



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
 ZONE BENCH, PUNE
 APPEAL NO. 31/2025 (WZ)

Sylvester D'Souza ...Applicant

Versus

Goa Coastal Zone

Management Authority & 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 21.10.2024 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order discharged the structures belonging to Respondent No 2 identified with alphabet A, B and L as per the site inspection report dated 28/07/2023. I say that the Impugned Order directs demolition of the illegal construction of the 2nd Floor of Structure A as shown in the Report/Plan dated 28/07/2023 and all the other structures in Survey No. 242/9 situated in Calangute Village, Bardez, Goa belonging to the Respondent No 2 herein, as demarcated in the plan dated 28/07/2023 and

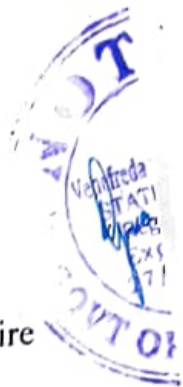


09/03/2023, as they were found to have been illegally constructed. I say that the Impugned order was passed upon giving the Appellant and the Respondent No 2 an opportunity of being heard after following the principles of natural justice. I say that the Impugned order is a reasoned order.

Annexed hereto is a copy of Site Inspection Report dated 28/07/2023 alongwith photographs marked as "Annexure A".

Annexed hereto is a copy of the Site Inspection Report dated 09/03/2023 alongwith photographs and a site plan prepared by the DSLR marked as "Annexure B".

4. I say that as per CZMP 2011, Survey No. 242/9 of Village Calangute, Bardez, Goa ("**subject Property; said Property**") falls in CRZ-III (Partly NDZ, Partly 200m – 500m). I say that all re-construction/ construction/ repairs/



renovation/ development from 500 mts of the Sea require prior permission/approval of the GCZMA under the CRZ Notification 2011.

5. I say that *vide* Show Cause Notice dated 29.01.2024, the Appellant was put to notice that a complaint dated 26/06/2018 was received by the Answering Respondent and that site inspections were conducted pursuant to the said complaint and that DSLR mapping had also been carried out. 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. The violations noticed are enumerated under:

- A. Masonry structure made up of Sheets;
- B. Temporary structure with roof made up of sheets;
- C. Masonry structure made up of Sheets;
- D. Masonry structure with roof made up of Sheets with permanent plinth;
- E. (G+2) RCC structure, with permanent plinth;



- F. Ground structure partly RCC and masonry with permanent plinth;
- G. Masonry structure with roof made up of Sheets, with permanent plinth;
- H. Masonry structure with roof made up of Sheets, with permanent plinth;
- I. Temporary shed, roof made up of sheets with permanent plinth;
- J. Masonry structure with roof made up of manglore tiles with permanent plinth;
- K. Temporary shed;
- L. Temporary shed;
- M. Masonry structure, with permanent plinth;
- N. Toilet 1;
- O. Toilet 2;
- P. Temporary structure made up of GI sheets;
- Q. Masonry structure with roof made up of Manglore tiles, with permanent plinth.
- R. Pump house;

A handwritten signature or mark in blue ink, consisting of a stylized, elongated shape with a small loop at the bottom left.



6. I say that the Respondent No 2 herein submitted its reply before the GCMZA that the offending structures situated in the property bearing Survey No 242/9 of Village Calangute, Bardez, Goa are pre-1991 structures and that is why they bear a reflection in the survey records of the Gat Book maintained by the Talathi. Further, the Respondent No 2 also relied on agreement of sale dated 12/10/1998, Deed of Sale dated 05/04/2016 and permissions of repair and renovations issued on 10/09/1999, for structure identified as "A" in inspection report dated 28/07/2023.
7. I say that upon receipt of the Respondent No 2's Reply, a comprehensive site inspection and plotting exercise was undertaken through the deployment of a technical team. Pursuant to such exercise, the said technical team has identified three structures which existed at the time of the promulgation of the Survey Records (i.e., 1971-72), and the same have been delineated in red in the sketch annexed hereto and prepared by the said team. The structures



presently existing in situ are delineated in black on the said sketch.

Annexed hereto is a sketch prepared by the technical team which showcases the structures existing as on date on the said property, marked as "**Annexure C**".

8. I say Respondent No 2 produced a certificate dated 02.09.1968 issued by certificate of Registry under Coastal Vessels Act 1838 indicating that Respondent No 2 is the owner of an inland cargo vessel.

Annexed hereto are copies of certificate dated 02.09.1968 marked as "**Annexure D**".

9. I say that Respondent No 2 also relied on permission given by the Goa State Council for Coastal Environment (GSCCE), house tax and the Gat Book of the subject property.

Annexed hereto are copies of the permission given by the Goa State Council for Coastal Environment (GSCCE), house



tax and the Gat Book of the subject property marked as "Annexure E-colly".

10. I say that upon consideration of the abovementioned documents the Impugned Order discharged the structures belonging to Respondent No 2 identified with alphabet A, B and L as per the site inspection report dated 28/07/2023, as the same were found to be existing prior to 1991.
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: 15.07.2025


DEPONENT



Solemnly affirmed before me

Sachin Desai

Who is identified before me by

_____ At Panjim - Goa

Sr. No. 97/07/2025

Date. 15/07/2025


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

Site inspection report of an illegal constructions/operation of Guest House in Sy. No. 242/9 of village Calangute, Taluka Bardez, Goa.**Background :**

The Office of GCZMA received complaint – dated 14/09/2022 from Sylvester D'Souza from Saunta Vaddo, Calangute, Bardez, Goa with regard to illegal constructions/operation of Guest House in Sy. No. 242/9 of village Calangute, Taluka Bardez, Goa by Mr. Bosco Cruz Fernandes, R/o. Cobra Vaddo, next to CSM resort, Calangute, Bardez, Goa.

