



**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE  
APPEAL NO. 151/2025 (WZ)**

Francisco 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 4<sup>th</sup> 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 30.04.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the G + 3 structure standing therein and also to demolish the steps and close the well after taking guidance from WRD belonging to the Appellant 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 30.04.2025 is at page 43 of the Appeal)*



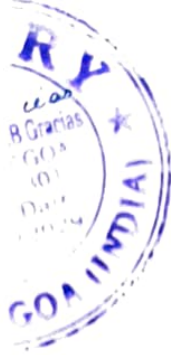
4. I say that Survey No. 238/1-A of Village Calangute, Bardez, Goa (“**said Property; subject Property**”) falls in CRZ-III area. I say that all re-construction/ construction/ repairs/ renovation/ development within 500 mts of the Sea require prior permission/approval of the GCZMA under the CRZ Notification 2011.
  
5. I state that the Respondent received a Complaint dated 14.09.2022 alleging that the Appellant has undertaken unauthorized construction and operation of a ‘Guest House’ consisting of Ground plus three floors, along with a well and 8–10 huts (“**Impugned structures**”), in the subject property, without obtaining requisite permissions and licenses, and is obstructing public access to the beach.
  
6. I say that on 28.09.2022 and 16.06.2023 site inspection was carried out by expert members, engineers and field surveyors of GCZMA.

*(Inspection Report dated 16.06.2023 is at pg 58 of the appeal.)*



7. I say that vide Show Cause Notice dated 30.08.2023, the Appellant was put to notice that a complaint dated 14.09.2022 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. *(Show Cause Notice dated 30.08.2023 is at page 60 of the Appeal)*

8. I say that the Appellant submitted its reply before the GCZMA contending that the impugned structures situated in the subject property are pre-1991 constructions. In support of this contention, the Appellant placed reliance on an approval dated 21.06.1994 issued by the Goa State Council for Coastal Environment (GSCCE) for proposed repairs and renovation of an existing structure in Survey No. 238/1 (Plot A), village Calangute, Bardez, Goa. However, the said approval does not establish or furnish any proof that the impugned structures are pre-1991 constructions.



*(The GSCCE approval dated 21.06.1994 is at page 83 of the Appeal)*

9. I say that the Appellant had not produced any document evidencing ownership of the subject property before the Answering Respondent. I say that the Original Complainant (Respondent No. 3), upon obtaining a copy under the RTI Act, produced the Sale Deed dated 28.01.2009, under which the Appellant purchased the subject property. The said Sale Deed, whereby the Appellant purchased the subject property, contains no reference to any structure thereon.

*(The Sale Deed dated 28.01.2009 is at page 183 of the Appeal.)*

10. 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.

