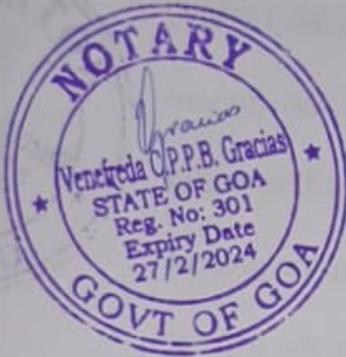


BEFORE THE NATIONAL GREEN TRIBUNAL

(Western Zone At Pune)

BENCH PUNE

APPEAL 07/2023(WZ)



THE COLVA CIVIC

& CONSUMER FORUM APPELLANTS

VS.

GCZMA AND ORS RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.
1 GCZMA -

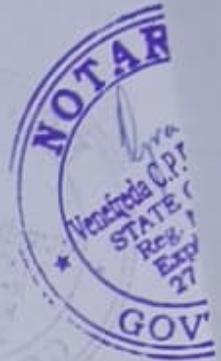
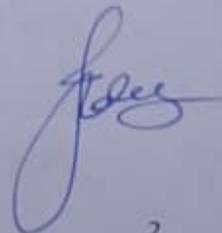
I, SHRI JOHNSON BEDY FERNANDES, adult, having my office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby solemnly affirm and state as under:

1. I say that I am the Member Secretary of the Goa Coastal Zone Management Authority i.e. Respondent No.1, and am authorised to affirm the present reply affidavit on its

A handwritten signature in blue ink, appearing to read "Johnson Bedy Fernandes".

behalf. I have examined the relevant records available in my office in respect of the Direction dated 09/12/2022 issued by the then Member Secretary of the present Respondent and challenged before this Hon'ble Tribunal in the above-captioned Appeal and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the memorandum of the above-captioned Appeal. Nothing in the memorandum of the above-captioned Appeal may be deemed to have been admitted for mere want of specific denial.

2. I say that I am filing this affidavit pursuant to the order dated 07/12/2023 and to put on record all the relevant documents on the basis of which the impugned order has been passed.
3. I say that the present Respondent had perused following documents and various site inspection reports and passed the impugned order dated 09/12/2022.





a. I say that earlier permissions were obtained in the name of the Original Owner Mr, N.J. Rebello & others and subsequently it was sold to the purchasers/Respondent. The current owner is one Mr. Abhay Prabhu and he has renamed the hotel which is now known in the name and style of 'Salcete Beach Resort'. I say that the said Mr. N. J. Rebello had produced an approved plan bearing reference number DJ/5120/TCP/94/2235 dated 23/06/1994 by the office of the Chief Town Planner approving the proposed addition and alteration to cottages from planning point of view with certain directions at Survey No. 55/3 & 54/5. Hereto annexed and marked **Annexure A** is the approval as per plan by the office of the Chief Town Planner, dated 23/06/1994.

4. I say and submit that subsequently the Department of Science, Technology & Environment (CRZ clearance) had issued NOC to obtain occupancy certificate in connection with the construction carried out in Survey Nos. 55/3 & 54/5 to the said Mr. N. J. Rebello & Others on

22nd/23Rd/11/2000. Hereto annexed and marked **Annexure B** is the NOC issued by Department of Science, Technology & Environment (CRZ clearance) dated 22nd/23Rd/11/2000.

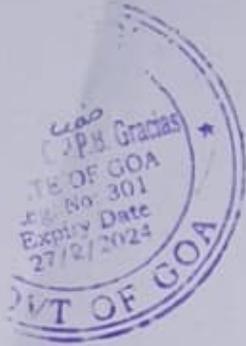
5. I say and submit that the Village Panchayat of village Sernabatim, Vanelim, Colva and Gandaulim has on 15/09/2001 vide reference number VP/SVCG762/2001-2002 had granted occupancy certificate having no objection to occupy 5 cottages/structures constructed in plot bearing Survey Nos. 55/3 & 54/5 of village Colva. Hereto annexed and marked **Annexure C** is the occupancy certificate dated 15/09/2001.

6. I say and submit that the Respondent had also produced approvals granted by the Eco Development Council dated 07/04/1987 which was signed by the Chief Town Planner, Town and Country Planning Department, Panaji, Goa for the purpose of the construction. Hereto annexed and marked **Annexure D** is the copy of approvals granted by the Eco Development Council dated 07/04/1987.

7. I say and submit that the Talathi of Colva had via report dated 18/06/2007 conducted an enquiry based on the letter received from the present Respondent and at point no. 3, they had noted that the West Zone Hotel was constructed with approved plan as per the Panchayat records in Survey No. 54/5 of Colva village more than 8 years ago and the same were confirmed by Mamlatdar of Salcete via his letter dated 11/07/2007. Hereto annexed and marked **Annexure E** is the report dated 18/06/2007 given by Talathi of Colva.

8. I say and submit that the Deputy Collector, Margao via report dated 13/11/2008, had stated that there are many structures consisting of rooms, restaurants, swimming pool etc which was a hotel covering about 1200m² and the construction lies between 200-500m from HTL. Hereto annexed and marked **Annexure F** is the report dated 13/11/2008 by Deputy Collector, Margao.

9. I say and submit that the Talathi of Colva vide his report dated 23/07/2008, had clearly stated that this was a big



A handwritten signature in blue ink, appearing to be 'Jalal', with a small number '5' written below it.

hotel building with rooms and a restaurant and water sports facility. It was also observed that there was no new construction seen on site. The Panchanama report dated 23/07/2008 also confirmed that it was a big building of Ground+1 with many rooms, restaurant and an area for water sports totally covering an area of 1200Sq.mtrs. The Talathi of Colva in his report has also mentioned of the old structure and no new construction on site. Hereto annexed and marked **Annexure G** is the report of the Talathi dated 23/07/2008.