Inspection and Observation:

Upon instruction from the Member Secretary GCZMA, a site inspection was scheduled on 28/07/2023 as per decided in the 350th minutes of meeting of GCZMA held on 20/07/2023 & was attended by Mr. Ganesh Velip, Expert Member (GCZMA), Miss. Bhargavi Kelkar, Engineer (GCZMA), Mr. Sakhil Naik, Field Surveyor (GCZMA), & Mr. Tukaram Kaskar, Field surveyor (GCZMA). At site, the complainant Mr. Sylvester D'Souza was present. Whereas, the respondent, Mr. Bosco Cruz Fernandes was also present. As per Form I & XIV, the names of the occupants seen are Alexinho Andrade, Cruz Agostinho Fernandes alias Cruz (Bosco) Augustine Fernandes alias Cruz Fernandes alias Cruz Salvador Fernandes alias Bosco Cruz Fernandes , Magdalena Fernandes alias Magdalena Mascarenhas.

The details of site inspection are as follows:

As per CZMP 2011, the above mentioned survey no.242/9 falls in CRZ-III (Partly NDZ, Partly 200m-500m) of Calangute village, Taluka Bardez Goa.

At time of inspection, few structures were observed and the same are listed as follows:

1. There exists a structure irregular shape, partly house with RCC slabs (G+2) plinth size (10.30m x 10.10m) approx. (A) and partly house ground floor with mangalore tiles roofing plinth size (16.05m x 11.60m) approx. (B) with partly RCC slabs. This is one complete house connected to each other. There is RCC internal staircase seen from outside to access above floors on the southern side.
2. There exists a masonry structure ground floor irregular shape, with plinth size (4.90m x 4.00m) approx. (C) covered with G.I. sheet roofing.

Received
23/11/23

Sakhil

Bhelkar

3. There exists a masonry structure ground floor irregular shape, the plinth size (6.20m x 4.75m) approx. (D) and a temporary shed size (18.40m x 8.55m) approx. (E) which is entirely covered with Asbestos sheet roofing.
4. There exists a masonry structure ground floor, the plinth size (2.60m x 2.55m) approx. (F) covered with Asbestos sheet roofing. ✎
5. There exists a masonry structure ground floor, the plinth size (8.00m x 6.80m) approx. (G) which is covered with Asbestos sheet roofing and a temporary shed size (4.50m x 6.80m) approx. (H) which is covered with G.I. sheet roofing. ✓
6. The entire property has partly laterite masonry compound wall of length 62.30m approx. with 1.20m ht from G.L. approx. also having sliding gate front entrance. It is partly covered with cement pillars with green plastic net along the southern boundary of the property.
7. There exists two open wells and one septic tank in the property. ✎
8. Along the eastern boundary of the property adjacent to the sliding gate front entrance, there exists a masonry structure ground floor with plinth size (7.00m x 4.30m) approx. (I) and a masonry structure ground floor with irregular shape with the plinth size (14.50m x 10.00m) approx. (J) and temporary shed size (20.30m x 10.15m) approx. (K) which is entirely covered with G.I. sheet roofing. ✎
9. There exists a masonry structure ground floor with plinth size (14.50m x 9.40m) approx. (L) covered with mangalore tiles roofing.
10. There exists a house masonry structure ground floor with plinth size (3.80m x 3.20m) approx. (M) covered with mangalore tiles roofing.
11. There exists a temporary shed of size (18.80m x 5.00m) approx. (N) which is completely made of G.I. sheets and also covered with G.I. sheet roofing.
12. Site Photos are attached with the report. (Annexure I)

The plotting/mapping report is prepared with a sketch showing the tentative location of this above mentioned structures which is NOT TO SCALE.

Conclusion and Recommendation:

- 1) As per CZMP 2011, the above mentioned survey no. 242/9 falls in CRZ-III (Partly NDZ, Partly 200m-500m) of Calangute village, Taluka Bardez Goa.
- 2) As per the CRZ Regulation, permanent construction is permissible within the CRZ-III (200m-500m) area with max permissible coverage and F.A.R of 33% each, with proper permission from GCZMA.

- 3) At the time of inspection, it was noted that there exists few structures in the Sy. No. 242/9 under consideration of which structure details has been mentioned above in the report. At loco, in the presence of the complainant and respondent, the site measurements has been taken with the help of measuring tape and a sketch is prepared showing the tentative location of the structures in the said property.
- 4) This may be deliberated in the Authority meeting for a decision.


Mr. Ganesh Velip

(Expert Member, GCZMA)



Miss. Bhargavi Kelkar

(Engineer, GCMZA)



Mr. Sakhil Naik

(F.S., GCZMA)



Mr. Tukaram Kaskar

(F.S., GCZMA)

