Respondent Authority.
17. With reference to Paragraph 17 of the Appeal, it is denied that 'none of the averments made by her were even considered' or that the Impugned Order is 'perverse'. Every submission, averment, and document by the Appellant was given due consideration. The Respondent Authority is fully cognizant of the structures and the CRZ violations existing at Survey No. 73/1, Anjuna Village, and the Impugned Order is a well-reasoned decision based on material facts and law.
18. With reference to Paragraph 18 of the Appeal, it is denied that 'the structures are in existence since prior to 1991'. The Appellant has failed to provide conclusive and verifiable



evidence to support this blanket claim. Furthermore, even if any part of a structure predates 1991, subsequent illegal additions, alterations, or expansions without proper CRZ clearances would render them liable for demolition. The Impugned Order does not suffer from any fallacies.

19. With reference to Paragraph 19 of the Appeal, it is denied that 'the Site Inspection report does not even mention any specifications nor does it mention the general layout of the said survey number, nor does it specify anything regarding any offending structures'. The Site Inspection Report dated 05.10.2022 (Annexure A-2 to the Petition) and subsequent detailed inspection reports by the Respondent Authority contain comprehensive details, including specifications and layouts, sufficient to identify the offending structures. The Appellant's claim is an attempt to evade responsibility by feigning lack of clarity.

20. The contents of Paragraph 20 of the Appeal are introductory in nature and do not require a specific reply from the Respondent.

21. With reference to Ground A of the Appeal, it is denied that the Impugned Order is arbitrary or perverse or passed without considering any of the Appellant's submissions. The order is a reasoned decision based on facts, CRZ regulations, and due consideration of the Appellant's representations.

22. With reference to Ground B of the Appeal, it is denied that the Impugned Order fails to record specific details of alleged violations or their dimensions. The Impugned Order, read with the detailed site inspection reports, provides sufficient



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specificity for the Appellant, who is fully aware of her property, to identify the illegal structures.

23. With reference to Ground C of the Appeal, it is denied that the Impugned Order is perverse or that the GCZMA has not applied its mind. The GCZMA has meticulously examined all aspects and passed a well-considered order to enforce environmental compliance.
24. With reference to Ground D of the Appeal, it is denied that the Impugned Order is an outcome of an abuse of the process of law. The Hon'ble High Court proceedings had specific remits and did not grant carte blanche immunity to all structures. The Respondent's actions are independent and aimed at addressing all CRZ violations.
25. With reference to Ground E of the Appeal, it is denied that the Respondent has confused itself or created a voluminous record without understanding the issue. The Respondent has issued Show Cause Notices and carried out inspections as part of its statutory duty to investigate and enforce CRZ regulations comprehensively.
26. With reference to Ground F of the Appeal, it is denied that the Impugned Order is vague or fails to record the Appellant's objections. All objections were considered, and the order is clear regarding the structures to be demolished.
27. With reference to Ground G of the Appeal, it is denied that the Impugned Order threatens the right to livelihood. The enforcement of environmental laws for illegal structures in CRZ areas is paramount, and the Appellant cannot claim a right to livelihood through illegal means.



28. With reference to Ground H of the Appeal, the contents are too vague and incomplete for the Respondent to offer a specific reply.

29. With reference to Paragraph 21 to 25, are a matter of record and need no specific reply from the Respondent.

30. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present Appeal filed by the Appellant with costs.

VERIFICATION

I, Shri Sachin Desai the Director, Department of Environment and Climate Change, Government of Goa the deponent above named, do hereby verify that the contents of paragraphs 1 to 5 of the Preliminary Objections and paragraphs 1 to 28 of the Para-wise Reply are true and correct to my own knowledge and belief and that nothing material has been concealed therefrom. No part of it is false.

Verified at Goa on this 12th day of February, 2025.



DEPONENT

Solemnly affirmed before me by
Sachin Desai

Reg. No: 8/913 Date: 12/12/25
known / identified to me by.



G. S. KUBAL
Notary (Govt. of India)
Panaji-Goa, India