10.I say and submit that the Expert Member of the GCZMA on 23/11/2018, had conducted site inspection and it was noted that the structures on site were 5 units of G+2 and at the end of G+2 structures, was a large elongated shade having a sloping roof in the property bearing Survey No. 55/3 of Colva village.

11.I say that the Village Panchayat had issued construction license dated 22/09/1994 for the additions and the alterations of the cottages situated in Survey Nos. 55/3 and

54/5 of Colva village. I say that the approved plan dated 23/06/1994 shows the cottages and the swimming pool. Hereto annexed and marked **Annexure H** is the construction license dated 22/09/1994 and **Annexure I** is the approved plan dated 23/06/1994.



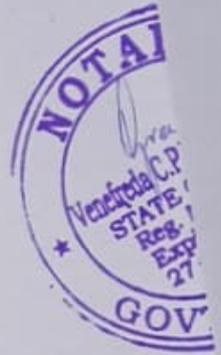
12.I say and submit that in the year 03/07/1998, the tourism department had recommended that the project of the respondent was fit for loan as the hotel had valid approvals. Hereto annexed and marked **Annexure J** is the Tourism Department's recommendation dated 03/07/1998.

13.I say and submit that the Village Panchayat of Colva has transferred the House and Street Light Tax from the name of N. J. Rebello and Ors to the name of Abhay Ramchandra Prabhu vide letter dated 08/10/2018. Hereto annexed and marked **Annexure K** is the letter dated 08/10/2018.

14.I say and submit that the site inspection report of the expert member dated 24/01/2020 makes it clear that the 5

cottages are of G+1 in nature however, it also clearly specifies that these structures have sloping roof with corrugated sheets and that the covered space is found open on all sides.

15.I say that the very fact that the findings of the Expert Member say that the temporary covered area is open on all sides, it is not habitable. The Authority decided that since the so called second floor is only for the purpose of protection from rain water and is open from all sides and is temporary in nature, the Authority decided to consider the same. Hereto annexed and marked **Annexure L** is the site inspection report dated 24/01/2020.



16.I say that the Authority further noted that a letter was issued by the Chief Town Planner stating that the area bearing Survey No.55/3 is zoned as a Sand Dune as per the zoning plan of Colva. The Authority noted that the zoning of the area has been changed from 'Sand Dune' to 'Residential' vide letter dated 16/09/1985. Hereto annexed

A handwritten signature in blue ink, appearing to be "F. Lopez".

and marked **Annexure M** letter dated 16/09/1985 by Senior Town Planner.

17.I say that the restaurant standing in Survey No. 54/3 was approved by letter dated 21/06/1990 issued by Chief Town Planner and Member Secretary EDC, however, it was observed that the Respondent has relocated the approved Restaurant which is permissible act as it is in the nature of revision in site plan. Hereto annexed and marked **Annexure N** is the letter dated 21/06/1990 issued by Chief Town Planner.



18.I say that there is an approval for installing STP and further the GSPCB had granted the requisite permission for the same. Hereto annexed and marked **Annexure O** is the approval dated 03/08/2019.

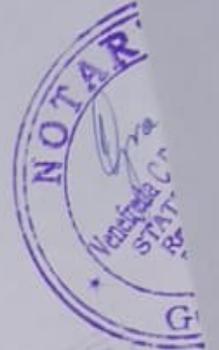
19.I say that the Authority noted that the Generator Shade is temporary in nature and decided to consider the same as the same is temporary in nature. I say that as far as the

A handwritten signature in blue ink, appearing to be "J. J. J.", located at the bottom right of the page.

swimming pool is considered, it has approval from the Chief Planner dated 23/06/1994.

20. The Authority also noted that while issuing the impugned Directions dated 09/12/2022, all the above approvals had not been challenged at any point of time and till date in any Court of Law. I say that all the permissions and approvals stand in force and valid.

21. I say that the impugned direction dated 09/12/2022 has been issued to demolish the poolside restaurant in Survey No. 54/5, stage, shower room, fountain, basement below swimming pool deck, interlocking pavers on concrete base, car porch, security cabin, cylinder shade erected in the property bearing Survey No. 55/3 & 54/5 of Colva village, Bardez, Goa, the explanation for its demolition has been stated in detail in the impugned direction dated 09/12/2022.



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In light of the aforesaid, it is most humbly submitted that the Appeal filed by the Appellant deserves to be dismissed.

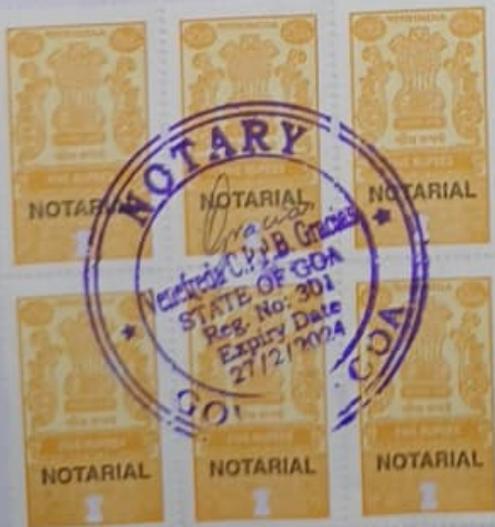


[Signature]
Member Secretary, GCZMA
Deponent
MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

VERIFICATION

I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is True to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned Appeal. Nothing false has been stated herein.

Solemnly affirmed this 19th day of February 2024



[Signature]
Member Secretary, GCZMA
Deponent
MEMBER SECRETARY
GOA COASTAL ZONE MANAGEMENT AUTHORITY
PANAJI - GOA

Executed Before Me
At Calangute - Goa
Reg. No. 101/02/2024
Date: 19/02/2024

Executed Before Me
At Calangute - Goa
Reg. No. 101/02/2024
Date: 19/02/2024

[Signature]
Venefreda C.P.P.B. Gracias
Advocate & Notary
Bardez-Goa

OFFICE OF THE CHIEF TOWN PLANNER
TOWN & COUNTRY PLANNING DEPARTMENT

PANAJI - GOA.

