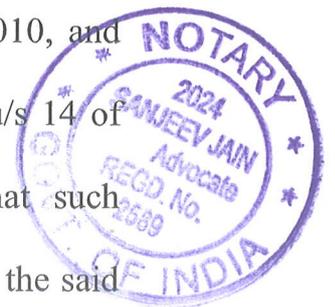


the own personal knowledge of the Appellant, have been so verified in the appeal.

- b) The Appellant has filed the complaint (*leading to the passing of the Directions bearing Reference No. GCZMA/N/ILLE-Compl/22-23/75/3283 dated 17/01/2024*) as well as the present appeal, not in public interest or genuine environmental concern but for *mala-fide* reasons and extraneous considerations.
- c) The Appellant has indulged in selective targeting of certain business establishments located in the vicinity while excluding other real gross cases of illegal constructions/business establishments operating in the vicinity.
- d) The Respondent No.1 further submits that the issues raised in the present appeal do not fall strictly within the scope of Section 16 of the National Green Tribunal Act, 2010, and the same partakes the character of an application u/s 14 of the said Act. The Respondent No.1 submits that such additional issues outside the scope of Section 16 of the said



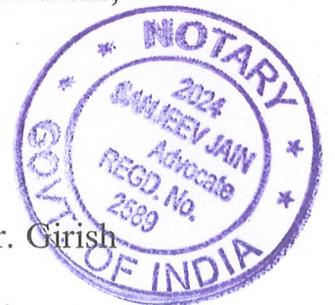
Respondent 1

Act ought not to be examined by this Hon'ble Tribunal in the present appeal.

Facts leading to the filing of the present Appeal are as under:

2. The Respondent No.1 is a co-owner of a piece and parcel of landed property admeasuring 3,955 square meters (*i.e. Plot P-23 admeasuring 450 square meters, Plot P-24 admeasuring 440 square meters and Plot M-1 admeasuring 3,065 square meters*), situated within the jurisdiction of Village Panchayat of Mandrem, Pernem Taluka (*hereinafter referred to as the "said property"*). The said property has been carved-out of and forms part of a larger property bearing Survey No. 211/2-A of Revenue Village Mandrem, totally admeasuring 24,008 square meters.

3. Besides the Respondent No.1, Mr. Akhil Bansal, Mr. Girish Kumar Arora and Mr. Kamal Takkar are the other co-owners of the said property. The said property was purchased, *inter-alia*, by the Respondent No.1 from its

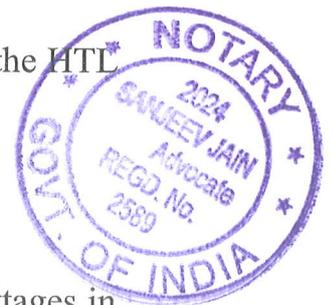


Respondent 1

predecessors-in-title by a Deed of Sale dated 12.02.2021 registered in the Office of the Sub-Registrar of Pernem on 16.02.2021. The Appellant craves leave to refer to and rely upon the Sale Deed, if and when required.

4. The Respondent No.1 states that although the said property has been purchased jointly, the erection of temporary structures/cottages and operation of the hotel therein in the name and style of '*Oralia Resorts*' has been done exclusively by the Respondent No.1 and the other co-owners of the said property have nothing to do with the erection of the structures/cottages and operation of the said hotel. It is in these circumstances that all Permissions/NOCs have been applied-for and granted exclusively in the name of the Respondent No.1. The Respondent No.1 states and submits that the said property is situated partly within 0-200 mts. from the HTL and partly within 200-500 mts. from the HTL of CRZ-III zone.

5. Being desirous of operating a hotel of temporary cottages in the said property, the Respondent No.1 made an application dated 14.06.2021 to the Respondent No.2 (GCZMA),



Rejendra

seeking permission for erection of 21 cottages and 1 restaurant/reception therein. The afore-referred application of the Respondent No.1 was duly considered by the Respondent No.2 at its 264th meeting held on 06.07.2021, whereat the proposal of the Respondent No.1 was approved on the terms and conditions stated therein.

6. It would not be out of place to note herein that the permissible FAR for erection of cottages in terms of the CRZ Regulations is 33% (1305.15 sq. mts.). However, the FAR proposed to be used by the Respondent No.1 was 30.77% (1217 sq. mts.). In terms of the approval granted by the Respondent No.2 in its 264th meeting held on 06.07.2021, a formal Permission letter bearing Ref. No. GCZMA/N/Shack-Hut-Cott-Tent/20-21/68/585 dated 23.07.2021 came to be issued by the Respondent No.2 to the Respondent No.1. Following this, the Respondent No.1 also obtained NOC for erection of the cottages, restaurant, reception etc. from the Village Panchayat.



7. Immediately upon obtaining the afore-referred permissions, the Respondent No.1 undertook the erection of the aforesaid

Respondent 1

cottages & allied facilities. Although the permissions granted by the competent authorities pertained to 21 Nos. cottages, the Respondent No.1 has undertaken the construction of only 17 Nos. cottages along-with the restaurant/reception area.

8. The Respondent No.1 states that the entire development has been executed as per the terms & conditions of the permissions and other rules & regulations in force. The cottages and allied facilities have been erected by using wooden particle-boards, engineered wood planks in conjunction with certain modern permissible materials such as bison panels and G.I. pipes. The use of modern material has been necessitated, considering the inclement weather conditions prevailing in the area particularly during the monsoon season and also for the purpose of ensuring structural stability of the cottages. However, the nature of the cottages is totally temporary in nature and is otherwise capable of being dismantled at ease.

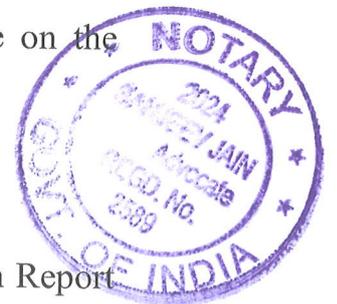


9. The Respondent No.1 further states that the use of such modern material is well within the permissible limit of 30%

Respondent U

of the total material used for the subject development. Even the type of modern material used by the Respondent No.1 is eco-friendly in nature and not prohibited in terms of the rules & regulations in force. The height of the cottages & allied facilities is also well within permissible limits of 9 mts.

10. However, pursuant to a complaint made by the Appellant, the Respondent No.2 is stated to have conducted site-inspection of the said property on 03.01.2023. The site-inspection was not preceded by Notice of Site Inspection served upon the Respondent No.1 and therefore neither the Respondent No.1 (Project Proponent) nor any of his authorized representative/s were present at the site on the date of the site-inspection.



11. No photographs were annexed to the Site Inspection Report dated 10.01.2023 (*prepared pursuant to the site inspection held on 03.01.2023*) and therefore it is apparent that no photographs were taken by the Inspection Team during the site inspection held on 03.01.2023. Further, although the inspection was purportedly attended by four persons; the

Rajender U

signature on the Site Inspection Report was only of one person namely Mr. Balkrishna Surlakar, Field Surveyor, GCZMA; raising a serious question-mark over the very presence of the members, as alleged in the Site Inspection Report.

12. The Respondent No.1 states that on the date of site-inspection held on 03.01.2023, one of the co-owners of the said property (*who has not undertaken the subject development and is not the project proponent*) namely Mr. Kamal Takker was incidentally present in the said property for pursuing some mutation related work. The said Mr. Takkar was however not aware about the nature, form and extent of the subject development, which was proposed/undertaken by the Respondent No.1.



13. Despite the absence of Respondent No.1 or his authorized representative, the officials of the Respondent No.2 unilaterally proceeded to conduct a purported site-inspection of the said property and prepared a Site Inspection Report dated 10.01.2023, containing several misconceived and

Respondent 1

factually incorrect observations regarding the nature, form and extent of the subject development.

14. A detailed point-wise response to the said incorrect observations/findings of the Site Inspection Report dated 10.01.2023 are as follows:

A. As far as the structures identified in the site inspection report with alphabets 'A' to 'V' are concerned, it is emphatically denied that any cement, concrete, RCC slab or masonry was used in its erection, as alleged. The structures have been constructed using wooden particle boards and engineered wooden planks. Bison panels and G.I. pipes/mild steel frames have been used wherever essential and that too, well within permissible limits of 30% of total building material used.