ANNEXURE I



Sakli

[Signature] Belkar



Sakly

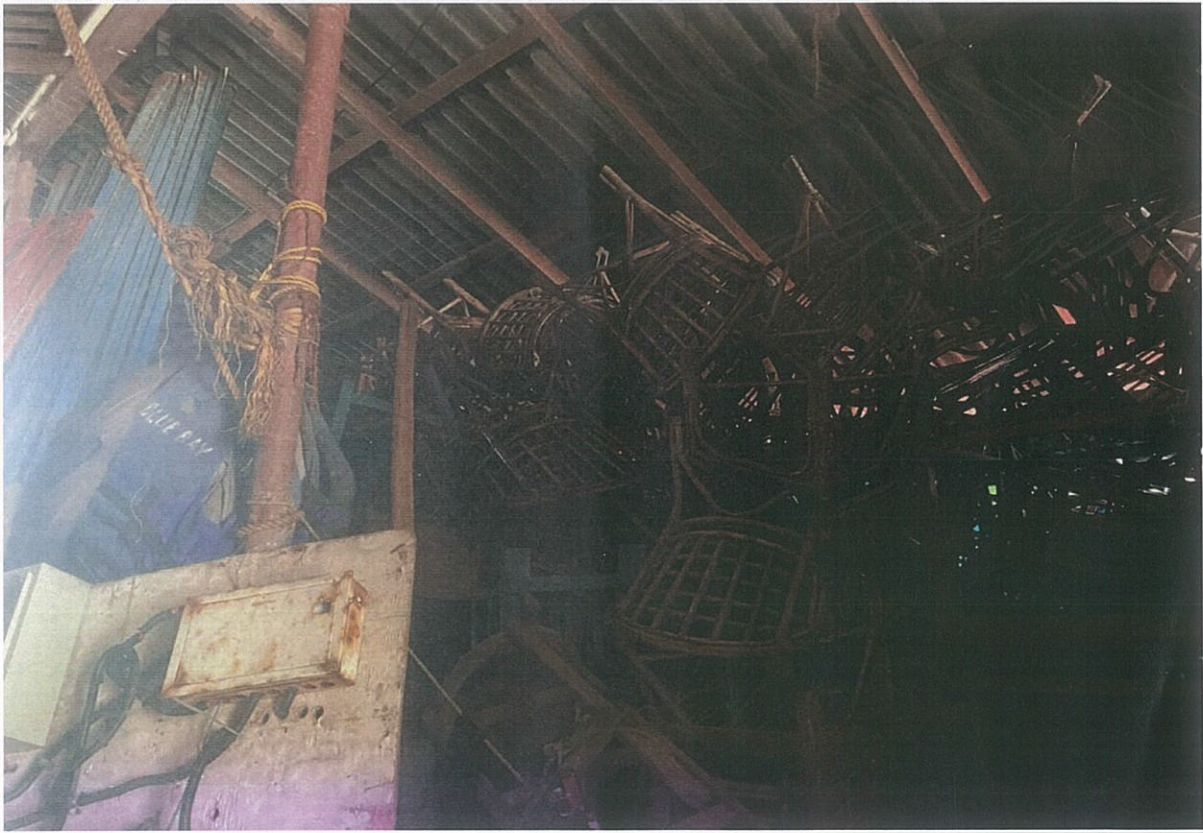
Dhelkar







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Belkar

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Belkar

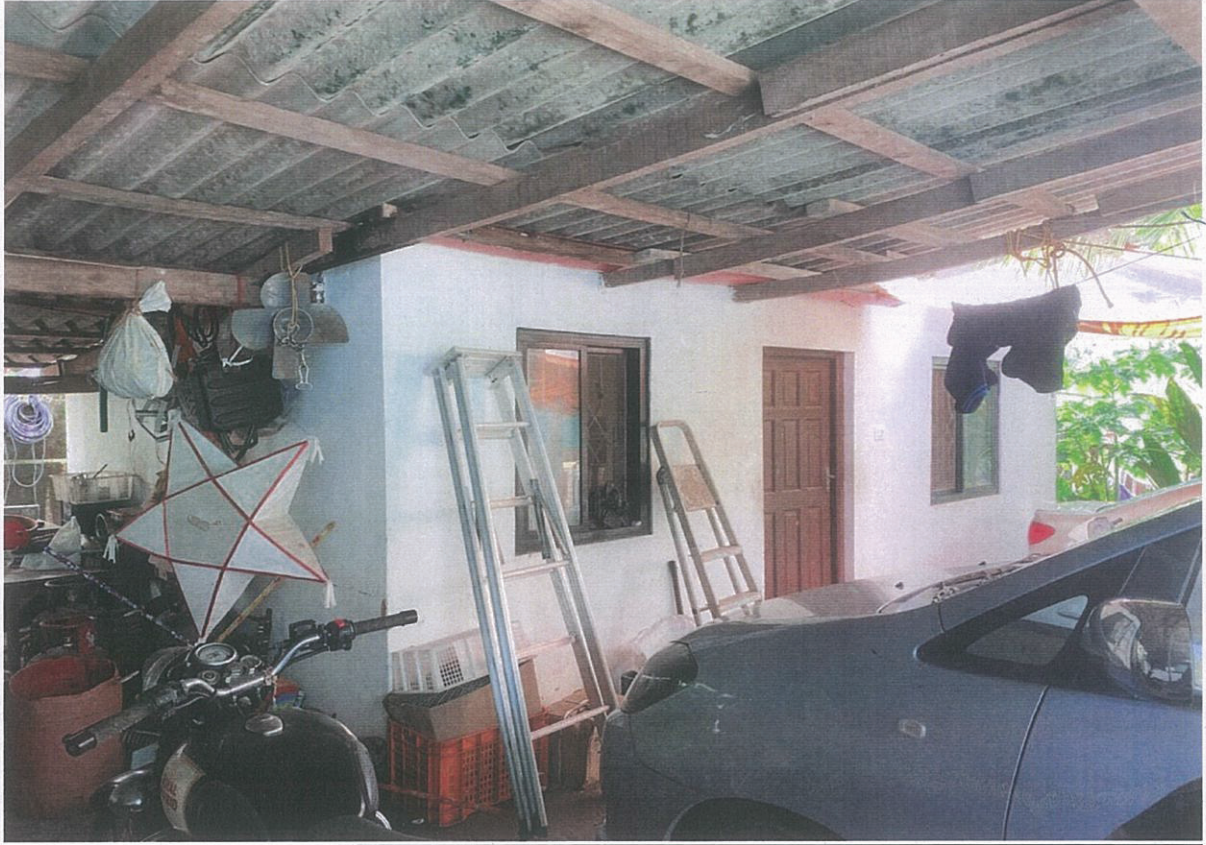
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Sakly