REF. NO. DJ/5120. /TOP/44 /22-85

DATE : 23/6/94

To,

Shri N.J. Rebello & Others,

Pancharatna Bldg.,

Margao - Goa.

Sub: Application of Shri N.J. Rebello & Others for
~~construction of~~ addition & alteration of Cottages on
Survey No. 55/3 & 54/5 of Village Colva Taluka
Salcete.

Ref: Decision of G.S.C.C.E. meeting held on 27.4.94.

Sir,

With reference to the above mentioned subject, this is to inform you that the proposal was discussed in the 4th meeting of Goa State Committee on Coastal Environment held on 27.4.94. The proposal was approved by the Committee in view of this there is no objection over the proposed ~~construction of~~ addition & alteration to cottages from planning point of view with following conditions :-

- 1) The permission is recommended as per the plans hereby annexed .
- 2) The permission is liable to be revoked if it is based on false information/wrong plans/calculations/documents or any other accompaniments of the applications are found to be incorrect or wrong at any stage.
- 3) Any change to be effected to the approved plans prior permission has to be obtained.
- 4) Prior to commencement of development work, it will be incumbent upon the applicant to have valid conversion Sanad of use of land as contemplated under Goa, Daman and Diu Land Revenue Code, 1968.
- 5) There should not be any drinking water well within 15 mts. of septic-tank.
- 6) Necessary licence should be obtained from the concerned village Panchayat/Municipality.
- 7) Trees if shall be cut with prior permission of the concerned Authority.
- 8) Traditional access if any shall not be blocked and should be maintained to the satisfaction of local authority.
- 9) All the Environmental guidelines under CRZ regulations should be strictly followed as per annexure.

- 2 -

- 10). The existing sand dunes should not be disturbed.
- 11). The proposal is approved to the extent of the earlier approval of Cottages by Inter Ministerial Committee in its meeting held on 13.8.86.
- 12). After retaining a set of plans and records, for this office record, the rest are returned herewith.

Yours faithfully,


 (N. Pandalai)
 Chief Town Planner
 &
 Member Secretary
 G.S.C.C.E.

Encl: As above.

Copy to :

1) The Associate Town Planner,
Town & Country Planning Dept.,
Margao.

2) The Sarpanch,
Village Panchayat, Colva,
Colva - Salcete.

3) _____

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 Panet

DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT

(CRZ Clearances)

Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511.

Phone: (0832) 278186, 278187, 278189

Fax: (0832) 278186

REF. NO.: DJ/5120/194

DATE: 22/11/2000
23

To,

✓ Shri N. J. Rebello & Others,
DF/9, Pancharata Bldg.,
Margao - Goa.Sub: No Objection Certificate to obtain Occupancy
Certificate.

Dear Sir,

This has a reference to the above mentioned subject with respect to the five cottages/structures constructed in Survey Nos. 55/3 & 54/5 of Colva village, pursuant to the plan approved by the erstwhile GSCCE vide letter No. DJ/5120/TCP/94/2235 dated 23/06/1994. This office has no objection for the issuance of an Occupancy Certificate to the said construction by the local authority, after ascertaining its completion as per the construction license granted.

Yours faithfully,

(Dr. N.P.S. Varde)
Director/Jt. Secretary, STE

Phone : 723495

Office of the Village Panchayat
Sernabatim, Vanelim Colva, & Gandaulim
Salcete-Goa Pin Code 403 708

Ref. No. VP/SVCG 762/2001-2002

Date 15-9-2001

To,
Shri. N.J.Rebello & Others
D/f 9, Pancharatna,
Margao-Goa.

Sub: Issue of Occupancy Certificate.
Ref: DJ/5120/194, dated 23/11/2000.

Sir,

With reference to your application dated 28th Nov'2000, on the above mentioned subject, and inform you that this Panchayat has no objection to occupy the Five cottages/structures constructed in plot bearing Survey Nos.55/3 & 54/5, of village Colva, which has been approved by Chief Planners vide No.DJ/TCP/94/2235, dated 23-6-94 and by this office under licence No.VP/SVCG/Const.17/94-95/421, dated 22nd Sept'94.

It is approved in the Monthly meeting held on 27/12/2000, under Resl.No.9.

This is issued at the request of the applicant.



Yours faithfully

(RAJENDRA NAIK)

SECRETARY

VILLAGE PANCHAYAT

SERNABATIM, VANELIM, COLVA & GANDULIM.

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ANNEXURE D

No. DJ/5720/1488/87
Town and Country Planning Department
Government of Goa, Daman and Diu,
Panaji, Goa.

Date: 7/4/87

To
✓ Shri Henrique Rebello,
Dulcina Favaddo, Arossim,
Post Cansaulim,
Goa.

sub: Construction of 5 cottages on Sy. No.55/3
at Colva.

ref: Clearance from Eco Development Council.

Sir,

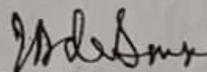
With reference to your application dated 3.3.87,
and in continuation to this office letter No.DJ/5120/
1276/87 dated 25.3.87, please find enclosed herewith
~~5 copies of the plans~~ 5 copies of the plans duly approved
by the Member Secretary, Eco Development Council and
by the undersigned.

In this connection, you are directed by the Eco
Development Council that the cottages should be used
for the purpose of tourism only. ~~The undertaking~~
~~submitted by you in original is returned herewith.~~

The Xerox copies of the plan submitted by you
earlier are also returned herewith.

