

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH, PUNE

I.A. NO. 225/2025 (WZ)

IN

APPEAL NO. 143/2025 (WZ)

Alchemist asset Reconstruction

Co Ltd

...Appellant/Applicant

Versus

GCZMA & Ors.

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT
NO. 1 (GCZMA) TO THE APPLICANT'S APPLICATION
SEEKING CONDONATION OF DELAY IN APPEAL NO.
143/2025(WZ).**

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. At the very outset, Respondent No 1 (“**Answering Respondent**”) denies all the averments, allegations and contentions raised by the Appellant *in toto*, save and what are matter(s) of record. Nothing stated in the appeal shall be deemed to be admitted by the Answering Respondent. Nothing may be deemed to have been admitted for want of *traverse seriatim*.

3. I say that this Respondent has confined the present reply only to dealing-with the application for condonation of delay and has not dealt-with the merits of the matter. The Respondent craves leave of this Hon’ble Tribunal to file a detailed reply to the appeal, if found necessary.

4. The Appellant has preferred the appeal under Section 16 of the National Green Tribunal Act 2010, challenging the Permission/Approval dated 09.10.2024 granted by GCZMA in favour of Respondent No 2 (“**Impugned Permission**”) pertaining to works in Survey No. 101/5 of Village Agonda, Taluka Canacona, State of Goa (“**subject property**”).

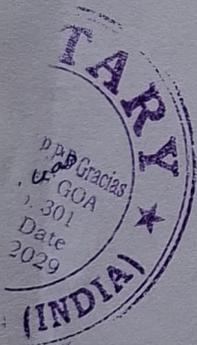


5. I say that this Respondent had filed an application dated to the GCZMA, sought permission to undertake certain works in the subject property.

6. I say that pursuant to the aforesaid application, the officials of the GCZMA conducted a site inspection of the subject property. The proposal was thereafter considered by the GCZMA in its 218th meeting held on 18.12.2019. After a detailed discussion and examination of the site inspection report, and upon evaluating the proposal in light of clause 8(v)(3)(iii) of the CRZ Notification, 2011, the GCZMA resolved to grant its approval to the said proposal. As such, the formal Permission/Approval dated 13.01.2020, being the impugned permission, was issued in favour of Respondent No.2.

7. I say that the Minutes of the 218th meeting held on 18.12.2019 were uploaded on the official website of the GCZMA (<https://www.czma.goa.gov.in/>).

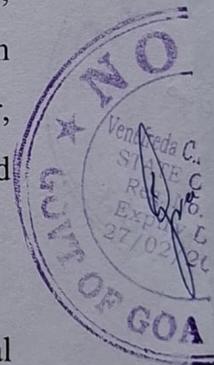
8. I say that it is therefore evident that the cause of action, if any, for any 'person aggrieved' to challenge the impugned permission arose on 18.12.2019, being the date on which the decision to grant the said permission was uploaded on the official website of the GCZMA, or at the latest, on 13.01.2020, when the impugned permission was formally issued in favour of Respondent No 2.



9. I say that once the Minutes of the Meeting containing the decision to grant the impugned permission were published on the official website of the GCZMA, the same constituted valid and effective communication of the said decision to the public at large.

10. It is a well-settled principle of law that when an order or decision of a statutory authority is placed in the public domain through publication on an official platform, such publication amounts to due communication for the purposes of reckoning limitation. The rationale behind this principle is that public authorities cannot be expected to personally serve every order upon all potential "persons aggrieved", and publication through an official channel ensures transparency and access to information. Therefore, the uploading of the decision of the GCZMA on its website on 18.12.2019 clearly amounted to valid communication of the order, and the limitation period for filing the appeal must be computed from that date.

11. I say that under Section 16 of the National Green Tribunal Act, 2010, an appeal is required to be filed within 30 days from the date of communication of the order, permission, or direction. I say that this Respondent therefore submits that the appeal is clearly barred by limitation, as per Section 16 of the National Green Tribunal Act, 2010.

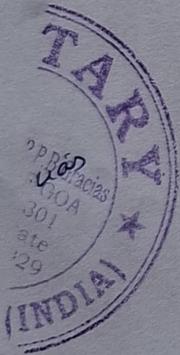


12. I say that this Respondent submits that it is a well-established principle of law that the limitation period prescribed under the proviso to Section 16 of the National Green Tribunal Act, 2010 is mandatory and absolute in nature. The said period cannot be extended beyond what is expressly provided in the statute, even by invoking the provisions of the Limitation Act, 1963. The legislative intent behind Section 16 is to ensure that environmental disputes are addressed with promptness and finality, and hence, no authority, including this Hon'ble Tribunal, possesses the jurisdiction to condone delay beyond the statutory period.

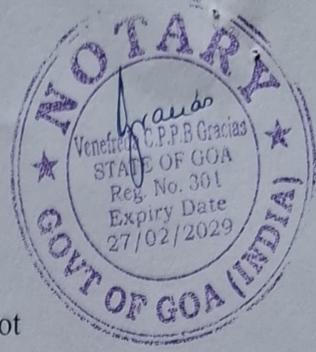
13. In the present case, the appeal has been filed well beyond the maximum permissible period and no explanation or justification for such an extraordinary delay has been provided. Therefore, the present appeal is hopelessly barred by limitation and is liable to be dismissed on this ground alone.

14. In view of the foregoing, this Respondent respectfully submits that the present appeal, having been filed well beyond the prescribed limitation period, is *ex facie* barred by time and therefore deserves to be dismissed *in limine*.

15. I say that this Respondent therefore humbly submits that the present application deserves to be rejected, and the accompanying Appeal No. 143/2025 (WZ) pending before this Hon'ble Tribunal be



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dismissed, as the same is clearly barred by limitation and not maintainable in law.

16. I say that what has been stated in Paras 1 to 15 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: 07.11.2025

Shri Sachin S Desai

Member Secretary GCZMA

DEPONENT

Identified by:

Solemnly affirmed before me
Sachin S Desai

Who is identified before me by
Shri/Smt

.....At Panjim - Goa

Sr. No, 193/D/2025

Dated. 07/11/2025

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

