

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

APPEAL NO. 149/2025 (WZ)

Valentina Fernandes

...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 29.01.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the G + 2RCC structure with mangalore tiles roofing and one temporary shed with MS frame, 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.

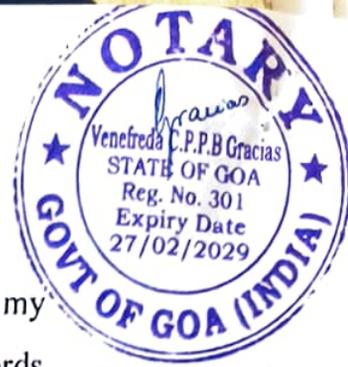
(The Impugned Order dated 29.01.2025 is at page 33 of the Appeal)

4. I say that Survey Nos. 63/35 & 63/36 of Village Arambol, Girkarwada, Pernem, Goa (“**said Property; subject Property**”) falls within NDZ (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 say that a site inspection was carried out. I say that the Site Inspection Report recorded violations of CRZ Notification 2011.

Annexed hereto is a photograph of the Impugned Structure marked as "Annexure A"

6. 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, the Appellant herein failed to produce any documentary evidence to show that the impugned structures are pre-1991.
7. I say that the Appellant has claimed that she hails from a traditional fisher folk community and, on that basis, seeks to invoke the protection afforded under the Coastal Regulation Zone (CRZ) Notification. It is submitted that such protection can accrue to the benefit of the Appellant, only upon the Appellant establishing, by cogent documentary evidence, that the structures in question are pre-1991 constructions.
8. 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. I say that the Appellant herein has failed to produce any permission from this authority pertaining to the said impugned structures.
9. I say that in view of the above, the present appeal is liable to be dismissed.





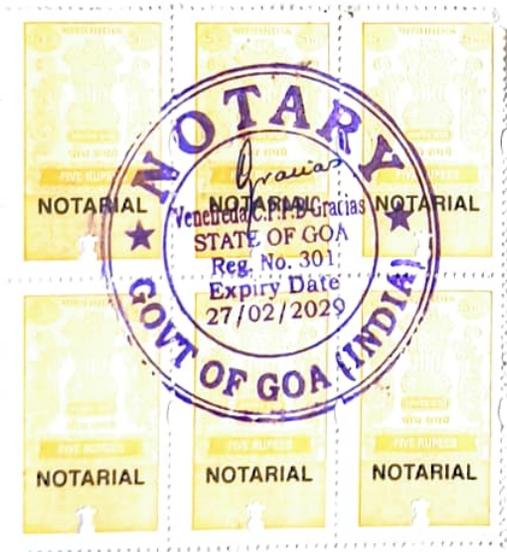
10. I say that what has been stated in Paras 1 to 9 are true to my own knowledge and/or are based on documents/records available with the Respondent and the contents of the same are true and correct and nothing material has been concealed herein.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 03.10.2025

DEPONENT



Solemnly affirmed before me

Sachin Desai

Who is identified before me by

_____ At Panjim - Goa

Sr. No. 128/10/2025

Date. 03/10/2025

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

"ANNEXURE A"

Sr. .No. 58