Further you are requested to obtain necessary per-
mission from the Village Panchayat, Southern P.D.A.,
Dy. Collector, etc. before starting the development/
construction.

Yours faithfully,


J.A.D. Souza 6/4
Chief Town Planner

Encl: as above.

copy to:

- 1) Member Secretary, Southern P.D.A., Margao.
- 2) Director of Tourism, Panaji-Goa.
- 3) Dy. Collector (South Goa), Margao.
- 4) Sarpanch, V.P. Colva.
- 5) 27/12/87-EDC file.
- 6) General file.

329

ANNEXURE E

No. MAM/SAL/CRZ/2007/11256.
Office of the Mamlatdar of Salcete,
Margao Goa.

Date:- 11/07/2007.

COLLECTORATE OF SOUTH GOA

MARGAO

Date: 16/7/07

Inward No.: 1976

Section: ~~AS-REV~~

To,
The Additional Collector-II,
South Goa District,
Margao Goa.

Re:- Memorandum No. AC+II/SG/CRZ/WS-05/2007/27651 dated
12/06/2007.

Sir,

with reference to above memorandum, the talathi of Colva has reported as under.

1. The Railway Quarters were renovated within the limit of H.T.L. and construction has been taken up last 5 years back in survey No. 39/3 of village Colva without any permission from the concerned authority.
2. The building behind Boomrang Restaurant there are cottages registered in local Panchayat in survey No. 39/1 of Colva and the same renovated last more than 7 years back.
3. West Zone Hotel constructed with approved plan as per panchayat sources last more than 8 years back and falls under survey No. 54/5 of village Colva.
4. a) Filling of land has been done by Reliance builders near Oceanic Hotel with permission.
b) Some filling is done in survey No. 52/3 and 54/3 of Colva up to the height of 0.30 mts. and some waste mud is dumped adjacent to Sam's Bar & Restaurant.
c) The waste mud is dumped in a field with sign Post name Baltazar by unknown person near the road.
d) Filling is done in water creel with waste mud by unknown person
5. There is old incomplete structure and compound wall of laterite stones existing in survey No. 51/2 adjacent to main road.

I am enclosing xerox copy of report of talathi of Colva for information.

Yours faithfully,

(Johnson B. Fernandes)
Mamlatdar of Salcete Taluka,
Margao Goa.

NO. TAL/COV/CR2/REPS/2007
 Office of the Talathi of Colva
 Saleeli Mangera Goa.

Date: - 18/06/07

OFFICE OF THE MAMLATDAR
 SALEELI
 Entry No: 6199
 Date: 18/6/07

The mamlatdar of Saleeli
 Mangera Goa.

Sub:- Report regarding letter from

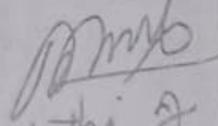
member Secretary of Goa coastal zone management
Authority & mem. NO. AC-11/59/CR2/WS-05/2007/27851

Sir,

with reference to above cited subject regarding the construction on Colva beach within the limit of C.R.2 & submit my inspection report as under.

- ① The Railway Quarters were renovated within the limit of H.T.L. for last more than 5 years in Sy. no. 3913 of Colva village and do not have any legal document of permission from the panchayat.
- ② The building behind the Boomerang Restaurant was renovated for last more than 7 years back in Sy. no. 3911 of village Colva, which was the registered cottage in the village panchayat Colva.
- ③ West zone hotel is constructed with approval as per panchayat record in Sy. no. 5415 of Colva village for last more than 8 years back.

- a) Filling is done by Reliance builders with all permission near oceanic hotel.
- b) Filling is done in Sy. no. 52/3 & 54/3 upto 0.30 mts ^{in height} & some waste mude is ~~was~~ dumped adjacent to same Bar & Restaurant.
- c) Waste mude is dumped in the field near post name Balthazar by unknown person near the Road.
- d) Filling is done in water creek with waste mude by unknown person.
- e) ~~old mason~~ old incomplete letterite structure & letterite Stone compound wall is existing in Survey no 51/2 adjacent to the main Road.
This is for your further necessary action
Thanking you.

Yours faithfully,

 (Talathi J. Colva)

CRZ MATTER
TALUKA SALCETE

Case No : BYC/SAL/CRZ/14/2008

REPORT

Name of the Respondent : Shri West Zone Hotel
Survey No : 54/5 of Village Colva
Filed referred by : GCZMA by letter dated 6-11-2007
Notice dated : 27-12-2007

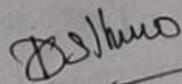
1. The present file referred by GCZMA for inquiry and report. Notice was issued to West Zone Hotel to file his reply alongwith relevant documents.
2. Even after receipt of the said notice the respondent has not filed his reply or any documents.
3. Talathi of Colva was directed to give report and sketch alongwith the photographs and he has submitted report, Panchanama & sketch plan alongwith the photographs which is enclosed as Annexure "A" Colly.
4. The Inspection was carried out by me personally. There are many structure consisting of rooms, Restaurant, swimming pool etc which is a hotel covering about 1200 m² area which belong to Arun Verlekar. Construction has been carried out about 5 to 6 years back. Respondent has not filed any reply also not produced any document showing whether construction is done legally by taking any permission. Construction is in between 200 to 500 mtres HTI.

- 2 -

Action may be initiated as per the provision of Law.

The present report is submitted as per circular No 1-20-2004-CS1898 dated 1/11/2006 of the Secretary (Environment)/Member Secretary (GCZMA).

Thus the Report.


(Dipak S. Dessai)
Dy. Collector & S.D.O.,
Margao Goa.

To,
The Member Secretary, Goa Coastal Zone Management Authority, Dept of
Science Technology & Environment Opp. Saligao Seminary, P.O. Saligao,
Bardez Goa.

