

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

APPEAL NO. 117/2025 (WZ)

Sadguru Raghuv eer Pednekar

...Applicant

Versus

GCZMA & Ors

...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin Desai, major of age, holding the post of Member Secretary, Goa Coastal Zone Management Authority (“GCZMA”) i.e., Respondent No 1 herein, having office at 4th Floor, Dempo Towers, Patto, Panaji, Goa, do hereby make solemn affirmation and state as under:

1. I say that I am holding the post of Member Secretary, GCZMA. I say that I am filing the present affidavit based on the records available with my office and that I am competent to depose in this case.

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.
3. I say that the present appeal challenges the Order dated 28.02.2025 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the 'under construction G + 1 structure with plastered masonry walls with ground floor RCC flat roof slab and under construction masonry works on the first floor having permanent plinth' identified as "Structure C" and the 'G +1 structure with plastered masonry wall and RCC roof having permanent plinth' identified as "Structure E" belonging to the Appellants herein. I say that the Impugned order was passed upon giving the Appellant an opportunity of being heard after following the principles of natural justice. I say that the Impugned order is a reasoned and a speaking order.
(The Impugned Order dated 28.02.2025 is at page 27 of the Appeal)



4. I say that Survey No. 116/35 of Village Morjim, Pernem, Goa (“**said Property; subject Property**”) falls within River NDZ (CRZ-III) and partly falls outside the CRZ as per CZMP 2011. I say that according to CRZ regulations, no permanent construction is permitted within NDZ area, except for repair and reconstruction of structures that existed prior to 1991, subject to obtaining prior permission from GCZMA.
5. I state that the Respondent received a Complaint dated 25.04.2022 alleging that the Appellant is carrying out illegal and unlawful construction in the subject property, without obtaining requisite permissions and licenses.
6. I say that a site inspection was carried out on 07.10.2024. I say that the Site Inspection Report dated 07.10.2024 recorded violations of CRZ Notification 2011. Annexed hereto is the map/plan of the subject property prepared by DSLR marked as “**Annexure A**”.
7. I say that vide Show Cause Notice dated 15.10.2024, the Appellant was put to notice that a complaint dated 25.04.2022 was received by the Answering Respondent and that site inspections were conducted pursuant to the said complaint. I say that the Appellant was informed that the perusal of the inspection reports revealed gross illegal construction resulting in violation of the CRZ Notifications.



A handwritten signature in blue ink, consisting of a stylized, cursive mark.

(Show Cause Notice dated 15.10.2024 is at page 34 of the Appeal)



8. The Appellant, in its reply before the GCZMA, contended that the impugned structures situated in the subject property are pre-1991 constructions. In support of this contention, reliance was placed upon the survey records, wherein the name of Shri Raghuveer Dharma Pednekar is reflected as being in possession of a house in the subject property. It is, however, material to note that the Respondents are in occupation of five distinct structures, whereas the documents relied upon pertain only to a single house bearing No. 135. A perusal of the site inspection report, along with the photographs which were also placed before the Hon'ble High Court in Writ Petition No. 2146/2024 (F), clearly establishes that Structure 'C' (presently under construction) and Structure 'E' are new constructions, whereas Structures 'A', 'B' and 'D' form part of and have been integrated with the house bearing No. 135.
9. I say that the Appellant has failed to produce any cogent, reliable and convincing material/documents to show that the Impugned Structures, are pre-1991 structures. I say that the Appellant is put to strict proof of the same.
10. I say that in view of the above, the present appeal is liable to be dismissed.



11. I say that what has been stated in Paras 1 to 10 are true to my own knowledge and/or are based on documents/records available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 17.09.2025

DEPONENT



Solemnly affirmed before me
Sachin Desai
Who is identified before me by

At Panjim - Goa
Sr No. 121/09/2025
Date. 17/09/2025

Venefrads C.P.P.B. Gracias
Advocate & Notary Goa State



GOVERNMENT OF GOA
Directorate of Settlement and Land Records
PANAJI-GOA



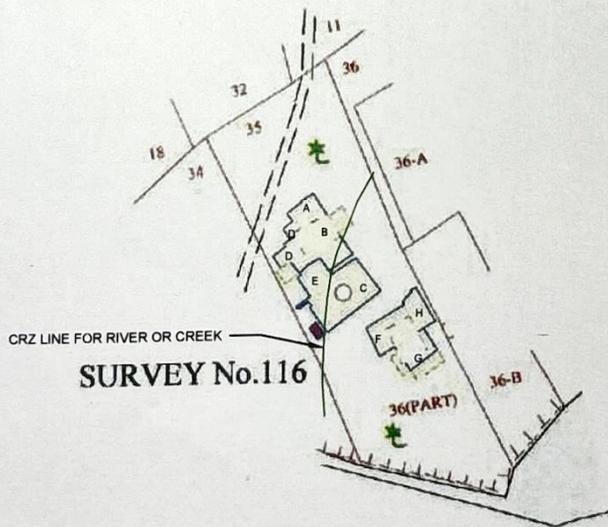
SITE PLAN

As per the notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority vide their letter No.GCZMA/N/ILLE-COMPL/22-23/36/2620 dated 08/11/2024 in respect of S.No/Sub Div No.116/35 of Village Morjim of Pernem Taluka.

Scale 1:2000

NOTE

THE LEGALITY / ILLEGALITY OF NEW STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.



LEGEND

- Structure as per Survey plan
- New Structure existing at site Identified by GCZMA
- Temporary Shed
- Staircase
- Masonry Tank



Surveyed & prepared by :-
Rajesh Harmalkar (F.S) *RH*

Seen by
S N Tuenker
Siddhesh S N Tuenker
(Head Surveyor)