B. With specific reference to alphabets 'U' and 'W' are concerned, the particulars disclosed cannot be construed as a 'structure', as alleged. Further, there was no concrete footpath constructed, as alleged. However, it is true that rubble stone was packed/laid on the ground and detachable



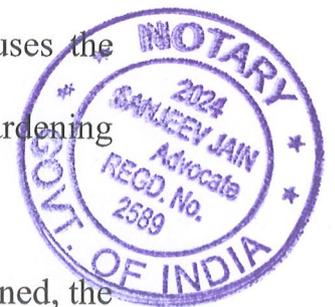
Rejinder u

interlocking pavers were placed on top of the rubble to facilitate movement of guests and staff.

- C. With specific reference to alphabet 'V', it is specifically denied that there was any swimming pool constructed in the said property, as alleged, or for that matter, any laterite stone masonry has been used for that purpose. The said property admittedly has a sloppy profile and part of the said property (at alphabet 'V') is at the lowest level and had a natural depression/pit. The Respondent No.1 has harnessed the natural land-profile and used it as a water-harvesting tank, which is in fact permitted by the law.

In fact, the Beach Carrying Capacity Report itself encourages project proponents to undertake measures like rain water harvesting since extraction of ground water in such places is permitted. The Respondent No.1 uses the harvested water for drinking purpose, besides, gardening and other domestic needs.

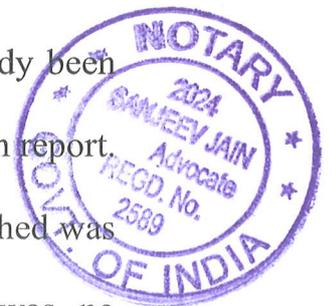
- D. As far as the laterite stone compound wall is concerned, the same was a very old compound wall and which, at the very least, has been in existence prior to coming into force of the CRZ Regulations in the year 1991. Such laterite stone



Rejinder u

wall is in fact a land boundary identification mark. In any case, there was not even an allegation regarding use of cement for binding or plastering of such laterite stone compound wall. Mere use of laterite stone for the purpose of securing private property and serving as a boundary/identification mark, is not actionable in terms of the CRZ Regulations.

- E. As far as the shed-fencing around the southern boundary of the said property is concerned, such fencing is invariably put when any development work is undertaken. The same was a purely temporary measure undertaken for ensuring the safety/security of the commuters/passers-by, using the main road touching the southern boundary of the said property. The said fence had remained to be dismantled after completion of work. The said shed has already been removed subsequent to the impugned site inspection report. In any case, the material used for such temporary shed was not prohibited under law and therefore there was no warrant for the Inspection Team to enlist the same as a purported violation.



Rejinder U

F. Other than the above responses to the Site Inspection Report, the Respondent No.1 specifically denies the dimensions and measurements of the structures stated in the Table annexed to the Site Inspection Report.

15. Based on the findings of the Site Inspection Report dated 10.01.2023, the Respondent No.2 issued Show Cause Notice bearing Ref. No. GCZMA/N/ILLE-COMPL/22-23/75/2744 dated 02.03.2023 to the Respondent No.1. The Respondent No.1 states that the Show Cause Notice dated 02.03.2023 was based on the complaint of the Appellant. The Respondent No.1 responded to the allegations of the Show Cause Notice dated 02.03.2023 vide its Reply dated 17.03.2023. Thereafter, the Respondent No.1 also filed an Additional Reply dated 01.05.2023 to the said Show Cause Notice.



16. In the meanwhile, pursuant to a complaint dated 30.05.2022 filed by M/s Cochin Estates Limited (*alleging construction by the Respondent No.1 without maintaining requisite setback from the boundary wall of their adjoining*

Rajender u

property), the Respondent No.2 conducted site-inspection of the said property on 26.08.2022 and prepared a Site Inspection Report dated 26.08.2022.

17. The Respondent No.1 states that this particular Site Inspection was also carried-out unilaterally by the Respondent No.2 without issuing any Site Inspection Notice to the Respondent No.1 and the inspection was held behind the back of the Respondent No.1. During this particular site inspection also, Mr. Kamal Takker (*who has not undertaken the subject development and is not the project proponent*) was incidentally present in the said property. The said Mr. Takker even represented to the officials of the Respondent No.2 that all permissions for the subject development had been obtained by the Respondent No.1.



18. It is reiterated that Mr. Kamal Takker (*although otherwise a co-owner of the said property*) has nothing to do with the subject development. Therefore, his presence could not have been recorded in the Site Inspection Report dated

Rajendra U

26.08.2022 as being the representative of M/s Oralia Resort.

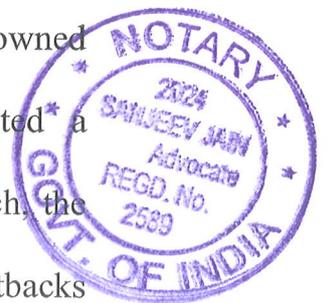
19. The Respondent No.1 states that the Site Inspection Report dated 26.08.2022 was also replete with factual inaccuracies and inconsistencies. The Respondent No.1 states that no site-plan was drawn during the time of such inspection and similarly no photographs were taken during the inspection.
20. The Respondent No.1 further states that the property owned by M/s Cochin Estates Ltd. is situated towards the eastern side of the said property (*owned by the Respondent No.1*). However, a bare perusal of the Site Inspection Report dated 26.08.2022 prepared by the officials of the Respondent No.2 would reflect that the alleged setbacks only on the southern side of the Respondent No.1's property were recorded therein (*that too by approximation*). In other words, the measurement of setback on the eastern, western and northern side of the property owned by the Respondent No.1 had not been indicated in the said Site Inspection Report.



Rejinder U

21. Since the property of M/s Cochin Estates Ltd. is situated on the eastern side of the property belonging to the Respondent No.1 and since the allegation of M/s Cochin Estates Ltd. was regarding non-maintenance of adequate setback by the Respondent No.1 along its plot boundary, the bare minimum requirement of the purported Site Inspection Report dated 26.08.2022 was to show the measurement of setback on the eastern side of the property belonging to the Respondent No.1; which has not been done in the present case. In the circumstances aforesaid, no violation whatsoever was made-out from the reading of the purported Site Inspection Report dated 26.08.2022.

22. In any event of the matter, it was M/s Cochin Estates Ltd. who had factually encroached into the said property owned by the Respondent No.1 and illegally constructed a compound-wall upon the common boundary. As such, the allegation regarding non-maintenance of side setbacks could never be determined merely by taking measurements of the distance of the structures from the existing compound-wall. The said issue could only be resolved by



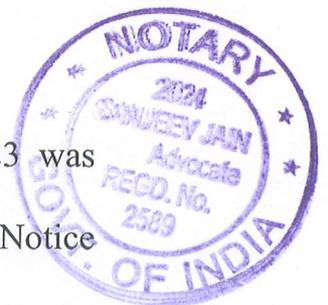
Refer to

super-imposing the site plan of the existing structures over the Govt. Survey Plan of the two properties, which exercise was never resorted to by the Respondent No.2.

23. The Respondent No.1 filed a Preliminary Reply dated 11.04.2023 to the Show Cause Notice dated 30.03.2023; followed by an Additional Reply dated 22.06.2023.

24. The Respondent No.2 is said to have conducted yet another site-inspection of the said property on 30.06.2023 pursuant to the decision taken in its meeting held on 22.06.2023. The purported site-inspection of the said property held on 30.06.2023 was equally against established procedure of the GCZMA and therefore stood vitiated.

25. Firstly, the purported site inspection of 30.06.2023 was once again held without issuing any Site Inspection Notice to the Respondent No.1. It was falsely recorded in the Inspection Report dated 30.06.2023 that notice of site-inspection was waived-off by the parties. The Respondent No.1, upon taking instructions from his Advocate, was informed that during the hearing held before the GCZMA

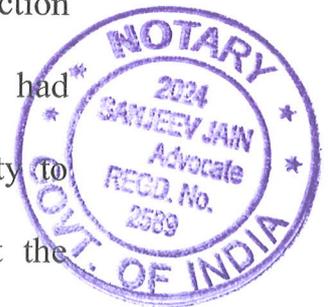


Respondent 4

on 22.06.2023, the Advocate appearing for Respondent No.1 was informed that the site-inspection of the said property may be **tentatively** held on 30.06.2023.

26. However, the said Advocate had specifically apprised the Respondent No.2 Authority that since the Advocates are not expected to attend site-inspections held at loco, Respondent No.2 may directly issue a site-inspection notice to the Respondent No.1, containing the finalized date & time of inspection, at his address available with the Respondent No.2 (*as recorded in the GCZMA Permission Letter*).

27. Therefore, quite apart from waiving-off any site inspection notice, the Advocate for the Respondent No.1 had distinctly called-upon the Respondent No.2 Authority to issue such notice to the Respondent No.1, so that the finalized date and exact time of inspection could be known to the Respondent No.1. However, the site inspection was conducted in undue haste, without even allowing the Respondent No.1 to be present for the inspection and



Rajendra U

representing the correct factual position regarding the structures existing at loco.

28. Secondly, the site inspections generally conducted by the Respondent No.2 are attended by at least one Expert-Member of the Authority. However, both the site inspections held in the present matter, *i.e.* the site inspection held on 03.01.2023 and the site inspection held on 30.06.2023, were conducted only by Field Surveyors of the GCZMA, who are not even members of the Authority. No member – Expert Member or otherwise, had witnessed/participated in the purported site inspections of the said property. Therefore, the site-inspections conducted were devoid of any legal sanctity.

29. Thirdly, the Site Inspection Report dated 30.06.2023 recorded that inspection was carried-out, of the property bearing Survey No.211/2-A admeasuring 24,008 square meters, which is the larger property owned by several independent land-owners. The Respondent No.1 along-with Mr. Akhil Bansal, Mr. Girish Kumar Arora and Mr. Kamal Takkar are the co-owners only of a portion of that

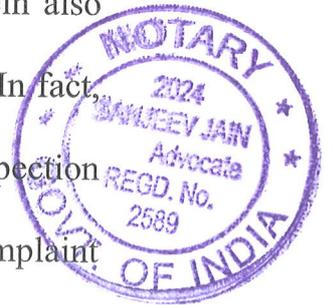


Respondent 2

larger property, totally admeasuring 3955 square meters (i.e. Plot P-23 admeasuring 450 square meters; Plot P-24 admeasuring 440 square meters and Plot M-1 admeasuring 3065 square meters).

30. Fourthly, no site-plan or sketch was drawn at the time of site-inspection purportedly conducted on 30.06.2023; although the official present for inspection himself was a Field Surveyor.

31. There is therefore no material to indicate that the portion of the property inspected on 30.06.2023 was only the property belonging to the Respondent No.1 (*and not the other land-parcels forming part of the larger property*) wherein also there were similar type of cottage hotels operating. In fact, the purported complaint referred-to in the Site Inspection Report dated 30.06.2023 appears to be a joint complaint filed by Mr. Chandan Khorjuvekar (the Appellant herein) against Pankaj Chopra, Satyam Thakral, Maargit Beach Resort and Rajendra Kamra (the Respondent No.1 herein).

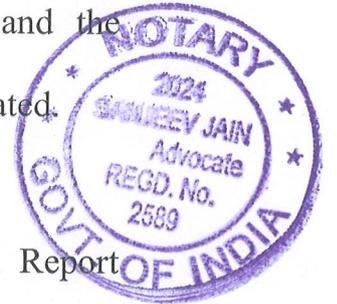


Rajendra U

32. Therefore, there is every indication that the entire larger property was inspected and joint inspection report was accordingly prepared. Even a bare perusal of the photographs annexed to the Site Inspection Report would reveal that the same do not relate to the cottages being operated by the Respondent No.1. The Inspection Report dated 30.06.2023 is therefore vitiated on this ground also.

33. As far as the alleged violations stated in the Tabular Chart of the Site Inspection Report dated 30.06.2023 are concerned, the Respondent No.1 had already offered his detailed comments/responses thereto, in the Reply dated 17.03.2023 filed before the Respondent No.2 and the contents of the same are hereby repeated and reiterated.

34. In general, the allegation in the Site Inspection Report dated 30.06.2023 regarding use of concrete plinth is emphatically denied, since all cottages & allied facilities had been erected solely with the use of items permitted under the Beach Carrying Capacity Report and the Draft Turtle Nesting Management Plan. Even in the Site Inspection Report dated 30.06.2023, there is no allegation



Refer 4

that the use of permitted modern material is more than the permissible percentage.

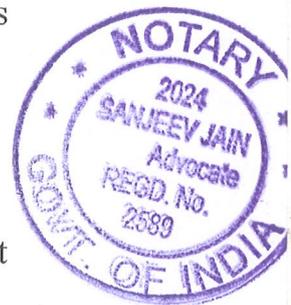
35. However, with regard to additional observation made in Sr. No. 14 of the Table Chart of the Site Inspection Report dated 30.06.2023 (*viz. switchgear board, circuit breaker and transformer*), the Respondent No.1 states that such item could never be construed as a 'structure' and is not actionable in law. It has been held by the Hon'ble High Court of Bombay at Goa that the utility services such as transformer, generator etc. form part of "*facilities essential for permissible activities*" as per the CRZ Regulations and such facilities do not require separate/independent permissions from the CRZ point of view.



36. Further, the said items were completely detachable and therefore there was no concept of permanence attached to them. Furthermore, such items/facilities constituted the property of the Electricity Department and serves the power needs not only of the Respondent No.1 but also of surrounding residents and business establishments.

Respondent 11

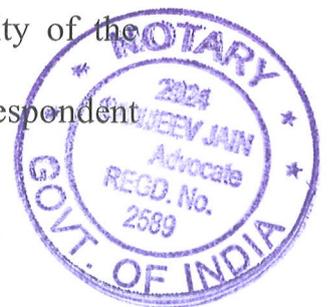
37. With regard to the additional observation made in Sr. No. 16 of the Table Chart of the Site Inspection Report dated 30.06.2023 regarding alleged concrete footpath, the imputation is emphatically denied. The Respondent No.1 states that since the earth/surface of the land in certain areas of the said property is muddy/soggy, the Respondent No.1 has compacted the same with stone-rubble and laid detachable interlocking-pavers over it.
38. However, such pavers, by their very nature are laid-over compacted rubble and/or sand and no use of concrete is involved therein. Naturally in the present case also, therefore, no concrete was used for the walkway which is frivolously referred to as the 'concrete footpath'.
39. As far as the observation in the Site Inspection Report dated 30.06.2023 regarding distance between two structures being less than 3 meters is concerned, the same is denied. The Appellant states that all the cottages have been constructed as per the approved plan, by maintaining adequate set-backs, as provided in law. The allegation regarding lack of side-setback is also factually unfounded.



Respondent 4

40. If the Site Inspection Report dated 26.08.2022 prepared by the Respondent No.2 pertaining to the said property is perused, then it will be clear that there is no mention of any inadequate side-setback on the eastern and western side of the said property, although the entire cottage development was admittedly complete by that date. That Inspection Report records alleged insufficient set-back only on the southern side of the said property.

41. Whereas the Inspection Report dated 30.06.2023 does not speak of any alleged setback violation on the southern side of the said property; but on the eastern and western side. The afore-referred glaring inconsistency in the Site Inspection Reports dated 26.08.2022 and 30.06.2023 casts a grave doubt about the authenticity and veracity of the inspections conducted by the officials of the Respondent No.2 in the present case.



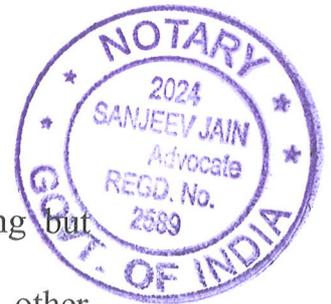
42. The allegation in the Site Inspection Report dated 30.06.2023 regarding existence of concrete pathway between the cottage structures and compound-wall from

Respondent 2

eastern and western side of the land, is denied. There is no such concrete pathway existing in the Respondent No.1's property and therefore such imputations are clearly pertaining to some adjoining cottage development.