PLACE: MARGAO GOA
DATE: 13-11-2008

ANN. A

334

ANNEXURE C

No. TAL/colva/CR2/2008
Office of the Talathi Colva
Salceta Goa.

Date: - 23/07/2008

To:
The mamlatdar of Saketi
Margao Goa.

Sub:- Report Regarding C.R.2. matter of
West Zone Hotel in Survey no. 5415
of village Colva in mem. no.
no. MAM/SAC/311. CR2/2008.

Sir,
with reference to above cited subject &
mem. no. I have inspected the site & submit my
report as under.

- 1) Name of party :- West Zone Hotel
Pop. Arun revlekar, Comba, Margao
- 2) Village — :- Colva
- 3) Survey no. :- 5415
- 4) Location — :- opp. oceanic Hotel, Colva.
- 5) Area of construction :- Approximately 1200 sq.fts.
- 6) Type of structure :- It is the big Hotel Building
with rooms & restaurant & cover
the area with water sports
facility. no new construction is
seen.
- 7) Distance — :- Within 200 mts. from H.T.C.

This is for your further necessary action.

Thanking you.

(Talathi Colva)

PANCHANAMA

'A'

20

We the undersigned panchas 1) Peter Rebello of Colva and 2) Agostino Fernandes of Colva village of Salseti taluka, were present on the date of 23/7/08 at 11:30 am as called upon by the Talathi Shri Ravindra R. Parab to witness the inspection carried out in the property surveyed under survey no 5415 of village Colva regarding the C.R. 2 violation carried out by Arun Verlekar prop. of Westzone Hotel.

We seen that the West Zone Hotel is big building of Ground plus one having many rooms, attached with restaurant, covering a big area for water sports, in approximately cover the total area 1200 sq.mts. We also noticed that it is the old structure, and we have not seen any new construction or filling surrounding the West Zone Hotel. The said West Zone Hotel may fall within the limit of 200mts. from H.S.L.

This panchanama has been drawn in the day of 23rd July 2008 which has been read/explained to us in Konkani and admitted the same to be correct as per our says.

Place: - Colva

Date: 23/7/08

Drawn by: - Ravindra R. Parab
Talathi of Colva.

1) P. R

2) A. F.

Rough sketch

"A"

19/10

Showing the west zone hotel in Survey
no. 5415 of village Colva

Beach

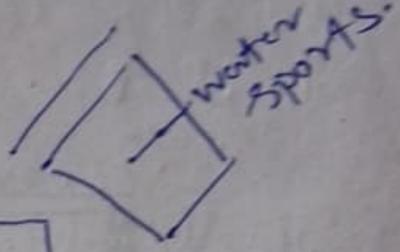
BETHUBATHIM

ROAD TO

ROAD

Hotel Oceanic
West zone

Hotel Oceanic



(F4.2 Colva)

Annexure A-5 (colly)

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim.

Construction Licence No. VP/SVCG/Const-17/94-95/421.

Shri/Smt. ~~_____~~ N. J. ~~_____~~ REBELLO & OTHERS, _____
 from Pancharatna Bldg Margao-Goa, _____ is hereby granted licence for the
 construction of addition & alterations of Cottages, on survey No. 55/3,
& 54/5 at Colva village, Salcete Taluka, _____

in terms of the resolution No. 3 taken in the Panchayat meeting dated
21/9/94 as per the plans in ~~triplicate~~ duplicate attached to his/her application
 under inward No. PPO/01/VP/Plans 562 dated 02.08.94 a copy of the plans
 concerned with the approval note carrying the embossed seal of this Panchayat and duly
 signed, is returned to the interested party, who shall comply with the following conditions

- 1) To limit himself/herself to the plans approved and statements therein.
- 2) The construction shall be as per plans approved by this panchayat and condition imposed on it.
- 3) To inform the panchayat after excavation and before laying of plinth foundation.
- 4) To inform the Panchayat when the construction has been completed upto plinth level.
- 5) To inform the panchayat as soon as the construction is completed.
- 6) Not to inhabit the building without the prior permission of this Panchayat
- 7) To abide by the other related provision in force.
- 8) That building or construction is carried out as per the allignment given and the plinth level fixed by the Panchayat
- 9) The construction licence shall be revoked.
 - a) if the construction work is not executed as per the plans approved and statements therein:
 - b) wherever there is any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was passed.

10) To strictly follow all the conditions laid down by the Chief

Planners vide his letter No. DJ/TCP/94/2235 dtd. 23-6-94,

- 11) The existing sand dunes, should-not be disturbed.
- 12) Not to obstruct existing foot path/water drainages passing through the Property.
- 13) To get approved the R.C.C. designs and Calculations before starting of R.C.C. works.
- 14) To obtain valid conversion certificate before starting of work.

The licence shall be valid for a period of ~~_____~~ /THREE year's
 beginning from to-day. He had paid the respective tax/fees to the tune of Rs. _____
 by Receipt No. _____ dated _____

This carries the embossed seal of this Panchayat.

Office of the village panchayat of Sernabatim, Vanelim, Colva &
 Gandaulim, dtd. 22nd September, 1994.

V. Panchayat Secretary



Sarpanch

Annexure 'A-9'

Government of Goa
Department of Tourism
Panaji Goa

No. 3/19(293)/98-DT/126

July 3, 1998

To,
M/s. Verlekar Resorts Pvt. Ltd.,
DF/9, Pancharatna,
Margao-Goa.

Sub:- 3 Star Beach Resort at Colva -
recommendation for financial
assistance req.

Sir,

Please refer to your letter dated 22/6/98 on the
above cited subject requesting to recommend your project
for obtaining loan from Canara Bank, Margao.

