



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE
APPEAL NO. 32/2025 (WZ)

Mr Joseph Rosa

...Applicant

Versus

Goa Coastal Zone

Management Authority & Ors

...Respondent

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

NO. 1 (GCZMA)

I, Shri Sachin S. 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:

- 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 17.02.2025 ("**Impugned Order**") passed by the answering Respondent. I say that *vide* the Impugned Order disposed off the show cause notices dated 09.02.2024 and 30.07.2024 as against the Appellant herein. I say that the Impugned order was passed upon giving the Appellant an opportunity of being heard in compliance with the principles of natural justice. I say that the Impugned order is a reasoned and speaking order.



4. I say that a complaint dated 23.01.2023 was received by the Answering Respondent from Respondent No 3 herein with respect to illegal construction activities in Survey No. 242/1 of Village Calangute, Bardez, Goa (“**Subject Property**”).
5. I say that the Subject Property falls within NDZ and 200m to 500m from the High Tide Line (“**HTL**”).
6. I say that pursuant to the Complaint dated 23.01.2023, a site inspection was conducted on 05.06.2023 by the Answering Respondent through its Expert Members, Engineer and Field Surveyor and again on 24.11.2023 with the DSLR. (*Inspection Report dated 24.11.2023 is at page 80 of the Appeal*)
7. I say that pursuant to the Site Inspection dated 24.11.2023, a Show Cause Notice dated 09.02.2024 is issued to the Appellant herein to show cause as to why action should not be taken against the appellant with regards the structure



identified and mentioned in the said show cause notice dated 09.02.2024. (*Show Cause Notice dated 09.02.2024 is at page 104 of the appeal*)

8. I say that another inspection was conducted by the Answering Respondent dated 20.05.2024. (*Inspection Report dated 20.05.2024 is at page 112 of the Appeal*)
9. I say that pursuant to the Site Inspection dated 20.05.2024, a Show Cause Notice dated 30.07.2024 is issued to the Appellant herein to show cause as to why action should not be taken against the appellant with regards the structure identified and mentioned in the said Show Cause Notice dated 30.07.2024. (*Show Cause Notice dated 30.07.2024 is at page 123 of the appeal*)
10. It is submitted that, by the Impugned Order, the Respondent has discharged the Show Cause Notice dated 30.07.2024 against the Appellant insofar as it pertains to Structures



identified as “A”, “B” and “C” therein, on the ground that the said structures were found to have existed prior to February 1991.

11. I say that *vide* the Impugned Order the Answering Respondent has discharged the Show Cause Notice dated 09.02.2024 with regards Structures “A”, “N1” & “T1” mentioned therein, as against the Appellant on account the same being pre-1991 structures.

12. I say that *vide* the Impugned Order the Answering Respondent has directed the Appellant to demolish the Structures identified as “M1”, “B”, “H1”, K1”, & “F1” in the Show Cause Notice dated 09.02.2024 as the Appellant failed to prove that the said Structures existed prior to February 1991 and further failed to produce any permission given by the Answering Respondent with regards the said Structures identified as M1”, “B”, “H1”, K1”, & “F1” in the Show Cause Notice dated 09.02.2024.



13. With reference to para 6, 7 and 8, the contents thereof are denied. I say that Structures identified as M1", "B", "H1", K1", & "F1" in the Show Cause Notice dated 09.02.2024 which have been directed to be demolished by the Answering Respondent were not the subject matter of the PIL Writ Petition 04/2020 [Wenceslau Francis D'Souza & Anr v. State of Goa & Ors] filed before the Hon'ble High Court of Bombay at Goa. I say that structures which were the subject of the said PIL Writ Petition 04/2020 were the structures which are identified as "A", "B" and "C" in Show Cause Notice dated 30.07.2024 and structures identified as "A", "N1" & "T1" in Show Cause Notice dated 09.02.2024, which have been found to be pre-1991 structures and the respective show cause notices have been discharged against the said structures.

14. With reference to paragraph 16 of the Appeal, the contents thereof are denied. It is respectfully submitted that



the Impugned Order has been passed after due consideration of the submissions made by the Appellant. I say that the structure identified as “B” in Show Cause Notice dated 30.07.2024 has been discharged whereas structure identified as “B” in Show Cause Notice dated 09.02.2024 has been directed to be demolished. I respectfully submit that the two structures referred to by the Appellant in paragraph 16 are distinct and not the same.

15. With reference to para 17, the content there of is denied. I say that the Appellant has failed to prove that the Structures identified as “M1”, “B”, “H1”, K1”, & “F1” in the Show Cause Notice dated 09.02.2024 are in existence prior to 1991. I say that the Appellant is put to strict proof thereof.
16. With reference to Ground A, B, C, D, E, F, G, H, I, J, K, L & M, the contents thereof are denied.