43. The allegation regarding construction of laterite stone masonry retaining wall, between Structure 'I' and the north side boundary of the Respondent No.1's plot, is denied. The Respondent No.1 states that his property was bounded by laterite-stone compound-walls on all side when the Respondent No.1 purchased the same – only that M/s Cochin Estates Ltd. has thereafter encroached into Respondent No.1's property on the eastern side of his property.

44. Even the laterite stone compound-walls are nothing but placing of laterite stones one on top of the other (*traditionally done as a means of demarcation and security of the plot against trespass and is referred to as a 'gadga-wall'*). There is no use of cement involved in the process and therefore the same is not actionable in law.



Respondent 4

45. The Respondent No.1 states that even the photographs annexed to the Site Inspection Report dated 30.06.2023 (with the date of 30.06.2023) do not pertain to the said property. It is obvious that photos of the adjoining properties had been wrongly ascribed to the Respondent No.1. Even the photos (with the date of 03.01.2023) *ex-facie* do not pertain to the said property because no photographs were annexed to the Site Inspection Report dated 10.01.2023. Similarly, even the Site Inspection Report dated 10.01.2023 did not make any reference to photographs taken during the said inspection. In the circumstances, the Respondent No.1 filed his detailed objections dated 20.07.2023 to the Site Inspection Report dated 30.06.2023.

46. The Appellant states that after hearing the oral arguments and written submissions filed by the contesting parties, the Respondent No.2 was pleased to pass the Impugned Order, directing demolition of the swimming pool, RCC Underground Water Tank and the footpath. Being aggrieved by the same, the Respondent No.1 herein has



Respondent 1

preferred a separate appeal u/s 16 of the NGT Act, 2010, to the limited extent of challenging the aforesaid demolition.

47. However, upon considering the explanations offered by the Respondent No.1 to the Show Cause Notice, including its objections to the Site Inspection Reports, the Respondent No.2 was pleased to discharge the Show Cause Notices in respect of all other structures reflected in the Site Plan annexed to the Site Inspection Report dated 10.01.2023.

48. As far as the challenges raised in the present appeal are concerned, the Respondent No.1 states that the same are completely unfounded, misconceived and factually untrue.

49. The contention raised by the Appellant that the Respondent No.2 has not considered the findings recorded in its own Site Inspection Reports dated 10.01.2023 and 30.06.2023, are denied, as alleged. The Respondent No.1 states that, for the reasons more particularly enumerated in the foregoing part of this Reply, the findings of the aforesaid Site Inspection Reports were factually misconceived and incorrect.

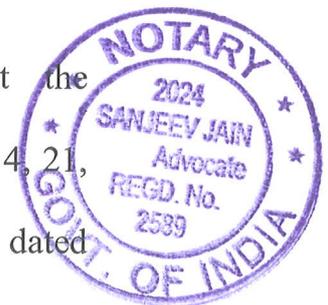


Rajinder

prepared for the State of Goa, use of WPC and fibre cement sheet/panels is permissible building material for erection of temporary structures.

53. Even the Beach Carrying Capacity Report for the State of Goa prepared by National Centre for Sustainable Coastal Management, Chennai (NCSCM) permits the use of modern material such as synthetic, steel, nylon, fabric etc. for the purpose of framework. The terminology used in the said Report is illustrative and includes within its sweep, all kinds of modern material other than the material expressly prohibited therein.

54. The Respondent No.1 specifically denies that the Respondent No.1 has violated Conditions Nos. 10, 14, 21, 22 or 23 of the GCZMA Permission/Approval dated 23.07.2021, as alleged or at all. The Respondent No.1 states that there is no finding rendered even in any of the purported/factually incorrect Site Inspection Reports of the GCZMA that the cottages of the Respondent No.1 are not

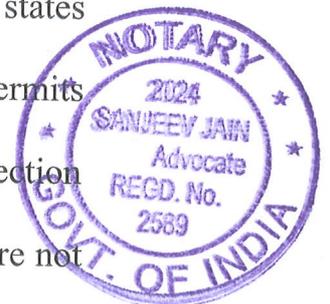


Respondent u

on stilts of wooden poles erected 1m above the ground, as alleged.

55. The Respondent No.1 states that even the allegations regarding inadequate setback between adjacent cottages or inadequate setbacks from the survey boundary, are founded on the GCZMA Site Inspection Reports, which incorrectly describe the neighboring cottage hotel wrongly assuming it to be that of the Respondent No.1.

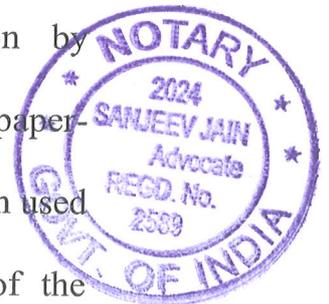
56. As far as the allegation of the structures being ground + 1 floor is concerned, the same is denied. Without prejudice and for the sake of arguments, the Respondent No.1 states that the Beach Carrying Capacity Report itself permits structures up to a height of 9 meters and therefore erection of temporary cottages with ground + 1 floor, *per-se* are not prohibited. The GCZMA/Approval dated 23.07.2021 duly incorporates the provisions of the Beach Carrying Capacity Report. There is no finding recorded in any of the Site Inspection Reports that the height of the cottages of the Respondent No.1 is more than 9 meters.



Rejinder U

57. The contention of the Appellant that the Respondent No.1 has brushed-aside the photographic evidence produced on record by the Appellant along-with his complaint dated 29.08.2022 or the photos annexed to the Site Inspection Report dated 30.06.2023, are denied.

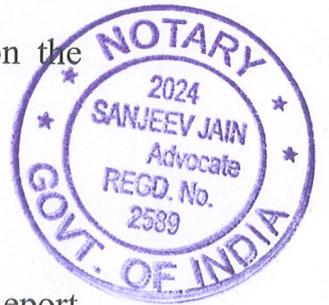
58. The Respondent No.1 reiterates that the Appellant has used the very same photos to complain to GCZMA regarding multiple cottage hotel projects in the neighbouring vicinity and therefore the photos are *ex-facie* false and do not pertain to the cottage hotel of the Respondent No.1. For instance, the exact same photo which have been used by the Appellant in his complaint dt. 27.07.2022 to the GCZMA, complaining about illegal construction by various other third parties (refer pg. 53 of appeal paper-book – 1st photo attached to the email), have also been used as pertaining to the alleged illegal construction of the Respondent No.1 (refer. I.A. No. 203/2022 in O.A. No. 70/2022 filed by the Appellant herein). Hereto annexed and marked as ANNEXURE R1/1 COLLY is a copy of the I.A. No. 203/2022 (Application for Impleadment of



Respondent 1

Respondent No.1) filed by Appellant herein in O.A. No. 70/2022 before this Hon'ble Tribunal and a clear copy of the 1st photo attached to the email dated 27.07.2022 at Pg.53 of the appeal.

59. Further, the photos annexed to the Site Inspection Report dated 30.06.2023 (with the date of 30/6/2023) *i.e.* photos at Pg. 73 to 94 of the Appeal Paperbook do not pertain to the cottages of the Respondent No.1 but rather pertain to the adjoining hotel. In this connection, it is pertinent to note that, as recorded at Pg. 68 of the appeal paperbook, the purported site inspection of Respondent No.1's property was held on 30.06.2023 at 11 a.m. and all the photos purportedly taken during the site inspection mention the time after 16:00 hours *i.e.* after 4 p.m.

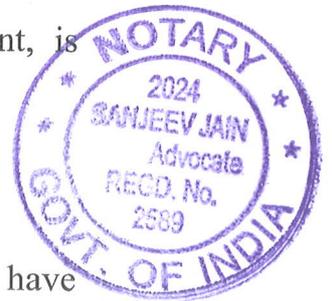


60. Even the photos annexed to the Site Inspection Report dated 30.06.2023 (with the date of 03.01.2023) *i.e.* the photos at Pgs. 95-96 also do not pertain to the cottages of the Respondent No.1. The Respondent No.1 states that no photographs were annexed to the Site Inspection Report

Rajender u

dated 10.01.2023 prepared pursuant to the site inspection held on 03.01.2023, thereby making it clear that no photographs were taken during the inspection held on 03.01.2023. In that scenario, it is shocking as to how certain photographs (with the date of 03.01.2023) could be surreptitiously brought on record through the Site Inspection Report dated 30.06.2023.

61. Another aspect to be noted is that the Appellant was himself absent for the purported site inspection of the subject property held on 03.01.2023. Even at the purported site inspection of the subject property held on 30.06.2023, the Appellant himself was absent and the name of some other interloper by the name of Sagardeep Sirsaikar, purporting to be the representative of the Appellant, is recorded therein to be present.



62. Therefore, the Appellant cannot have and does not have personal knowledge of the facts relating to the cottage hotel of the Respondent No.1. Neither has any affidavit on oath of the said Sagardeep Sirsaikar been filed in these proceedings affirming the contents of the appeal to be

Rajinder K

factually true and correct nor have the contents of the appeal, even partly, been verified/affirmed to be based on information/belief.

63. The contentions of the Appellant that the cottages of the Respondent No.1 are located within the No-Take Zone or the Silence Zone or that the entire stretch of Mandrem Beach is designated as a Turtle Nesting Site as per the CRZ Notification, 2011, or that the cottages of the Respondent No.1 fall within CRZ-I category, are all denied. The Respondent No.1 states that reliance placed in this regard upon the decision of the GCZMA in its 234th Meeting dated 05.11.2020 is thoroughly misplaced.



64. The Respondent No.1 states that the GCZMA in its later decision taken in 345th Meeting held on 01.06.2023 has itself explained that the No take Zone, Sustainable Tourism Zone and Fisheries Livelihood Zone were concepts introduced in the Draft Sea Turtle Nesting & Habitat Management Plan, because the CZMP 2011 was delayed and, by then, not finalized/approved. It is only in that view

Respondent

of the matter that the GCZMA had declared the entire beach of Mandrem as a Silence Zone.

65. The decision of GCZMA in its 345th Meeting dated 01.06.2023 states that since the CZMP 2011 is now approved/finalized, the turtle nesting site is identified and demarcated therein. The Respondent No.1 therefore states that on and from that date, the turtle nesting site is confined only to those areas which have been specifically designated/demarcated, as such, in the CZMP 2011. Admittedly the subject property is not designated/demarcated in the CZMP 2011 as a turtle nesting site.

66. The decision of the GCZMA dated 01.06.2023 also modifies the earlier decision dated 05.11.2020, regarding designation of Silence Zone and states that, now onwards, only the turtle nesting sites (*designated as such in the CZMP 2011*) shall be treated as Silence Zones and therefore, the entire Mandrem beach stretch (*including the area of the subject property*) is not a Silence Zone. Hereto annexed and marked as ANNEXURE R1/2 is a copy of



Respondent 1

the Minutes of 345th Meeting of GCZMA dated 01.06.2023.

67. In view of the above, it is respectfully submitted that the present appeal be dismissed with exemplary costs.

Date: 22.08.2024

Rajendra K.

Place: Pune, Maharashtra

RESPONDENT NO.1

VERIFICATION

I, Rajendra Kumar Kamra, aged 54 years, Indian National, son of Leela Krishan Kumar, married, residing at H. No. 76, 3rd Floor, Pocket No. 27, Sector 24, North West Delhi, the Respondent No.1 above-named, do hereby solemnly verify that the contents of paras 1(b), 1(c), 2 to 7, 8(part), 9, 10 to 34, 35(part), 36 to 51 and 54 to 67 of the foregoing reply are true to my own knowledge and/or based on information and records; and the contents of the remaining paras 1(a), 1(d), 8(part), 35(part), 52 and 53 thereof, are based on legal submissions, which I believe to be true and correct.



Rajendra K.

Solemnly verified at Delhi, on this 21st day of August, 2024.

Rejinder K
DEPONENT

Notary Register Entry
Serial No. 7825
Dated 21 AUG 2024



ATTESTED
[Signature]
Notary Public Delhi
21 AUG 2024

ANNEXURE R1/1 COLLY.

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

I.A. No. _____ of 2022

IN

ORIGINAL APPLICATION No. 70 of 2022

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR ...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & OTHERS

...RESPONDENTS

INDEX

NEXT DATE: 06.01.2022

S.No.	PARTICULARS	PAGE NO.
1.	APPLICATION BY APPLICANT FOR IMPLEADMENT OF ALLEGED VIOLATORS AND DIRECTIONS TO GCZMA FOR CONDUCTING INSPECTION WITH AFFIDAVIT	1 - 4
2.	AMMENDED MEMO OF PARTIES	5 - 7
3.	<u>ANNEXURE - IA1(colly):</u> True and correct copies of the pictures dated 27.08.2022 taken by Applicant of the construction being carried out by Mr. Rajendra Kumar Kamra and representation dated 29.08.2022.	8 - 10
4.	<u>ANNEXURE - IA2:</u> true and correct copy of the relevant extracts of the minutes of the 264 th GCZMA meeting held on 06.07.2021.	11 - 12

PROOF OF SERVICE VIA EMAIL - 13

APPLICANT
THROUGH

Aagney SAIL

**AAGNEY SAIL & GAURESH MALIK
ADVOCATES FOR THE APPLICANT**

4th Floor, Office No.401, Edcon Incrocio,
Opp. Don Bosco High School,
Panaji, Goa 403001.

Ph. +91.9810076618, 08329285339

Email: aagneysail@gmail.com,
gaureshmalik6@gmail.com

Filed on: 12.12.22

Place: Goa

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

I.A. No. ____ of 2022

IN

ORIGINAL APPLICATION No. **70** of 2022

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR ...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & OTHERS

...RESPONDENTS

**APPLICATION BY APPLICANT FOR IMPLEADMENT OF
ALLEGED VIOLATORS AND DIRECTIONS TO GCZMA FOR
CONDUCTING INSPECTION**

MOST RESPECTFULLY SHOWETH:

1. That the Applicant has filed the abovementioned Original Application highlighting illegal construction of about 74 cottages in violation of Coastal Regulation Zone Notification, 2011 using heavy steel materials and concrete cement plinth on Mandrem Beach (which is a designated turtle nesting site as per CRZ Notification, 2011) in Survey No. 211/2-A of Village Ashwem, Mandrem, Pernem Taluka, North Goa Dist., Goa. The contents of the Original Application No. 70/2022 are not being repeated herein for the sake of brevity and the Applicant craves leave of this Hon'ble Tribunal to refer and rely on the same at the time of hearing of the present Application. That notice to Respondent No. 1 Authority was issued by this Hon'ble Tribunal vide order dated 04.08.2022 in the present OA and it is pending adjudication.
2. That it is pertinent to mention that vide order dated 18.11.2022 this Hon'ble Tribunal had directed the Applicant to move application for impleadment of Mr. Satyam Thakral as a necessary respondent no. 7 in the present Original Application. That this direction was issued based on inspection report dated 30.08.2022 filed by Respondent No. 1 Authority wherein violations have been found against Mr. Satyam Thakral.

3. Hence, it is prayed that this Hon'ble Tribunal may be pleased to direct impleadment of Mr. Satyam Thakral as a necessary respondent No. 7 in the present Original Application.

4. That it is pertinent to mention that during inspection by Respondent No. 1 Authority on 27.08.2022 (wherein the Applicant was present), another plot in Survey No. 211-2A was found to be under construction which involved violations including use of concrete etc. However, the said part of the plot could not be inspected as no notice of inspection was given to Mr. Rajendra Kumar Kamra who was present on 27.08.2022. The Applicant made a representation to GCZMA on 29.08.2022 about alleged violations in construction being carried out by Mr. Rajendra Kumar Kamra and requesting inspection and necessary action. True and correct copies of the pictures dated 27.08.2022 taken by Applicant of the construction being carried out by Mr. Rajendra Kumar Kamra and representation dated 29.08.2022 are hereto marked and annexed as **ANNEXURE – IA1(colly)**.

5. That GCZMA has on 06.07.2021 (264th meeting) given permission for the said part of Survey No. 211-2A (i.e. Plot M-L, Plot 23, Plot 24) to Mr. Rajendra Kumar Kamra for 21 Cottages, 1 Restaurant/Reception. A true and correct copy of the relevant extracts of the minutes of the 264th GCZMA meeting is hereto marked and annexed as **ANNEXURE – IA2**.

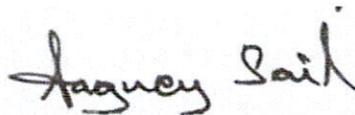
6. That it is pertinent to mention that till date the GCZMA has not taken any action on the illegal construction being carried out by Rajendra Kumar Kamra in Survey No. 211-2A (i.e. Plot M-L, Plot 23, Plot 24) and has not even inspected the said property. The Applicant has not received any notice for inspection, show-cause notice etc. being issued to Mr. Kamra by GCZMA till date. Hence, it is most humbly prayed that Mr. Kamra be impleaded as a necessary party respondent in the present Original Application and

GCZMA be directed to conduct site inspection of his property and submit inspection report along with pictures taken during inspection and all relevant documents before this Hon'ble Tribunal.

7. That the present Application for early hearing is bonafide and made in the interests of justice.
8. That in light of the abovementioned facts and circumstances, it is most humbly prayed that this Hon'ble Tribunal may be pleased to:
 - A. Implead Mr. Satyam Thakral as a necessary respondent No. 7 in the present Original Application and issue notice of the present Original Application to him seeking his reply.
 - B. Implead Mr. Rajendra Kumar Kamra as a necessary respondent No. 8 in the present Original Application and issue notice of the present Original Application to him seeking his reply.
 - C. Direct the Respondent No. 1 to conduct site inspection of the property of Mr. Rajendra Kumar Kamra in Survey No. 211-2A (i.e. Plot M-L, Plot 23, Plot 24) and submit inspection report before this Hon'ble Tribunal along with pictures taken during inspection and all relevant documents like GCZMA approval/permission granted, site plan, survey plan etc.
 - D. Pass any such order as this Hon'ble Tribunal may find fit and proper in the facts and circumstances of the case.

APPLICANT

THROUGH

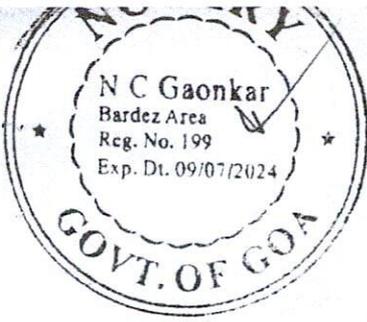


AAGNEY SAIL & GAURESH MALIK
ADVOCATES FOR THE APPLICANT
4th Floor, Office No.401, Edcon Incrocio,
Opp. Don Bosco High School, Panaji, Goa 403001.
Ph. +91.9810076618, 08329285339

Email: aagneysail@gmail.com, gaureshmalik6@gmail.com

Filed on: 12.09.2022

Place: Goa



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

I.A. No. _____ of 2022

IN

ORIGINAL APPLICATION No. 70 of 2022

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR ...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT
AUTHORITY & OTHERS

...RESPONDENTS

AFFIDAVIT

I, Chandan Suryakant Khorjuvekar, S/o Late Shri Suryakant Khorjuvekar aged about 49 years, R/o H.No. 98/9, Bandirwaddo, Anjuna, Bardez, Goa - 403517, do hereby solemnly state and affirm that:

1. That I am the Applicant in the above mentioned Original Applicant and I am aware of the facts of the present case and as such am competent to swear this affidavit.
2. That I have read and understood the accompanying Application for Impleadment which has been drafted on my instructions and the contents of which are true to my knowledge and have been read and explained to me in the vernacular.
3. That the Annexures IA-1 to IA- are true and correct copies of their respective originals.


DEPONENT

VERIFICATION:

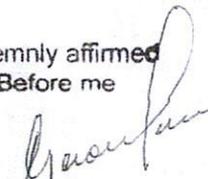
Verified that the contents of paras 1 to 3 of my above affidavit are true to my knowledge and its content is read and explained to me in the vernacular, no part of it is false and nothing material has been concealed therefrom.

Verified on 6 day of December, 2022 at Mapusa, Goa.


DEPONENT

Id. Adheen can
No. 5364 6386 335

Solemnly affirmed
Before me


N. C. Gaonkar
Advocate & Notary
Mapusa Bardez - Goa

for No. 31220/22

= 6 DEC 2022



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

ORIGINAL APPLICATION No. 70 of 2022
(U/s 14 of the NGT Act, 2010)

IN THE MATTER OF:

CHANDAN SURYAKANT KHORJUVEKAR ...APPLICANT

VERSUS

GOA COASTAL ZONE MANAGEMENT

AUTHORITY & OTHERS ...RESPONDENTS

AMENDED MEMO OF PARTIES

CHANDAN S. KHORJUVEKAR,
S/O SURYAKANT KHORJUVEKAR,
R/O H. NO. 98/9, BANDIRWADDO,
ANJUNA, BARDEZ, GOA – 403517.

PHONE: 07038781742

...APPLICANT

VERSUS

1. GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA),
THROUGH ITS MEMBER SECRETARY,
1st FLOOR, PANDIT DEENDAYAL UPADHYAY BHAVAN,
NEAR PUNDALIK DEVASTHAN,
PUNDALIK NAGAR, PORVORIM,
GOA – 403521.

EMAIL: goacoastalzone@gmail.com

PHONE: (0832)2951089

...RESPONDENT NO. 1

2. GOA FOREST DEPARTMENT,
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS,
WILDLIFE & ECOTOURISM (NORTH) DIVISION,
IV FLOOR, I LIFT, JUNTA HOUSE,
PANAJI – 403001 (GOA).

PHONE: (0832) 2229701, 09496350591.

EMAIL: dcfnorth-forest.goa@nic.in

...RESPONDENT NO. 2

3. DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE,
THROUGH ITS DIRECTOR,
GOVERNMENT OF GOA,
Ivth FLOOR, DEMPO TOWERS,
PATTO - PANAJI, GOA - 403001.
PHONE: (0832)2951089.
EMAIL: dir-env.goa@nic.in

...RESPONDENT NO. 3

4. M/S LUCKY REALTECH PVT. LTD.,
THROUGH ITS MANAGING DIRECTOR,
REG. OFFICE: H.NO. 145, GROUND FLOOR,
POCKET-22, SECTOR-24, ROHINI,
NEW DELHI - 110085.
Email: luckyrealtechpvt.ltd.24@gmail.com

...RESPONDENT NO. 4

5. PANKAJ CHOPRA,
SY. NO. 211/2-A, VILLAGE MANDREM,
PERNEM TALUKA, NORTH GOA DISTRICT,
GOA - 403718.
PHONE: 09959364803
EMAIL: gm@maargitbeachresortgoa.com

...RESPONDENT NO. 5

6. MRS. GOLDY CHOPRA,
SY. NO. 211/2-A, VILLAGE MANDREM,
PERNEM TALUKA, NORTH GOA DISTRICT,
GOA - 403718.
PHONE: 08149846560.

EMAIL: maargitbeachresortgoa@gmail.com

...RESPONDENT NO. 6

7. MR. SATYAM THAKRA,
SURVEY NO. 211/2-A, VILLAGE MANDREM,
PERNEM TALUKA, NORTH GOA DISTRICT,
GOA - 403718.

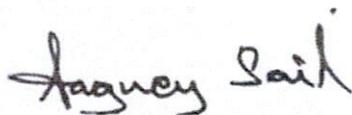
...PROPOSED RESPONDENT NO. 7

8. MR. RAJENDRA KUMAR KAMRA,
SURVEY NO. 211/2-A (PART M-1, 23 & 24),
VILLAGE MANDREM, PERNEM TALUKA,
NORTH GOA DISTRICT, GOA - 403718.
ALSO AT: H. NO. 76, III FLOOR,
SECTOR-24, ROHINI, DELHI - 110085

...PROPOSED RESPONDENT NO. 8

APPLICANT

THROUGH



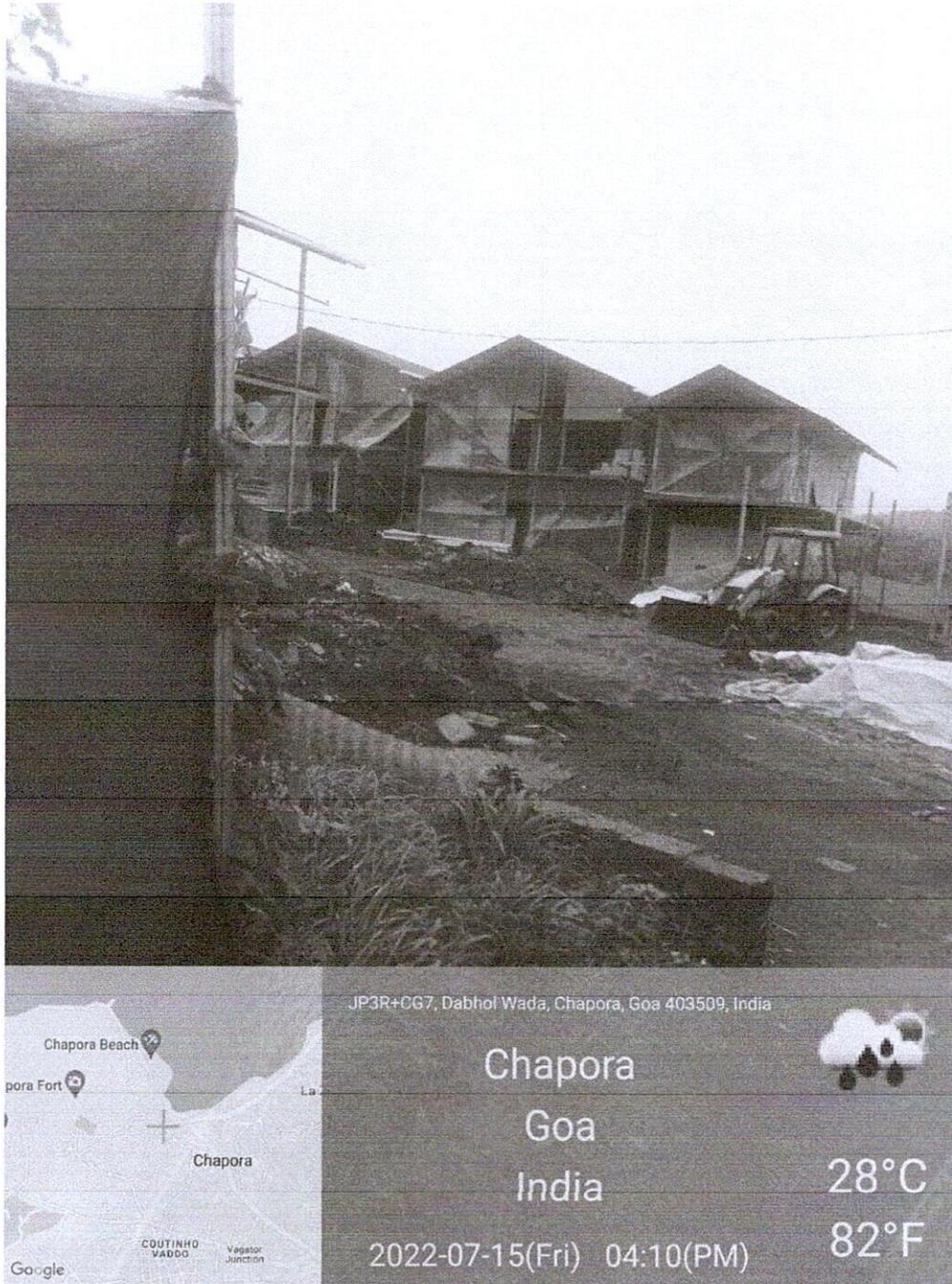
AAGNEY SAIL & GAURESH MALIK
ADVOCATES FOR THE APPLICANT
4th Floor, Office No.401, Edcon Incrocio,
Opp. Don Bosco High School,
Panaji, Goa 403001.
Ph. +91.9810076618, 08329285339
Email: aagneysail@gmail.com,
gaureshmalik6@gmail.com

Filed on: 12.12.2022

Place: Goa



PICTURE 1: Survey No. 211/2-A showing concrete construction (boundary wall as well as plinth/foundation) of two floors done by Mr. Rajendra Kumar Kamra



PICTURE 2: Survey No. 211/2-A showing concrete construction (boundary wall, plinth etc.) of two floors done by Mr. Rajendra Kumar Kamra

From: Chandan S. Khorjuvkar

A/c Bandirwada Chapora

Bandor - Goa

Date: 29/08/2022

ID: 7757957745

To,

The member Secretary

Goa Coastal Zone Management Authority

Panjim - Goa.

O/o Member Secretary *Reshma* 29/08/22
 Goa Coastal Zone Management Authority
 Dept. of Environment & Climate Change
 4th Floor
 Pizze Panjim Goa - 403001

Subj: Violation in Sy no 211/2A of village Ashwem, mandrem Pernem Goa by Rajendra Kumar Kamra A/c Ashwem, mandrem Pernem Goa at a Jobo temple near maagrit resort.

STB

This is to inform you that my complaint dated 14/07/2022 and as per N.G.T order dated 04/08/22 in original Application No 70/2022 (W2) to carry inspection in Sy no 211/2A of village Ashwem Pernem Goa for the following properties. but during the inspection it was noted by the inspection expert team that is one more violation in Sy no 211/2A carrying out construction in violation of CR2 Rule 2011.

I therefore request your office to carry out inspection and take necessary action against violator Mr Rajendra Kumar Kamra

your faithfully
 Anil Chosurkar

ANNEXURE - IA2

11

MINUTES OF 264th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 06/07/2021 at 2.00 PM. IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO-PANAJI-GOIA THROUGH VC.

The 264th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment), on 06/07/2021 at 2.00 p.m. in the conference hall, fourth floor, Dempo Towers, Patto-Panaji - Goa.

The following members were present for the meeting on 06/07/2021 through VC:

- Secretary (Environment) / Chairman (GCZMA).
- Representative on behalf of Principal Conservator of Forests, Panaji, Goa.
- Representative on behalf of Director, Department of Tourism, Panaji Goa.
- Representative on behalf of Director, Directorate of Industries, Trade & Commerce (online).
- Shri. Flaviano Miranda, Expert Member (GCZMA).
- Shri. Savio Joaquim Filipe Correia, Expert Member (GCZMA).
- Shri. Mahesh Patil, Expert Member (GCZMA).
- Shri. Sujeet Kumar Dongre, Expert Member (GCZMA).
- Member Secretary (GCZMA).

Case No. 1.1

To decide on Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mavekar, regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos. (High Court matter)

Background:

The Office of the Goa Coastal Zone Management Authority (hereinafter referred as 'the GCZMA' in short) is in receipt of a Complaint from Rajesh V. Dabholkar, Mr Advino Fernandes, Mr Sachin Satardekar, Mr Mahabaleshwar Mavekar, dated 20/08/2019; regarding illegal construction being carried out in property bearing survey No. 87/1-C and 87/1(part) of Village Reis Magos.

That upon receipt of the Complaint the GCZMA on 21/08/2019; forwarded the Complaint to the Mamlatdar of Bardez, at Mapusa; directing them to inspect the site immediately and submit a report with regard to the illegal construction carried out in the property bearing Sy. No. 87/1-C and 87/1(part) of Village Reis Magos Village, Bardez, Taluka

Village: Mandrem (Sea)

Taluka: Pernem

12

Sr. No	Inward Date	Name of the Applicant	Sy. No	Sub. Div No.	Plot area	33% Permissible Area	Applied for		33% Permissible Area	Plot area	Application Status	Remarks
							Huts	Shack				
1	09/07/2020	Mr. Lyzer Fernandes	226	1-F	140.00	46.20 (33%)	-	1 shack/Restaurant	45.90	Recommended Subject to Beach Carrying Capacity Report	Approved	
2	04/03/2021	M/s. Bhalla and Arand Enterprises	211	2-A	2943.00	971.00 (33%)	Cottages- 28, Admin- 1,	Resutrem/Shack-1	964.76	Recommended Subject to Beach Carrying Capacity Report	Approved	
3	14/06/2021	Mr. Rajender Kumar Kamra	211	2-A (Part) Plot M-L Plot 23, Plot 24	3955.00	1305.15	Cottages- 21,	1-Resutrem/ Reception	1217.00	Recommended Subject to Beach Carrying Capacity Report	Approved	
4	18/06/2021	Mr. Satyam Thakral	216	0	4800.00	1584.00	Huts type X-12, Huts type Y-8, Admin/Reception- 1	Shack-1	931.00	Recommended applicant also sought permission for repair of existing structures having an total area of an 311.00 Sq.rit	Approved. However for repair of existing structures is pending.	

ANNEXURE R1/2 COLLY.MINUTES OF THE 345th MEETING OF THE GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) HELD ON 01/06/2023 at 3.00 PM IN THE CONFERENCE HALL, FOURTH FLOOR, DEMPO TOWER, PATTO, PANAJI-GOA

The 345th Meeting of the Goa Coastal Zone Management Authority (GCZMA) was held under the Chairmanship of the Secretary (Environment) on 01/06/2023 (Thursday) at 03.00 p.m. in the Conference Hall, Fourth floor, Dempo Tower, Patto, Panaji - Goa.

The following members were present for the meeting on 01/06/2023:

1. Secretary, Environment & Climate Change/Chairman (GCZMA)
2. Representative on behalf Principal Conservator of Forest, Department of Forest Panaji, Goa
3. Representative on behalf of Director, Department of Tourism, Panaji, Goa
4. Representative on behalf of Chief Engineer, WRD Panaji, Goa
5. Mrs. Radha Rao, Expert Member (GCZMA)
6. Shri Ganesh B. Velip, Expert Member (GCZMA)
7. Shri. Dilip Arolkar, Expert Member (GCZMA)
8. Director, Environment & Climate Change/Member Secretary (GCZMA)

At the outset, the Chairman (GCZMA) welcomed the Members present for the meeting and thereafter the following agenda items were taken up for discussion and decision.

TO DISCUSS AND DELIBERATE ON THE DRAFT SEA TURTLE NESTING AND HABITAT MANAGEMENT PLAN IN VIEW OF THE APPROVAL OF THE CZMP MAPS,2011 AND THE ISSUE OF MARINE TURTLE ACTION PLAN BY THE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE GOVERNMENT OF INDIA 2021-23 AND FOR REVIEW OF THE SILENCE ZONE IN TURTLE NESTING AREA IN VILLAGES OF MANDREM,MORJIM GALGIBAG AND AGONDA.

CRZ notification 2011 envisaged preparation of CZMP 2011 however it was delayed therefore as an interim measure the GCZMA deliberated upon NO Take Zone, Sustainable Tourism Zone and Fisheries Livelihood Zone. The Authority decided in the 234th meeting held on 05/11/2020 to declare entire beach stretch of

Mandrem, Morjim, Agonda and Galgibaga covering the CRZ area of 0 to 500 meters shall be declared as "Silence Zone". These decision of the Authority also requires to be reviewed as the Ministry has approved CZMP maps 2011. Now The MoEF&CC has approved the CZMP 2011 plan for State of Goa which deal with various aspect of coastal management including turtle nesting sites. The GCZMA deliberated upon notifying silence Zone and protection of these sites in view of factual parameters available in form of CZMP for Goa. Now The Coastal Zone Management maps have been approved by Ministry of Environment, Forest and Climate Change. The turtle nesting sites have been demarcated on the approved CZMP maps. The same has to be incorporated in the final sea turtle nesting and habitat management plan.

1. The Representative of Forest Department Govt. Goa Mr. Anand Jadhav DCF WL North Goa had put forth the initiatives and proposed activities of forest department for effective management of turtles in Goa.

(a)The guidelines for protection of turtle shall be published widely to all general public, tourist and shacks owners and other stakeholders shall be made aware of the turtles nesting sites and its protection.

(b)DCF WL North Goa said that all white lights near turtle nesting sites should be banned or masked and only red lights shall be allowed at turtle nesting sites as turtle get disoriented due to white lights.

(c). DCF WL North Goa said that turtle nesting sites are notified under EPA 1986 therefore Tourism Department ensure proper signages at turtle nesting sites.

2. Member Secretary of GCZMA said that all tourist and other stakeholders shall be informed about turtles and turtle nesting sites in Goa and its guidelines publishing in official websites of Govt Department such as Tourism Dept. Forest Dept., GTDC, Department of Environment any other concerned Department website.

3. It was discussed that all shacks' owners and other stakeholders shall be educated about turtles nesting sites and its guidelines.

4. It was discussed in the meeting that all turtle nesting sites as shown in CZMP 2011 be declared as Silence Zone under noise rules applicable and in force for the State of Goa.

5. Members suggested that Forest Department shall lead in protecting all nesting sites identified under CRZ Notification and implement the provision of sea turtle nesting and habitat plan in letter and spirit. The GCZMA appreciated efforts of Forest Department for shifting turtle eggs to the hatcheries managed by the Forest Department at Morjim, Galjibag and Agonda.

6. DCF WL North Goa submitted that he will provide GPS coordinate where turtles layed their eggs for last four years and also provide data of number of turtle nesting and Hatchlings which will help authorities to identify such turtles nesting sites.

7. NGT in its Order dated 25/02/2019 issued in Execution application no. 01/2019(WZ) to 6/2019(WZ) in O.A.23/2014(WZ) issued turtle nesting guidelines.

1) No beach, beds to be set up in the intertidal zone. The existing practice in Morjim is to lay the beach beds very close to the waterline leaving little scope for the turtles to move up.

2. The beach shacks to desist from installing any outdoor illumination. The indoor lighting should also be muted and providing with opaque shield on sea facing side.

3. Playing of loud music by the shacks beyond 6.00pm and holding of beach parties to be prohibited.

4. movement of any automobile on beach prohibited.

5. It should be made incumbent upon the shacks licensees to play a proactive role in ensuring conducive condition to the mare turtles besides information sharing with staff of Forest Department which monitor the entire coast.

8. Authority besides adhering to above guidelines for turtles nesting sites has also taken following decision for management of turtle nesting sites

9. The Authority after detail discussion and deliberation further decided that turtle nesting management plan which was prepared with CZMP now requires some modification with respect to the "silence zone "considering the overall data of

turtle nesting's in the state of Goa. Pursuant to noise pollution rules 2000, the turtle nesting sites as identified in CZMP Goa shall be treated as silence zone and noise limits as prescribed for silence zone shall be applicable to the turtle nesting sites

In view of above Authority decided to approve the Sea Turtle Nesting and Habitat Management Plan, with above modifications.

Case No.2.1

Proposed internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village ,Bardez-Goa.

The Office of the GCZMA is in receipt of an application dated 09/01/2023 from Ronil Hotels and Resorts Private Limited, Registered office: Sukerkar Mansion, First Floor, M.G. Road, Panaji-Goa, with regards proposed internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village , Bardez-Goa.

Site Inspection Report:The said site was inspected by 1) Bhargavi Kelkar (Engineer GCZMA), 2) Siddhi Morajkar (Field Surveyor GCZMA)

- 1. Name of the Applicant:** Ronil Hotels and Resorts Private Limited
- 2. Date of the Application:**09/01/2023
- 3. Application for:** internal renovation / repairs of existing hotel blocks R, F, E, D, C & Swimming Pool/ proposing the temporary entrance rain cover canopy & reconstruction of compound wall of Ronil Hotels & Resorts Pvt. Ltd situated in survey no. 229/1-A of Calangute Village , Bardez-Goa.
- 4. Date of construction based on the documents:** N.A
- 5. Date of Inspection:** 30/01/2023
- 6. Name of the Official / Expert Member, GCZMA:**
 - 1) Bhargavi Kelkar (Engineer GCZMA)
 - 2) Siddhi Morajkar (Field Surveyor GCZMA)