In the above context, it is stated that this Dept.
has no objection to your obtaining the loan from the ^A
Canara ^B Bank, Margao to your hotel project "M/s. Verlekar
Resorts Pvt. Ltd. in plot of land admeasuring 5575.00 sq.
mts. in survey Nos. 55/3 & 54/5 of Village Colva in terms
of approval granted by the Town & Country Planning Dept.
vide their letter No. DJ/5120/TCP/94/2235 dated 23/6/94
and construction licence No. VP/SVCG/Const-M/94-95/42
dated 22/9/94 issued by the Village Panchayat of Sernabatim,
Vanelim, Colva & Gandaulim.

Yours faithfully,

(U.D. Kamat)
Director of Tourism

Copy to:-

1. The Chief Town Planner
Town & Country Planning Dept. with a request to his
letter No. DJ/5120/TCP/94/2235 dated 23/6/94
2. The Sarpanch
Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete-Goa.
3. The Senior Manager
Canara Bank,
Margao Goa.

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Annexure A-11

Ph:- 2788486



Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP/SVCG/1268/20R-19

Date 08-10-2018

To,
Mr ABHAY Ramchandra Prabhu.
H.No.295/8, 3th ward colva

**Sub: Transfer of House & Lighting tax of premises bearing
H.No.295/8,9,10,11&12, 3th ward Colva.**

Sir .

With reference to your application dated 12/09/2018 on the above cited subject, this is to inform you that the House & Lighting tax of premises bearing H.No.295/8,9,10,11&12, situated at 3th ward Colva ,Salcete- Goa is transferred from Mr. N.J. REBELLO & others to the name of above applicant Mr Abhay Ramchandra Prabhu as per the updated records of Village Panchayat Office Colva.

It is approved in the Monthly meeting held on 01/10/2018 ,Vide Resl. 4/6.

Further , In future if any Complaint/Objection received from any member/person ,the Panchayat resolved right to revoke the same without any further intimation.

This letter also treated as N.O.C to transfer existing Electricity & water meter on the name of applicant from the name of Mr.N.J. REBELLO & others to the name of said applicant Mr Abhay Ramchandra Prabhu.

Yours faithfully

ANTONIO L. FERNANDES
SARPANCH
VILLAGE PANCHAYAT
SERNABATIM, VANELIM,
COLVA & GANDAULIM



F. no. GCZMA/S/Ille-Compl/19-20/42.

F. no. GCZMA/S/Ille-Compl/18-19/58.

February 4, 2021.

REPORT

CRZ violation in Sry nos. 54/5 & 55/3 of village Colva by Hotel Salcete/Hotel West Zone of Mr. Abhay Ramachandra Prabhu.

I. INTRODUCTION.

1. As requested by OSD (STE), GCZMA vide notice no. GCZMA/S/ILLE-COMPL/19-20/42/2193 dated 16.01.2020, a site inspection was conducted by me on 24.01.2020¹ inter alia to verify alleged CRZ violation in Sry nos. 54/5 & 55/3 of village Colva mentioned by Shri Churchill Alemao, Hon'ble MLA Benaulim Constituency in complaint letter dated 14.08.2019 addressed to Hon'ble Minister for Environment. The property is being operated under commercial name *Hotel Salcete*; earlier known as *Hotel West Zone*. I requested Shri Newton Silva FS DSLR to carry out detailed survey with total station to map existing structures etc. on the properties that would enable the Authority to detect CRZ violations alleged in the complaint, if any.

2. Accordingly, survey work was done using total station instrumentation on 17.03.2020². ISLR Margao has submitted a site plan showing the structures within the said property and report vide letter no. 13/ISLR/CRZ-Mapping/02/2020-3/1690 dated 17.09.2020, that was passed on to me for preparation of report.

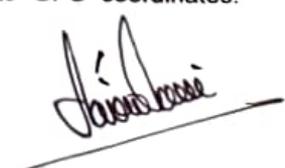
3. It may also be noted that the said property/survey numbers are also subject matter of another proceeding, namely, complaint by Colva Civic and Consumer Forum dated 09.10.2018 regarding "*Illegal reconstruction, renovation and repair undertaken by West Zone Hotel in survey no. 54/5 on a sand dune between 200 & 500 m of HTL in Colva Salcete*" organized in F. no. GCZMA/S/ILLE-COMPL/18-19/58. This matter is also under consideration of the Authority.

II. BRIEF DESCRIPTION OF THE PROPERTY.

4. The property in question is surveyed under nos. 54/5 and 55/3 of village Colva Tal. Salcete. It admeasures about 5575 m². Approximate GPS coordinates:

¹ Site Inspection Report dated 27.01.2020.

² Notice no. GCZMA/S/ILLE-COMPL/19-20/42/2533 dated 20.02.2020.



15°16'54.43" N and 73°54'53.96" E. It lies within 200 – 500 m of HTL. As per current Form I & XIV, the details are as follows:

Sry no.	Name of Occupant	Area (m ²)
54/5	Abhay Ramchandra Prabhu	2950
55/3	Abhay Ramchandra Prabhu	2625

Accessibility: There is an approx. 8 m wide public road on the southern side.

III. APPROVED DEVELOPMENT AND VIOLATIONS NOTED.

5. The structures existing in the said property were identified by me at time of inspection and survey. The same are now plotted on the site plan prepared by ISLR Margao. Details of approvals granted for development on the property were culled from File nos. DJ/5120; DJ/5120 GSCCE and GCZMA/SAL/COL/07/09. My findings are tabulated below:

Sry. no.	Approved Structures	Offending Structures/Violations Noted
54/5	1. Swimming Pool ³ .	<ol style="list-style-type: none"> 1. Stage. 2. Shower room. 3. Basement below swimming pool deck. 4. Restaurant (pool side). 5. Fountain. 6. Interlocking pavers on concrete base (part).
55/3	1. Five G+1 cottages ⁴ (each having approx. 106 m ² plinth area).	<ol style="list-style-type: none"> 1. Interlocking pavers on concrete base. 2. STP⁵ 3. Generator Shed. 4. Restaurant structure. 5. Second floor of five G+1 structures. 6. Car Porch. 7. Security cabin.

