



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

APPEAL NO. 303/2025 (WZ)

Sushi Café

...Applicant

Versus

GCZMA & Ors

...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin Desai, major of age, holding the office of Director of Department Of Environment & Climate Change, presently the custodian of the records of the, 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, vide Notification dated 27.12.2022, the Goa Coastal Zone Management Authority was constituted for a period of three years, which tenure stood concluded on 26.12.2025. I further say that I am presently holding the office of Director of the Department of Environment & Climate Change and, in such capacity, I am the custodian of the records of the Goa Coastal Zone Management Authority until the constitution of a new Authority. 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 18.06.2025 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish 'Temporary metal fabricated shed with permanent walls consisting of G.I. sheet roofing supported on G.I. steel pipes erected on permanent plinth', 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 18.06.2025 is at page 62 of the Appeal)



4. I say that Survey No. 80/1 of Village Nagarcem Palolem, Canacona, Goa (“**said Property; subject Property**”) falls within CRZ-II Area as per the 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 22.12.2023 from Respondent No 5 herein alleging that the Appellant has carried out illegal and unlawful construction in the subject property, without obtaining requisite permissions and licenses.
6. I say that a site inspection was carried on 21.02.2024. I say that the Site Inspection Report recorded violations of CRZ Notification 2011.
Annexed hereto is the Site Inspection Report dated 21.02.2024 marked as “**Annexure A**”.
7. I say that vide Show Cause Notice dated 21.05.2024 was issued.
(*Show Cause Notice dated 21.05.2024 is at page 59 of the Appeal*)



8. I say that the Appellant was duly heard in the matter. I further say that on 18.02.2025, the Appellant filed its Reply along with the documents relied upon by the Appellant in support of his case.

Annexed hereto is a copy of the Reply dated 18.02.2025 alongwith the documents relied upon by the Appellant as submitted before the GCZMA marked as "**Annexure B**"

9. The Appellant, in its reply before the GCZMA, contended that the impugned structures situated in the subject property are pre-1991 constructions. 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 the Order dated 02.07.2008 issued by the Chief Officer of the Canacona Municipal Council, now sought to be relied upon by the Appellant before this Hon'ble Tribunal, was never produced or placed on record before the GCZMA.

(Order dated 2.07.2008 of the Chief Officer of Canacona Municipal Council is at page 57 of the appeal)

11. I say that in view of the above, the present appeal is liable to be dismissed.



12. I say that what has been stated in Paras 1 to 11 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: 16.02.2026

DEPONENT

Identified by:
Solemnly affirmed before me by
Sachin Desai
.....
Reg. No: 08/942 Date: 16.2.2026
known / Identified to me by.

G. S. KUBAL.
Notary (Govt. of India)
Panaji-Goa, India



As per the notice of site inspection Ref.no. GCZMA/S/ILLE-COMPL/23-24/40/3360 dated 23/01/2024 issued by Member Secretary, GCZMA. The undersigned visited the site on 21/02/2024 at 11.00.am onwards and carried out the inspection.

The following parties were present at the time of the inspection: -

1. Mr. Sahil Sharma....Respondent
2. Mrs. Megha Madan....Respondent

At the time of inspection Complainant i.e. **White Raj Resorts Private Limited, remained absent.** This survey number is a large area with a dense setting of commercial and residential structures, and hence it was important that the complainant/representative should have remained present to assist the GCZMA officials to identify the structures/premises. In absence of the complainant the process was delayed and was physically cumbersome as there were 9 complaints raised by the same complainant on the same survey number. The complainant had also not provided any contact number.

Observation at loco

1. The alleged site is located near Colomb Beach, Patnem, Nagorcem-Palolem Village of Canacona Taluka Surveyed under Sy.no.80/1.
2. The Sy.No.80/1 of Nagorcem-Palolem village of Canacona Taluka of was identified /verified by GCZMA officials through the online computerized Bhunaksha maps.
3. The alleged structures in Sy.no.80/1 were identified and recorded as per geo-referenced satellite image, site plan and photographs enclosed in the complainant bearing Inward no.4855 dated 22/12/2023.
4. The description of the said structure in **Sy.no.80/1 of Nagorcem-Palolem village of Canacona Taluka** recorded at loco are as mentioned below:-

Sr.no.	Name of the premises	owner/ occupant	observation/ findings at loco	G.P.S Reading
1	Sushi Café	Mr. Sahil Sharma Miss. Megha Madan	Temporary metal fabricated shed with permanent parapet walls, consist of G.I. sheet roofing supported on G.I. steel pipes erected on a permanent plinth	15° 0'14.04"N 74° 1'48.44"E

5. The Report is enclosed with:

- Photographs. (Annexure-I)
- Latest Computerized Form I and XIV from DSLR Website.

Snark

Chaitanya

MSS

MSS

Conclusion and Recommendations

1. The land in question bearing Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka lies within CRZ-II as per CZMP2011.
2. The structures standing in Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka are partly permanent and partly temporary in nature. Legalities of the same are need to be verified.
3. However, in order to ascertain appropriate position of these structures DSLR mapping with Electronic Total Station machine is recommended.
4. The Authority may deliberate and take necessary action.

Place:Nagorcem-Palolem-Canacona

Date: 21/02/2024

Snaik
21/2/24

Dr. Sushant S. Naik
Expert Member O/o GCZMA

Keshav Naik

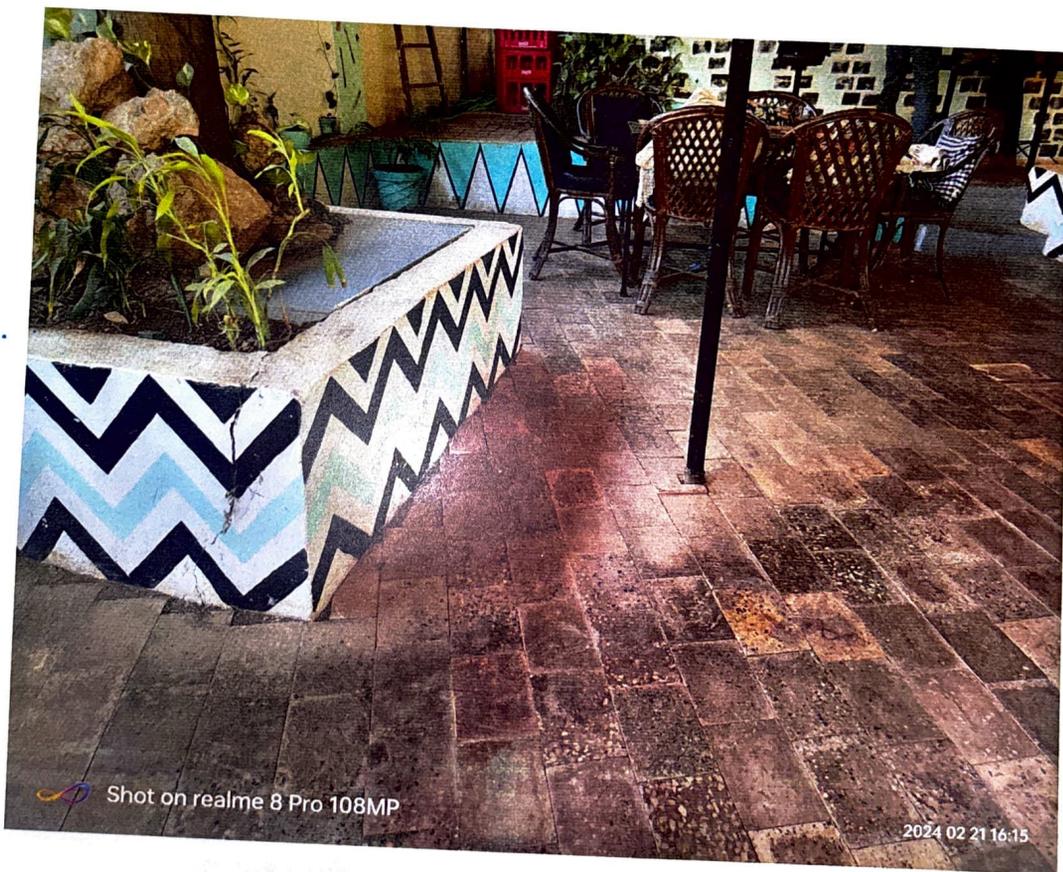
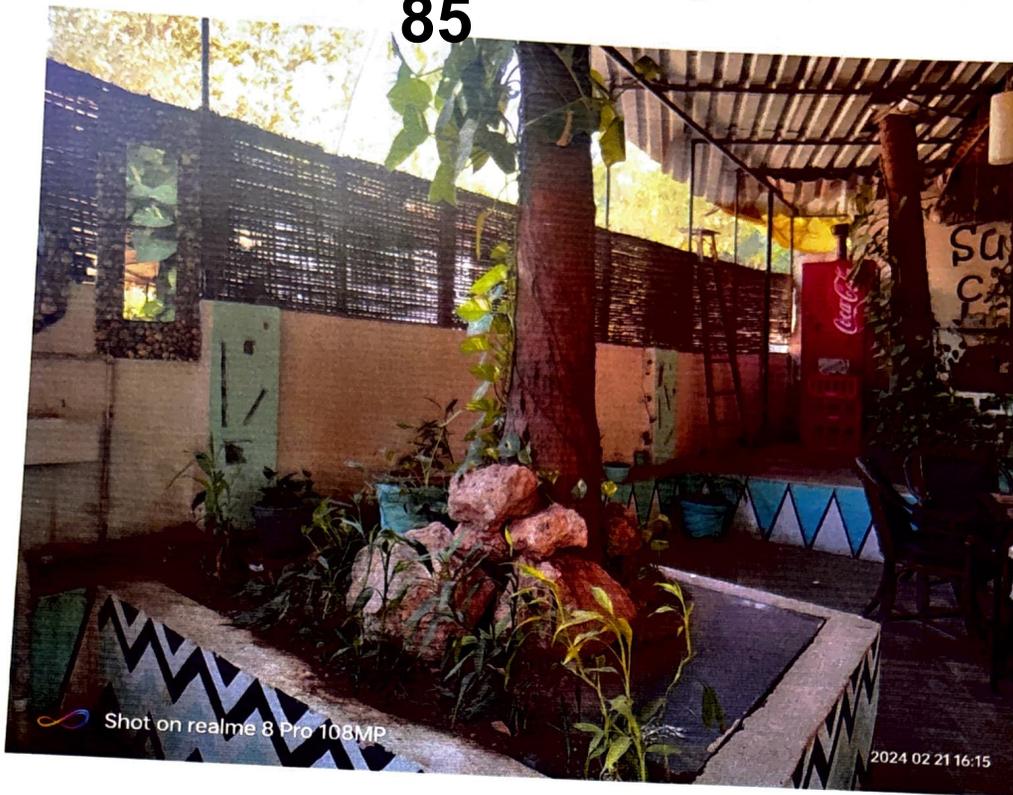
Mr. Keshav Naik
Engineer O/o GCZMA

Balkrishna Surlakar

Mr. Balkrishna Surlakar
Field Surveyor O/o GCZMA

Abbreviations:-

GCZMA-Goa Coastal Zone Management Authority
DSLRL-Directorate of Settlement and Land records
L.S.M-Laterite stone Masonry

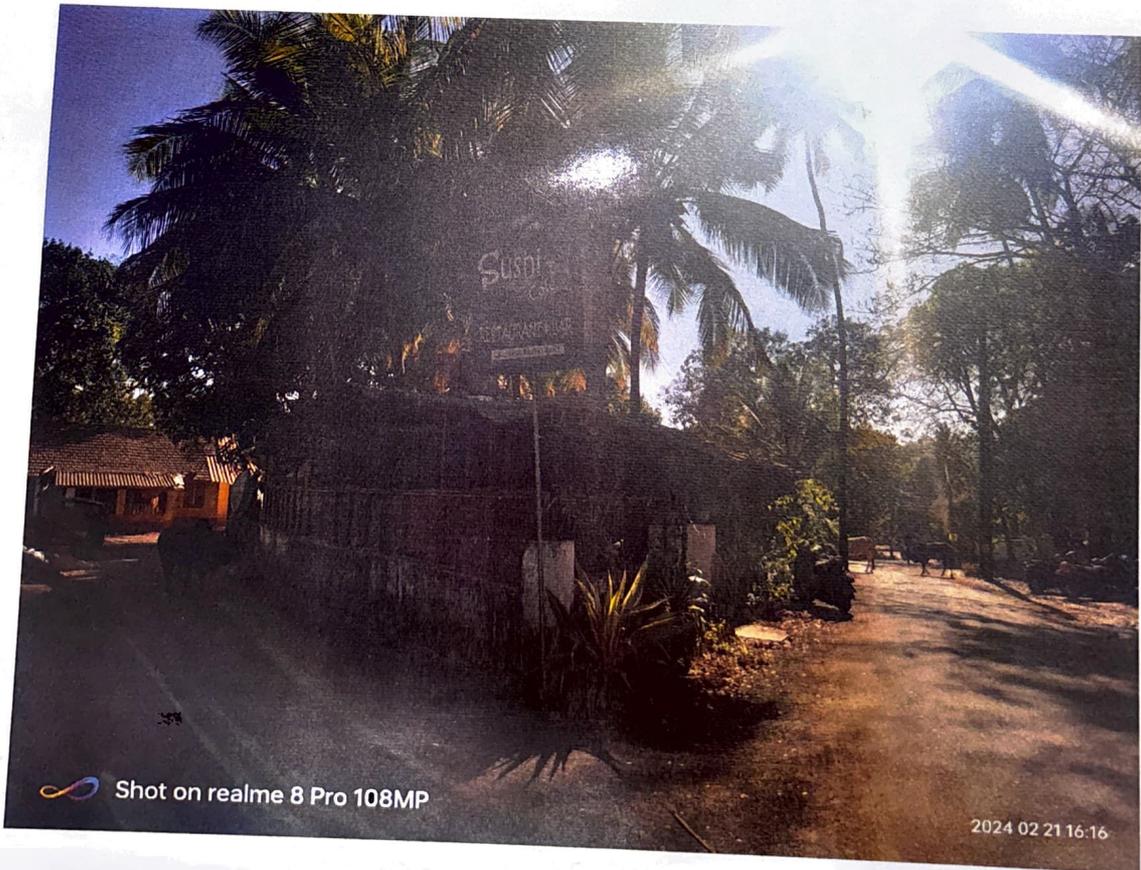
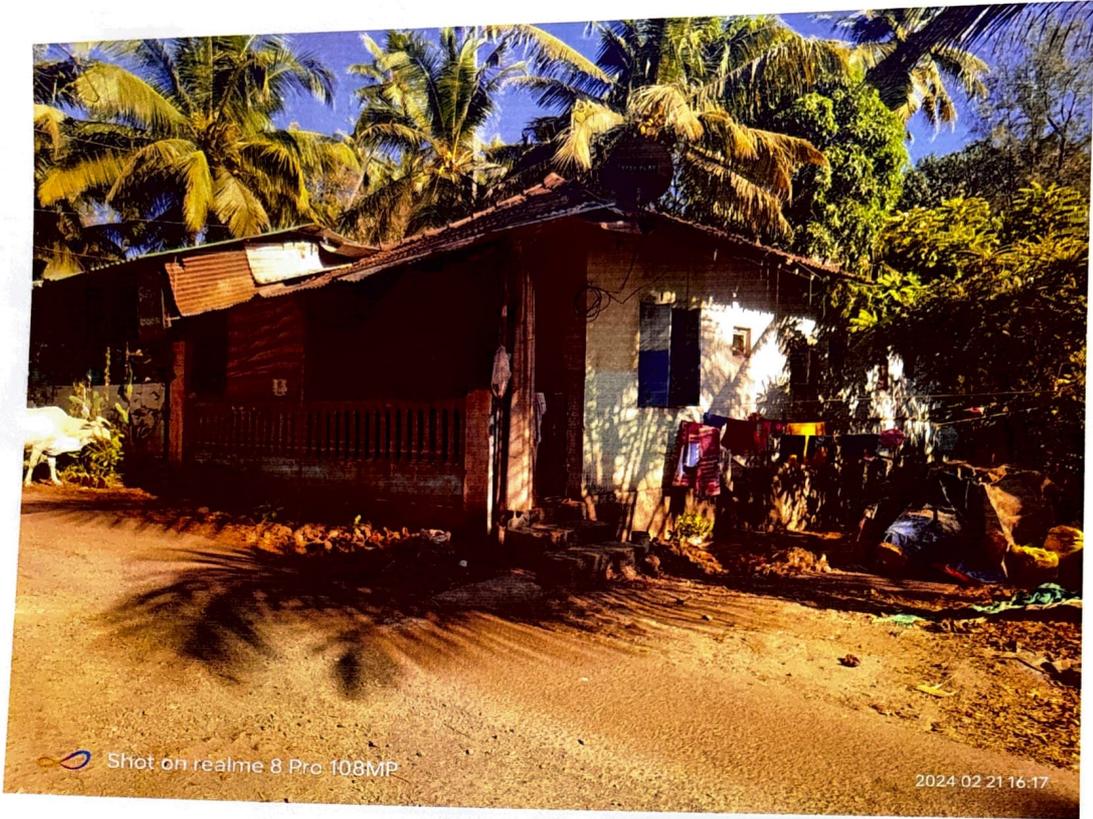


Snail

Antais

PRR

ANNEXURE-I (SUSHI CAFÉ)



Conclusion and Recommendations

1. The land in question bearing Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka lies within CRZ-II as per CZMP2011.
2. The structures standing in Sy.no.80/1 of Nagorcem-Palolem Village of Canacona Taluka are partly permanent and partly temporary in nature. Legalities of the same are need to be verified.
3. However, in order to ascertain appropriate position of these structures DSLR mapping with Electronic Total Station machine is recommended.
4. The Authority may deliberate and take necessary action.

Place:Nagorcem-Palolem-Canacona
Date: 22/02/2024

Dr. Sushant S. Naik
Expert Member O/o GCZMA

Mr. Keshav Naik
Engineer O/o GCZMA

Mr. Balkrishna Surlakar
Field Surveyor O/o GCZMA

Abbreviations:-

GCZMA-Goa Coastal Zone Management Authority
DSLRL-Directorate of Settlement and Land records
L.S.M-Laterite stone Masonry

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put in file

CAN-45

Annexure B

Member Secretary
O. C. Z. R. A.
Inward No. 5892
Date: 12/02/24

**BEFORE THE HON'BLE GOA COASTAL ZONE
MANAGEMENT AUTHORITY, AT PATTO,
PANAJI, GOA**

Case No. 23-24/40/632

2/11
Aur-Nandan

(Through attorney
Mess. Harsha Page)
Sushi Cafe ;

... Respondent.

**REPLY TO THE SHOW CAUSE
NOTICE ISSUED UNDER
SECTION 5 OF THE
ENVIRONMENT (PROTECTION)
ACT, 1986, READ WITH RULE 4 OF
THE ENVIRONMENT
(PROTECTION) RULES, 1986.**

MAY IT PLEASE YOUR HONOUR

The Respondent above named submits
respectfully as under:-

1. The Respondent submits that she is in receipt of
show cause notice dated 21/5/2024 directing the

Respondent to show cause as to why a direction to demolish the structure and to restore the land to its original condition should not be issued to the Respondent.

2. The Respondent submits that she is owner of residential house bearing No. 263/1 situated in village Patnem- Colomb, Canacona Taluka and that said house is duly registered in the revenue records of the Canacona Municipality and that the house is existing prior to the year 1991.

Annexed herewith is the copy of Electricity consumption bill.

3. The Respondent submits that she is running business of Bar and Restaurant in the part of the house which is given separate house number bearing 263/1-A.

Annexed herewith is the copy of Trade licence, Excise Licence, Registration Certificate under the Food safety and Standard Act 2006.

4. The Respondent submits that she is running the said business after taking all due permissions and has

not carried out any illegal construction and that the Complainant has purchased the entire property with an intention to gain profits and with commercial propaganda and is a habitual complainant and has filed numerous complaints on the original residents who are the mainly traditional fisherman, with an ulterior motive.

5. The Respondent submits that she belongs to PAGUI community which identified as Fisherman Community by Govt. of Goa and has every right to carry out any legal business of her choice.

6. The Respondent submits that she has not received site inspection report so far and therefore reserves her right to file detailed reply after receipt of the report.

7. In view of the above it is humbly prayed that the present show cause notice be withdrawn with immediate effect.

Date: 18/2/2025

Place: Panaji


Adv. for the Respondent

403702,,
 Telephone Number : *****8909
 Email Address : *****@
 Voltage Level (KV) : 0.22/1-Ph
 Sanctioned Load : 1.20KW
 Legacy Number : / /
 Power Factor :

Meter Number	Unit	Current reading Date	Current reading	Previous reading date	Previous reading	Reading Difference	Multiplication Factor	Consumption	Reading Remark
LT865359	KWH	25.04.2024	14772	22.03.2024	14486	286	1.00	286	OK

Consumer Copy

Bill Summary : Note-

Previous Arrears/Advance (A)	0.04	Advance payable(B)	0.00	Delay Payment Charges Till Bill Date(C)	2.96	Present Total Bill(D)	881.32	Rounding Amount(E)	0.32-	Amount Payable on or before due date	07/06/2024 (A + B + C + D + E)
										884.00	

Amount payable - RUPEES EIGHT HUNDRED EIGHTY FOUR
 Last Payment of 1587.00 Received on 03-MAY-2024
 Avail 0.25% discount on bill amount for payments made within 7 days in advance of the due date and additional 1% rebate on electronic payment made at least 7 days in advance of the due date (only to Low Tension Domestic and Commercial, Low Income Group & Low Tension Agriculture -pump set & irrigation, consumers) We also accept advance payments.

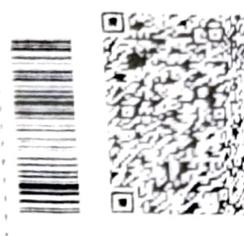
Current Demand Calculation Details

Particulars	Quantity	Rate	Amount	Quantity	Rate	Amount
Fixed Charges	1	20.0000	20.00			
Energy Charges	113	1.7500	197.75			
	114	2.6000	296.40			
	59	3.3000	194.70			
Fuel and Power Purchase Cost	33	0.2000	6.60	42	0.4800	20.16
Purchase Cost Adjustment	34	0.2800	9.52			
	17	0.3700	6.29			
	80	0.2600	20.80			
	80	0.3800	30.40			

Present Bill Charges

Particulars	Amount
Fixed Charges	27.20
Energy charges	688.85
Fuel and Power Purchase Cost Adjustment	93.77
Sundry Charges	0.00
Advance/ Prompt Payment Rebate	57.20
Meter Rent	0.00
Electricity Duty @ Rs 0.20/KWh	0.00
Monthly Minimum Charges	14.30
Subsidy	881.32
Public Lighting Duty@ Rs 0.05/KWH	
Total Current Demand	

Meter reader's Name/code :
 Meter reader's Sign :
<https://www.goalelectricity.gov.in>
www.facebook.com/goalelectricity
 CEE's Sign : X



ELECTRICITY DEPARTMENT - GOVERNMENT OF GOA
 Division Div 16 ; Margao Sub Division SD 3 ; Canacona
 Name: MRS. HARSHA SANTOSH PAGUI
 Contract Account Number/Bill Number : 60007864444/10049640728
 Bill Amount Payable Rs.884.00 Due Date : 07/06/2024

CANACONA MUNICIPAL COUNCIL

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FORM A

RENEWAL LICENCE

LICENCE



Licence No. T/O/1188
 Name of Licensee HARSHA SANTOSH PAGI
 Address 263/1A H.NO.263/1 WARD NO.VII. PATNEM-COLOMB,
 CANACONA GOA

Type of Trade	RESTAURANT	Fee/Annum
Name/Style	YESH RESTAURANT	2000

Nature/Style of Advertisement	Type of board displayed	Dimension (Sq. mts.)	Fee/Annum
	NON-ILLUMINATED BOARD		1,000

Licence is hereby granted to operate the above trade/occupation and display the advertisement(s) in the form of Signboard/Neon board/Hoardings/Wall painting/Sky sign within the limits of CANACONA MUNICIPAL COUNCIL area as per the rules and condition of the Trades and Occupation Licencing Bye-Laws 1989 of CANACONA MUNICIPAL COUNCIL and Goa, Daman & Diu Municipalities (Tax on advertisements other than advertisement published in Newspapers) Rules 1971.

The Licence shall be produced for inspection of demand to any authorised official of CANACONA MUNICIPAL COUNCIL.

The Licence is valid upto 31/03/2024 and subject to further renewal.



(Signature)
 CHIEF OFFICER

CANACONA MUNICIPAL COUNCIL

DATE: 24/11/2023

- Note: 1 Duplicate licence can be obtained if the original licence is lost/mutilated/details added or deleted.
 2 Duplicate licence be issued on payment of Rs. 100/- and after submission of either the original licence or an affidavit.
 3 If Licence is renewed no additional licence shall be issued, except an acknowledgement receipt for the amount paid and reflecting the period of renewal.



REGISTRATION CERTIFICATE [See Regulation 2.1.1(5)]

1. Registration No. 20619011000013
2. Name, address & designation of Food Business Operator
HARSHA SANTOSH PAGI / M/S.
YASH RESTAURANT
H.No. 263/1, Colomb ,
Canacona, South Goa (Goa), -
403702
Proprieter
3. Name & address of Food Establishment (if any)
H.No. 263/1, Colomb ,
Canacona, South Goa (Goa), -
403702
4. Kind of Business Restaurants
5. Previous Goa P.F.A. License No. -----



The Registration Certificate is granted under and is subject to the provisions of Food Safety Standards Act, 2006 all of which must be complied with by the Food Business Operator.
It is hereby certified that the above food establishment has been registered under Food Safety Standards Act, 2006 on this.....

This is merely a *Registration Certificate* & not license & it does not by itself bestow any legality on the structure on confer any right on the owner of so far the date & time of existence of the structure in which this food establishment is located.

Place : South Goa
Date : 14/03/2019



Harsha Santosh Pagi
Harsha Santosh Pagi

Stamp and sign. of Registering Authority

Food & Drug Administration, Goa State (North/South Goa)

Validation And Renewal

Registration Certificate/Renewal Date	Period of Validity (Expiry Date)	Registration Fee Paid in Rs.	Items/Names of the food category authorized	Signature of Registering Authority

NOTE: The application for renewal shall be made in Form A not later than 30 days prior to the expiry date indicated in this registration certificate; failing which application should be accompanied by a late fee of Rs. 100 per day for each day of delay.

Disclaimer : 1 - This Registration Certificate is only to commence or carry on the food businesses and not for any other purpose.

TO BE DISPLAYED
IN THE PREMISES

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Government of GOA FOOD SAFETY & STANDARDS ACT, 2006



ssai

REGISTRATION CERTIFICATE [See Regulation 2.1.1(5)]

Registration No.: 20619011000013

Registration Certificate/Renewal Date	Period of Validity/Renewal	Valid Upto	Registration Fee Paid (In Rs.)	Signature of Registering Authority
14/03/2019	5 Year(s)	13/03/2024	500	
14/03/2019	5 Year(s)	13/03/2024	500	