Dr. Belkar

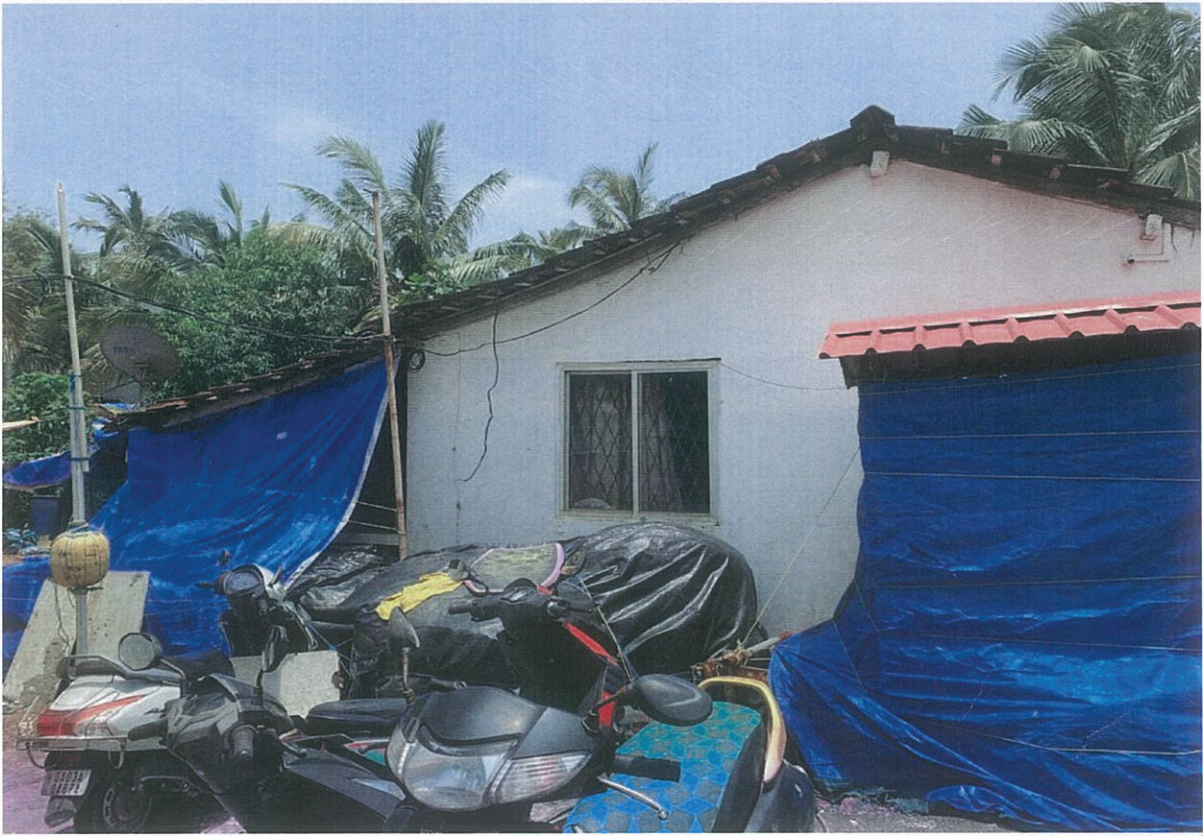
86K



Sakli

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Belkar

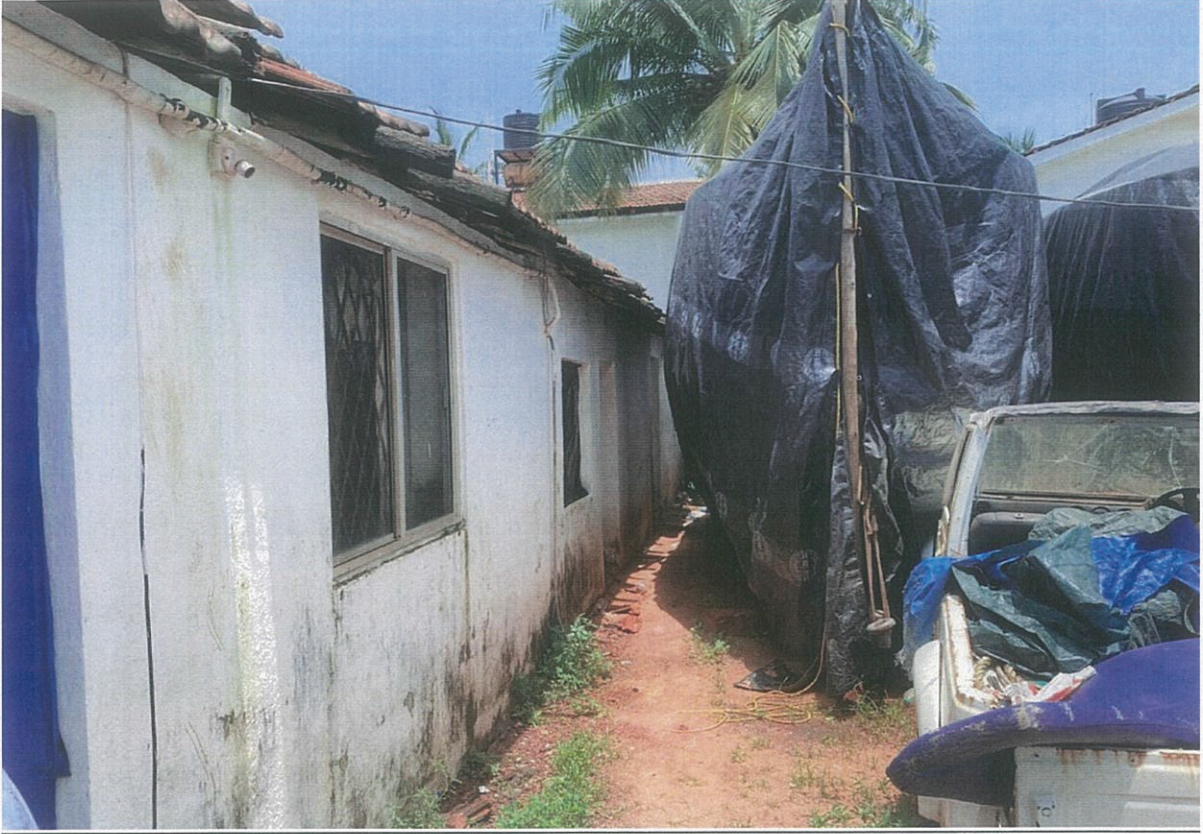
857C



Sable

[Signature]
Brelkar

8/11/14



Bellkar

Sakshi

[Handwritten signatures]