It may be noted that sloping roofs with corrugated sheets supported on MS frame have been erected over all five cottages/structures, thus creating the "second floor". However, the covered space is found open on all sides.

³ GSCCE permission under F. no. DJ/5120/TCP/94/2235 dated 23.06.1994. But see paras 6 to 10 of this report.

⁴ Id.

⁵ There is CTO & Authorization for STP issued by GSPCB.

IV. APPARENT CONTRADICTIONS BETWEEN DECISION TAKEN AT 4TH GSCCE MEETING HELD ON 27.04.1994 AND ORDER ISSUED THEREUNDER AND THE APPROVED PLAN PRODUCED BY RESPONDENT.

6. As per records in File no. DJ/5120, five ground floor cottages having plinth area of 80 m² total floor area 400 m² were approved in Sry no. 55/3 of village Colva by Inter-Ministerial Committee, Govt of India, New Delhi on 13.08.1986⁶, based on which EDC⁷ granted its approval vide CTP letter no. DJ/5120/1488/87 dated 07.04.1987⁸. Later, additional construction of restaurant block having plinth area of 98.64 m² was approved on the southern side⁹. All above permissions were issued to Mr. Henrique Rebello. As per letter dated 08.05.1992 issued by one Mr. N. J. Rebello¹⁰, construction was commenced in May 1992.
7. On 31.12.1993, Mr. N. J. Rebelo submitted an application dated 21.12.1993¹¹ to Chief Town Planner captioned *additions and alterations for approved cottages in Sy. No. 55/3 and 54/5 of Colva village*, wherein alterations and additions were proposed to cottages already approved in 1987. The proposal was for seven cottages with G+1 upper floor with two residential units in each cottage. A swimming pool was also proposed¹². The area was inspected by GSCCE Chairman and sub-committee on 19.04.1994 and it was found that there were sand dunes that should be maintained¹³.
8. The proposal was considered at the 4th GSCCE meeting held on 27.04.1994 under Item no. 27¹⁴. The Committee felt that the proposed constructions were on existing sand dunes¹⁵ and in order not to disturb it was felt to stick to earlier approval of Inter-Ministerial Committee and as per CRZ-III regulations on condition that applicant submit in writing that existing sand dunes would not be disturbed.

⁶ See CTP letter no. DJ/5120/4100/86 dated 03.10.1986 at pg C/244 of File no. DJ/5120. IMC minutes are reproduced at pg. C/232.

⁷ Eco Development Council, constituted vide Notification no. 4-39-82-LAWD dated 22.07.1982.

⁸ Approved plan is in File no. DJ/5120 at pg. C/270.

⁹ File no. DJ/5120 pg. C/317.

¹⁰ File no. DJ/5120/GSCCE, at pg. 14/C.

¹¹ File no. DJ/5120/GSCCE, at pg. 29/C.

¹² File no. DJ/5120/GSCCE, agenda note of 4th GSCCE meeting at pg. 31/C.

¹³ File no. DJ/5120/GSCCE, at pg. 30/C.

¹⁴ See minutes of 4th GSCCE meeting in File no. DJ/5120/GSCCE at pg. 33/C.

¹⁵ Reference to the swimming pool and two cottages proposed in Sry no. 54/5.



9. Therefore, it appears that GSCCE, while approving extension of first floor on the five cottages approved earlier, did not approve construction of a swimming pool and two G+1 cottages in Sry no. 54/5. This is confirmed in CTP's order no. DJ/5120/TCP/94/2235 dated 23.06.1994¹⁶ which states that "the proposal is approved to the extent of the earlier approval of cottages by Inter Ministerial Committee in its meeting held on 13.8.86"¹⁷. Further, condition no. 10 of the order stipulates: "The existing sand dunes should not be disturbed". There is a photocopy of an approved plan¹⁸ in the file wherein the two additional cottages in Sry no. 54/5 are marked as "not allowed". The conclusion is further fortified by the fact that conversion sanad was not obtained for Sry no. 54/5; at least I did not find any such document in the records. In notings in File no. DJ/5120/GSCCE¹⁹, there is reference to a site inspection on 25.10.2000 on applicant's request for NOC for occupancy certificate. It was found that 5 cottages had been constructed as per the approved plan; there is no reference to a swimming pool existing on site on that date. This was followed by a letter no. DJ/5120/194 dated 23.11.2000 issued by Director STE conveying no-objection for issuance of occupancy certificate only to five cottages/structures.

10. However, the plan produced by Hotel Salcete through Mr. Abhay Prabhu appended to his reply (dated 10.12.2020) to show-cause notice 07.05.2019²⁰ purports to show that the swimming pool and two cottages were approved vide CTP's order no. DJ/5120/TCP/94/2235 dated 23.06.1994.

V. RECOMMENDATIONS.

11. The offending structures/violations noted in table at paragraph 5 above do not have approval of the Authority, and need to be demolished/removed.

12. With respect to the apparent inconsistency between decision taken at 4th GSCCE meeting held on 27.04.1994 and CTP's order issued thereunder and the approved plan produced by respondent, and consequently, the legal

¹⁶ File no. DJ/5120/GSCCE, at pg. 37/C.

¹⁷ Condition no. 11.

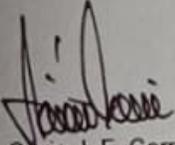
¹⁸ File no. DJ/5120/GSCCE, at pg. 45/C.

¹⁹ Page N/3.

²⁰ File no. GCZMA/5/ILLE-COMPL/18-19/58.

status of the swimming pool existing within Sry no. 54/5, Authority may take an appropriate call.

