

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE



APPEAL NO. 07/2024(WZ)

Shri Krishna Virnodkar.

...Appellant

V/s

Goa Coastal Zone Management

Authority & Ors.

... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE
RESPONDENT NO. 1.**

I, Johnson Bedy Fernandes, Indian National, major of age, having office at 4th Floor, Dempo Towers, Patto, Panaji-Goa, the Member Secretary of the Respondent No. 1 above named, do on solemn affirmation state and submit as under;

1. At the outset, I hereby humbly submit my reply, as directed by the Order dated 26/02/2024 passed by this Hon'ble Tribunal, as to why no reply could be filed before this Hon'ble Tribunal despite having been served in the present matter.

2. I say that the appeal filed by the Appellant Mr. Krishna Virodkar was received by the Authority on 12/02/2024. I say that for the purpose of appointment of Government Counsel from the panel list a proposal was to be forwarded to Ld. Advocate General for the State of Goa through the Secretary Environment as is required under the Government procedure.
3. The Ld. Advocate General for the State of Goa had received the proposal for appointment of Govt. Counsel on 21/02/2024 and upon recommendation of the Ld. Advocate General, the file was forwarded to the Law Department who thereafter was required to issue a formal order of appointment to the counsel.
4. The said order of appointment was yet to be issued on 26/02/2024, and as such, on the said date the Government Counsel was still not appointed by the Department of Law & Judiciary and hence no Counsel could put appearance before this Court.
5. I humbly submit that nor I nor the Respondent Authority has any intention to undermine the Authority of this Hon'ble Tribunal and it has always taken diligent and prompt action in matters concerning CRZ Violations.
6. This Respondent tenders unconditional apologies for having missed the hearing on 26.02.2024 and submits that



in future it will try to ensure expeditious appointment of Government Counsels for defending interest of the Respondent.

7. As regards the appeal filed by Krishna Virnodkar, I am to humbly state and submit as under:

8. I say that I have read and understood the contents of the appeal memo. I say that I am filing this affidavit for the limited purpose of opposing the admission and grant of any interim reliefs as prayed for in the present Appeal/Application. I am not dealing with each and every averment made by the Appellant and I should not be deemed to have admitted any of the allegations, which are not specifically dealt in my affidavit in reply. I deny each and every allegation of the Appellant, which is inconsistent with and contrary to whatever is stated by me hereinafter.

9. The present affidavit may only be considered as a preliminary affidavit in reply to bring on record certain material facts not disclosed by the Appellant herein and I crave leave to file a detailed affidavit in case this Hon'ble Tribunal permits.

10. I say that the statement made by the Appellant about damage caused to the portion of his house leading to collapse of roof and wall is forthwith denied. It is respectfully submitted that the Appellant on his own



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motion has clearly mentioned in the application (Annexure A-2) submitted by him seeking compensation, that due to fall of bendi tree the roof tiles are broken, house furniture is broken. In this very application that the Appellant has averred that the cost of repairing the house would be Rs. 11,000/- approximately. At no point of time was it the case of the Appellant that the entire house or even a part of the house had collapsed.

11. It is submitted that for the first time before this Hon'ble Tribunal, the Appellant is attempting to make up a story and is seeking to camouflage his wrong doings by inventing an excuse of having reconstructed the damaged portion of his dwelling house.
12. It is further submitted that infact the report of the revenue officials clearly speaks that the walls had not collapsed.
13. It is submitted that even assuming, without admitting that the house was indeed damaged and had collapsed completely, even then, the same could not have been repaired or reconstructed without the prior permission of the Authority.
14. The Respondent submits that SCN issued by the Authority is very specific in so far as the illegal construction of residential structure being erected in property bearing Sy. No. 60/10 is concerned.
15. It is submitted that the Appellant is attempting to take advantage of the statement in the Show Cause Notice about



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no construction being permitted in the NDZ. The SCN does not at any place allege that the construction of the Appellant was in the NDZ.

16. On the contrary, the table detailing the distance of the construction from HTL clearly specifies that the same is within 500 mts of the HTL.

17. The Show Cause Notice narrates that the entire belt between 100 to 200 mts is a NDZ where no construction or development is permissible and thereafter informs the Appellant that he has not obtained any prior approval of the Authority for the purpose of construction as required under the CRZ Notification.

18. It is submitted that the Appellant is attempting to contend that the CRZ Notification is applicable only in NDZ area and not beyond that.

19. The Appellant has clearly admitted, even in the appeal memo before this Hon'ble Court that he has reconstructed the structure.

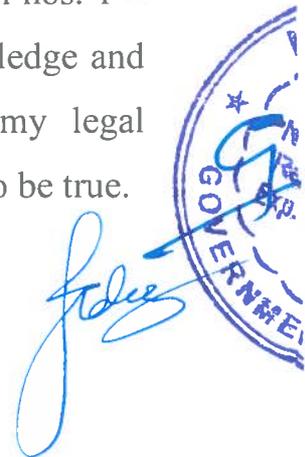
20. The Respondent states that the offending structure of the Appellant is located within 500 mtrs from the sea and hence any construction carried out or intended to be carried out would require prior permission/approval of the Authority which has not been taken in this particular case.



21. The Respondent states that the Appellant has been duly heard in the matter before passing the decisions as can be made out from a mere perusal of the Impugned Order itself which has recorded the various occasions on which the hearings were conducted and the Appellant was heard through his lawyer. It is submitted that the Appellant alleging that he has not been heard in the matter is purely an averment made by him to eyewash the proceeding conducted by this Authority by following due process of law.

22. The Respondent submits that there is no case made out by the Appellant warranting for interference in the decision passed by this Authority and hence it is respectfully prayed that the said appeal be dismissed with imposing exemplary cost.

23. I say that what is stated by in the above paragraph nos. 1 – 4, 7 – 10, 16 – 17 and 19 - 21 is true to my knowledge and the contents of the remaining paragraphs are my legal submissions based on legal advice which I believe to be true.



The image shows a handwritten signature in blue ink over a circular official stamp. The stamp contains the text 'GOVERNMENT OF KARNATAKA' and a star in the center. The signature is written in a cursive style.

Solemnly affirmed at Panaji, Goa

On this the 5th day of March, 2024.

John
DEPONENT 5/3/24

Solemnly affirmed before me by
Johnson
Fernandes
Reg. No: 6/1600 Date: 5/3/24
known / identified to me by.

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