Sahib

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Bellkar

Report of Site Inspection for illegal construction of a house in the property bearing sy.no. 242/9 Cobra vaddo, Calangute, Bardez Goa.

Background

The Office of GCZMA received complaint – dated 26/06/2018 from Mrs. Lily Andrade R/o H.No.7/18,Saunta Vado,calangute,Bardez-Goa with regard to illegal construction of a house in the property bearing Sy. No.242/9 at Cobra Vaddo calangute Bardez Goa by Mrs. Joanna Maria alias Maggie Fernandes, Mr. Joseph Anthony alias Anthon Fernandes both R/o H.No. 6/169, Cobra Vaddo, Calangute Bardez Goa and Mr.Cruz (Bosco) Augustine R/o 6/172A, Cobra Vaddo, Calangute Bardez Goa. The Hon'ble High Court in its order dated 07/02/2023 has given directions to inspect the site. So, a site inspection was fixed to see the site and verify the illegalities done at site.

Inspection and Observation

Upon instruction from the Member Secretary GCZMA, a site inspection was carried out by Mrs. Radha Rao, Expert Member (GCZMA), Mr. Keshav Naik Engineer (GCZMA) ,Mr. Vighnesh Naik Field surveyor (GCZMA) on 09/03/2023. At site, the Complainant was represented by Mrs. Joanita Mendonca (POA) and the Respondent Mrs. Joanna Maria alias Maggie Fernandes and Mr.Joseph Anthony alias Anthon Fernandes was represented by Lawrence Fernandes. Respondant Mr. Cruz (Bosco) Fernandes was present. The details of site inspection are as follows;

- i) The site is in Sy. No. 242/9 and it is lying within CRZ III (Partly NDZ, Partly 200-500 m) as per CZMP 2011 of Calangute village,Taluka Bardez Goa .
- ii) There exists multiple structures in survey no.242/9,details area as follows

Sr.No.	Name of structure	Details of structure	Approximate plinth area of structures in sq.mtrs.	Remarks
1	A	Masonry structure with roof made up of Sheets.	54.23	ANNEXURE I
2	B	Temporary structure with roof made up of sheets	194	
3	R	Pump house	6.5	
4	C	Masonry structure with roof made up of sheets.	34.51	ANNEXURE II
5	D	Masonry structure with roof made up sheets,with permanent plinth.	20.87	
6	E	(G+2) RCC structure,With permanent plinth.	107	ANNEXURE III
7	F	Ground structure partly RCC and masonry,with permanent plinth.	165	ANNEXURE IV

Radha

Keshav

1 *no*

8	G	Masonry structure with roof made up of sheets,with permanent plinth.	30.65	ANNEXURE V
9	I	Temporary shed ,roof made up sheets,with permanent plinth.	83.50	ANNEXURE VI
10	H	Masonry structure with roof made up sheets,with permanent plinth.	11.27	ANNEXURE VII
11	J	Masonry structure with roof made up of manglore tiles,with permanent plinth.	137.34	ANNEXURE VIII
12	K	Temporary shed	27.3	ANNEXURE IX
13	L	Temporary shed	31.30	
14	M	Masonry structure,with permanent plinth.	10	Near structure L
15	N	Toilet 1	4	
16	O	Toilet 2	4	
17	P	Temporary structure made up of GI sheets	98.28	ANNEXURE X
17	Q	Masonry structure with roof made up of Manglore tiles,with permanent plinth.	129.50	ANNEXURE XI

iii)There exists three open wells in said property.

iv)As per the respondant Mr. Cruz (Bosco) Fernandes structure (A,B,C,D,E,F,G,H,I,J,K,L,R) and two wells belongs to him.

v)As per the respondant Mr. Lawrence Fernandes(representative of Mrs. Joanna Maria alias Maggie Fernandes and Mr. Joseph Anthony alias Anthon Fernandes) structure "Q" and one well belongs to them.

vi) Site Photos are attached with the report.

Conclusion and Recommendation

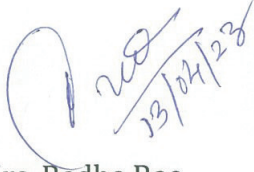
- i) The site is in Sy. No. 242/9 and it is lying within CRZ III (Partly NDZ, Partly 200-500 m) as per CZMP 2011 of Calangute village,Taluka Bardez Goa .
- ii) During site inspection it was observed that,the RCC Structures,Masonry structures,compound walls are permanent in nature .The legalities of the same need to beverified.
- iii) As per the CRZ Regulation, no construction is permissible within the NDZ area, except the repair or reconstruction of the old structure existing prior to 1991, with proper permission from GCZMA.
- iv) The detailed DSLR mapping may be done for exact measurement and dimensions of the structures in Sy. No. 242/9.
- v) This may be deliberated in the Authority meeting for a decision.

hvo

Kravis

Cruz

806


13/04/23

Mrs. Radha Rao
Expert Member GCZMA



Mr. Keshav Naik
Engineer GCZMA



Mr. Vighnesh Naik
Field Surveyor GCZMA

796

ANNEXURE I



ANNEXURE II



no

Faisal

Arif

ANNEXURE III



ANNEXURE IV



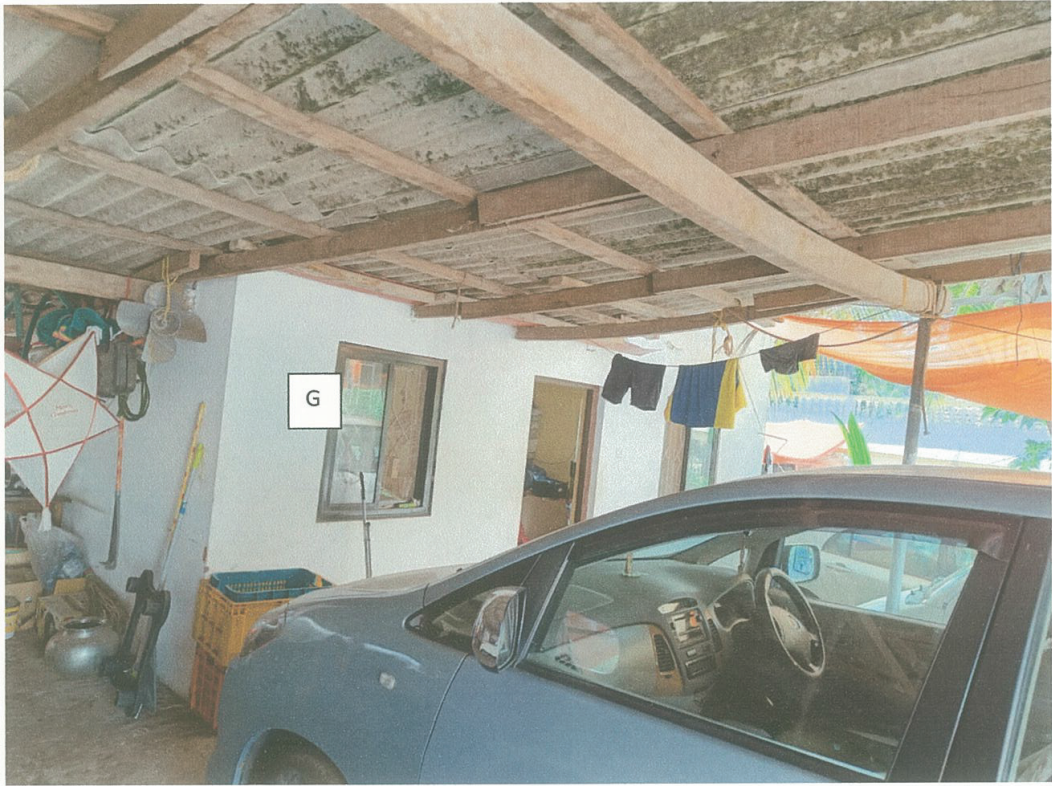
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Aradh

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ANNEXURE V



ANNEXURE VI



no *Annex* *Annex*

764

ANNEXURE VII



ANNEXURE VIII



me

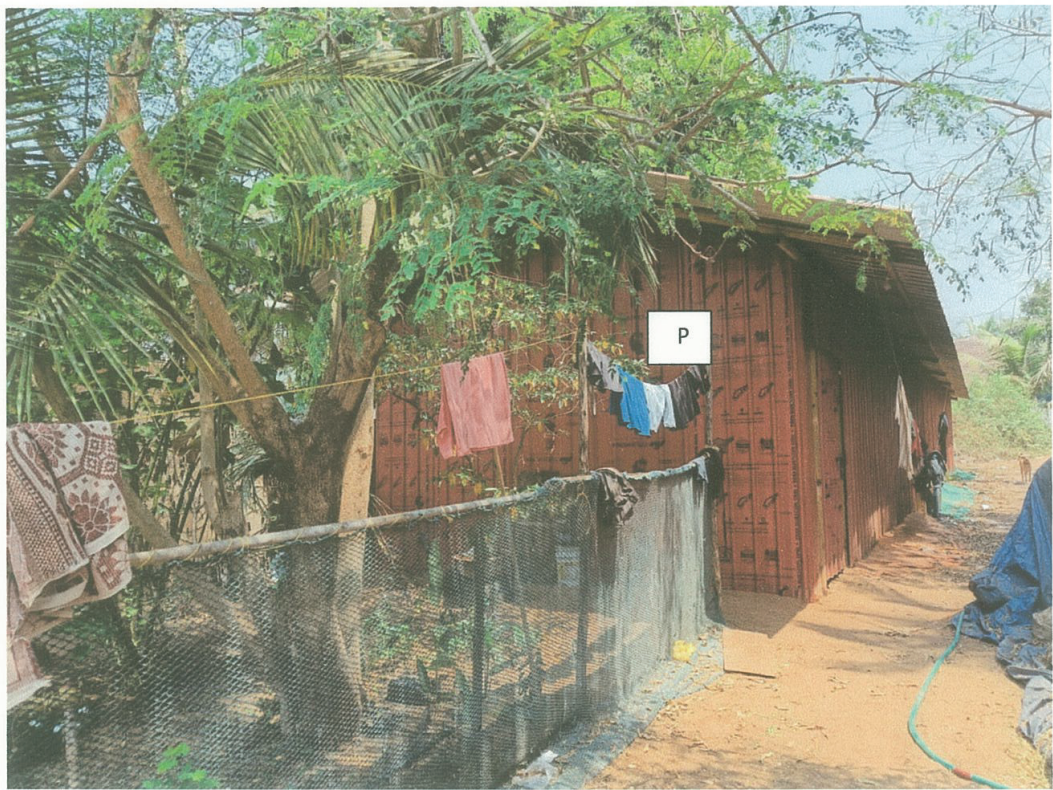
Khanit

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ANNEXURE IX



ANNEXURE X



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ANNEXURE XI



no
13/04/23
Anub
Anub



GOVERNMENT OF GOA
Directorate of Settlement and Land Records
PANAJI-GO A

SITE PLAN

Showing structures surveyed as per the notice of site inspection of Member Secretary, Goa Coastal Zone Management Authority, vide their letter No. GCZMA/N/ILLE/COMPL/18-19/83/1924 dtd.20/10/2023 in respect of S.No./ Sub Div. No. 242/9 of Village Calangute of Bardez Taluka.

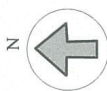
Scale : 1:1000

LEGEND

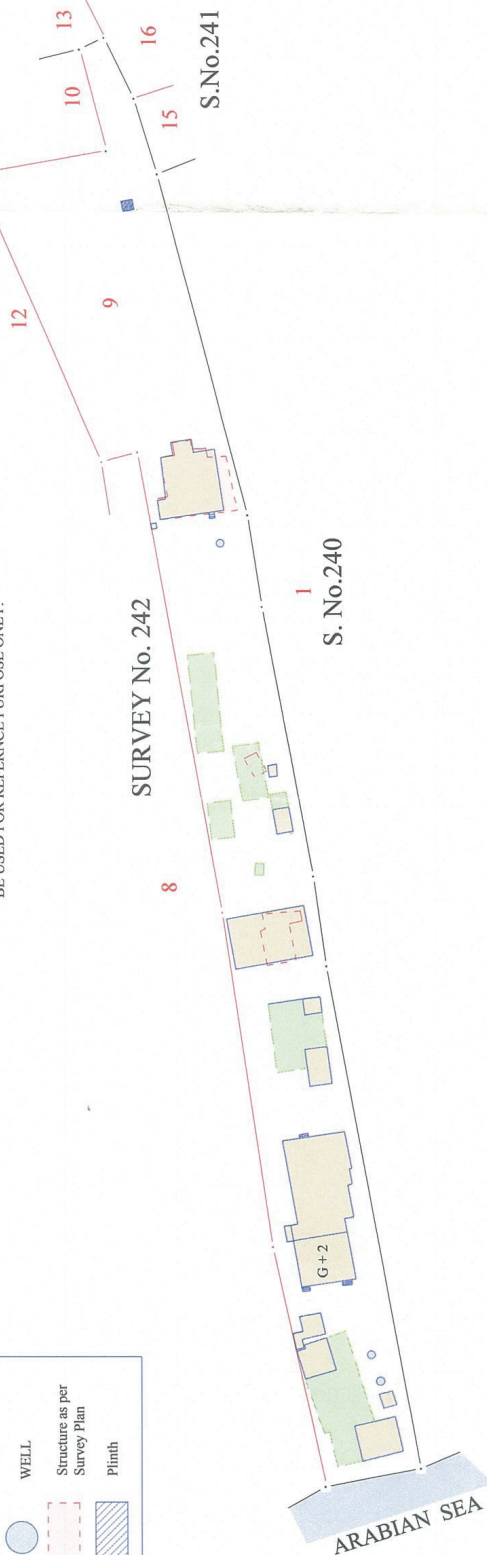
	New structure
	Temporary Shed
	WELL
	Structure as per Survey Plan
	Plinth

NOTE:-

THE LEGALITY / ILLEGALITY OF STRUCTURES SHOWN ON THIS PLAN IS NOT KNOWN AND THEREFORE THIS PLAN SHALL NOT BE USED FOR ANY PURPOSE SUCH AS DEVELOPMENT OF STRUCTURES, REVENUE SURVEY MATTERS, OBTAINING LICENSES, PERMISSIONS, CONVERSION OF LAND, ETC. THIS PLAN SHALL BE USED FOR REFERENCE PURPOSE ONLY.



Scale : 1:1000
VILLAGE :- CALANGUTE
TALUKA :- BARDEZ



Surveyed & Prepared by

Rupesh A. Shirgaonkar (F.S.)

Mandar M. Phadte (F.S.)

Seen by
Sameer Kambli
(Head Surveyor)

Change of ownership in favour of present owner Shri Cruz Agustin Fernandes effected on 20.10.88 and duplicate issued

DUPLICATE



Annexure 'E'

71

सर्वेक्षण प्रमानी CERTIFICATE OF REGISTRY

Surveyor in Charge

महानगर परिषद, मर्मुगाँव

Mercantile Marine Department

मर्मुगाँव

Mormugao.

Registered No. PNJ-1102This is to Certify that Shri Cruz A. Fernandes

residing permanently at / having principal place of business at Calangute and having declared that he is the citizen of India and sole owner(s) of the Inland Cargo vessel called the "Pondorinath Prasad" which is of the burthen of 0.21 Register Tons and that the said vessel was built at Pernem in the year 1952 the said vessel has been duly registered at the Port of Panaji under Act XIX of 1838.

CERTIFIED under my hand this the 2nd day of September, 1988 Branded and painted Registered Number PNJ-1102

PARTICULARS OF VESSEL/ENGINE

Extreme length	-	No. of Engine	-
Tonnage length	5.65 Mts.	Year of Build	-
Breadth	0.58 Mts.	No. of Cylinders	-
Depth	0.37 Mts.	Horse Power	- P. P. M.
GROSS TONS	0.21	Builders	-
REGISTER TONS	-	No. of Decks	-
Passenger Capacity	non passenger	No. of Bulkheads	-
		Build & Material	Wooden
		Stern	-
		Description	Cargo Vessel

Sd/-
Registering Authority.Port of Mormugao

- Note:
1. This Certificate of Registry to be produced for inspection on demand by any authority authorised by the Government.
 2. This Certificate must be surrendered to the Registering Authority if so required by him.
 3. While this Certificate is in force, the vessel's name and registration mark as painted or otherwise marked position approved by the Government of Goa, Daman and Diu, must not be removed or defaced.
 4. In case of any accident occasioning loss of life, or efficiency of the vessel, either in the hull, or any part of the machinery, a report by letter, signed by the owner or master, is to be forwarded to the Registering Authority, within 24 hours after the happening of the accident, or as soon thereafter as possible.

OFFICE OF THE CHIEF TOWN PLANNER
TOWN & COUNTRY PLANNING DEPARTMENT
PANAJI - GOA

REF. NO. DR/5441/TCP-94/601

Date 30-9-94

To,
Mrs. Merciana Fernandes,
Cobra Vaddo,
Calangute, Bardez,
Goa

V. P. CALANGUTE
INWARD NO. 6322
FILE NO. F13
DATED 23/09/22
SIGNATURE [Signature]

Sub: Application of Mrs. Merciana Fernandes for
construction of repairs & renovation of the existing structure's
on
Survey No. /OK No. /E.C.P.S. No. 242/9
of village/City Calangute Taluka Bardez.

Ref:- Decision of G.S.C.C.E meeting held on 7-9-94

Sir/Madam,

With reference to the above mentioned subject, this is to inform you that the proposal was discussed in the 5th Adj. meeting of the Goa State Committee on Coastal Environment held on 7-9-94. The proposal was approved by the Committee. In view of this, there is no objection over the proposed repairs & renovation of the existing structure from planning point of view with following conditions:-

- 1) The permission is recommended as per the plans hereby annexed.
- 2) All the Environmental guidelines under CRZ Regulations should be strictly followed.
- 3) Prior to commencement of development work, it will be incumbent upon the applicant to have valid conversion sanad of use of land as contemplated under Goa, Daman and Diu Land Revenue Code, 1968.
- 4) Necessary licence should be obtained from the concerned Village Panchayat/Municipality.
- 5) Traditional access if any shall not be blocked and should be maintained to the satisfaction of local Authority.
- 6) Construction of septic tank should be carried out at a distance of 15 mts. from the existing/proposed drinking well.

P.T.O.

- 356
- 7) Any change to be effected to the approved plans prior permission has to be obtained.
 - 8) Occupancy certificate should be obtained from this office after the completion of the building.
 - 9) The permission is liable to be revoked if it is based on false information/wrong plans/calculation/documents or any other accompaniments of the applications are found to be incorrect or wrong at any stage.
 - 10) The approval should be treated as H.O.C. from planning point of view under Village Panchayat Act.
 - 11)
 - 12)

After retaining a set of plans for this office record, the rest are returned herewith.

Yours faithfully,


(R. N. RAY)

Chief Town Planner
&
Member Secretary, G.S.C.C.E.

Encl: As above

- 1) The Sarpanch,
Village Panchayat of Calangute,
Calangute, Bardez, Goa.
- 2) The Senior Town Planner,
Town & Country Planning Dept.,
Mapusa, Goa.
- 3) _____



ANNEXURE 'G'

Ph.: 2276016
 OFFICE OF THE VILLAGE PANCHAYAT
 CALANGUTE
 Bardez - Goa 403516

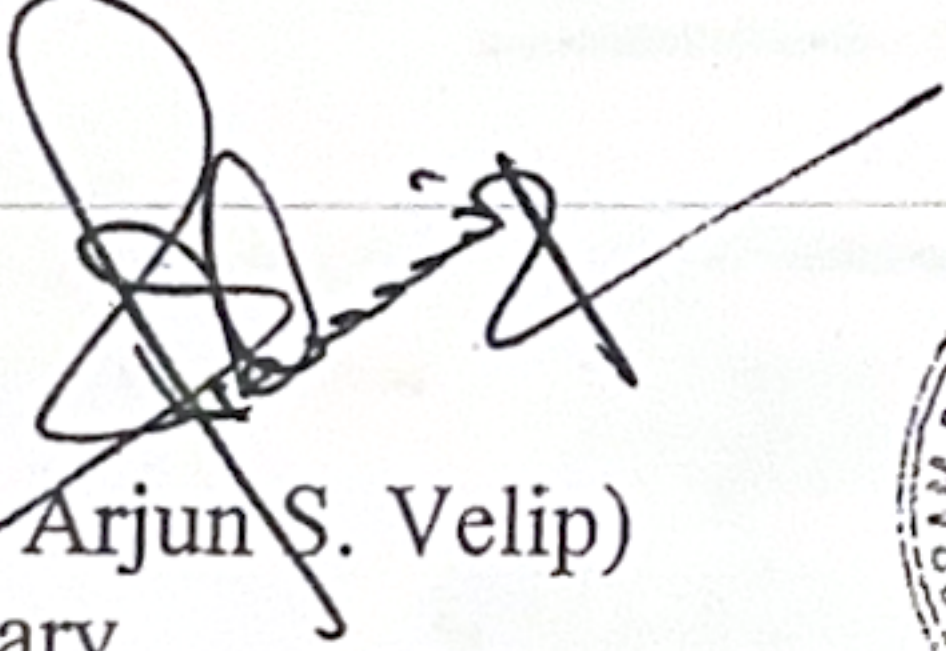
V.P/Cal/F-18/23-24/2643

Dated: 12/09/23

TO WHOMSOEVER IT MAY CONCERN

This is to certify that as per the House Tax records maintained by this office, the house bearing H. No. 6/172 situated at Khobra Vaddo, Calangute is registered in the name of Deodita Fernandes in the year 1970 till 2023-24 and the house tax is paid till date.

This certificate has been issued at the written request of Cruz Fernandes.


 (Shri. Arjun S. Velip)
 Secretary
 V.P. Calangute