Submitted.



Savio J. F. Correia
Expert Member, GCZMA.

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5120/4160/SS -
 Country Planning Department
 Government of Goa, Daman and Diu,
 Panaji, Goa.
 Dated: 16/9/85 e/200

To
 Shri Henriques Rebello,
 Dulcina' Falvaddo Arossim,
 P.O. Cansaulim.

sub: Proposed const. of 5 cottages
 in plot No.55/3 in the village
 of Colva by Shri Henrique Rebello.

■

Sir,

With reference to the above subject I have to inform you that the Govt. has conveyed its approval for the change of zoning from sand dunes to residential, pertaining to your plot. However you are requested to file an undertaking in this department stating that an motorable road will be provided within your property.

An early action is contemplated, since your file will be submitted to the E.C.C. only after obtaining the undertaking.

Yours faithfully,

(N.Pandalai)
 Senior Town Planner

On

Gen EDC

REF. NO. D/5120/TCP/90-3093
 GOVERNMENT OF GOA
 DEPARTMENT OF TOURISM
 GOA
 21.6.90

TO,

Shri Henrique Rebello,
 "Dalcina House",
 Falvado Arossia,
P.O. CAMSAULIM GOA

SUB: Proposed construction of Restaurant on survey
 no. 55/3 at Colva, Salcete.

REF: Decision of XVth EDC meeting held on 7.5.90.

Sir,

With reference to the above, this is to inform you that the Eco Development Council in its XVth meeting held on 7.5.90 approved the case with the following conditions:

- 1) The approach road should be constructed at the cost of the applicant. Shri Rebello should bear full cost and not 50% as proposed by the E.C.C.
- 2) The road should remain as public road. The Director of Tourism may look into this aspect.
- 3) The construction of restaurant be taken up after the applicant develops the access road.

In view of the above, there is no objection from planning point of view for the proposed construction of restaurant with the above conditions.

You are directed to obtain the necessary permissions from S.P.D.A. Margao, Village Panchayat, Colva and Sanad from Dy. Collector (South Goa) before starting construction/development.

Further you are directed to ensure the following conditions laid down by the Ministry of Environment, and Forests, Govt. of India:

- 1) Satisfactory arrangements for the treatment of sewage disposal of solid wastes must be made. Proper arrangement must be made to ensure that sewage after treatment is not let out in the sea and it does not pollute the sub-soil water. Solid waste must not be thrown into the sea of the beach.

.... 2/-

8 4 4

ii) Smoke or other emission into the air must be kept under strict control.

iii) Sound and noise from the complex must be under strict control.

iv) Discharge of effluents, disposal of solid wastes, air emissions, sound and noise levels must conform to the standards laid down by the competent authorities. These must meet the requirements for environmental protection.

v) Ground water must not be tapped for any purpose for the complex as there is likelihood of ingress of saline water and consequent pollution of ground water.

vi) The constructions must not be more than 9 mtrs. high and must not go beyond the tree top line in the vicinity. The construction must, in the maximum, be of two floors - ground and one upper floor.

vii) The 200 mtrs. land between the high tide line and the complex should be kept free of construction. It should be accessible to the general public.

viii) Sand from the sand dunes in the coastal stretch must not be removed for any purpose.

ix) Adequate measures must be taken for preventing erosion of the beach.

x) Proper afforestation and plantation programme should be taken up.

Keeping a set of plans, the rest are returned herewith.

Encl: As above.

Copy to:

1) Member Secretary
S.P.D. - MIRJOL
with a request to ensure
that condition (3).

2) Director of Tourism,
Pate, MIRJOL your attention is invited towards condition
no. (3) of the letter.

3) MIRJOL, V.P. MIRJOL 4) Dy. Collector, (South Co.) MIRJOL
27/12-1/80 MIRJOL

Yours faithfully,

(S. P. S. S. S.)
Chief Town Planner
&
Member Secretary SDC

Annexure A-13

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015, OHSAS 18001:2007 Certified Board)

Phone Nos: 0832- 2407700,
2407701 2407702
Tel Fax No: 0832- 2407700



Email Ids.
Chairman, GSPCB, chairman-gspcb.goa@nic.in
Member Secretary, GSPCB, ms-gspcb.goa@nic.in
Environment Engineer, GSPCB, ee-gspcb.goa@nic.in
Scientist, GSPCB, scientist-gspcb.goa@nic.in
Office, goapcb@gspcb.in

No.12/2018-PCB/66726/O000260

03//08/2019

Consent to Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6(i) of the Hazardous And Other Wastes (Management and Transboundary Movement) Amended Rules 2018

[To be referred as Water Act, Air Act and HW (M & T) Rules respectively]

CONSENT TO OPERATE AND AUTHORISATION is hereby granted to:

M/S SALCETE BEACH RESORTS
(Orange Category)
(Represented by Mr.Samir Sawant)

Survey No. 54/5, 55/3,
Colva , Salcete -Goa

Located in the area declared under the provisions of the Water Act, Air Act and Authorisation under the provisions of HW (M & T) Rules, subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. This Consent to operate is valid up to 10/05/2028.

2. This Consent to operate and Authorization is valid for the operation of:

Sr. No	Description	Capacity
1.	Hotel	33 rooms
2.	Restaurants (Seating Capacity)	60 Nos

3. **CONDITIONS REQUIRED TO BE COMPLIED UNDER THE WATER ACT:**

(i) The daily quantity of effluent from the hotel & restaurant (sewage & sullage) shall not exceed 16 KLD

(ii) **Sewage Treatment Plant:**

The hotel shall treat domestic effluent in existing sewage treatment plants (**25 KLD Capacity**) consisting of primary/ secondary and/ or tertiary treatment as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of the treated effluent to the following standards: