

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

Appeal No. 428/2025 (WZ)

Dipin Shridhar Morzo

..... Appellant

Versus

GCZMA

..... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE GOA
COASTAL ZONE MANAGEMENT AUTHORITY
RESPONDENT NO. 1**

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 10.02.2025 (“**Impugned Order**”) passed by the answering Respondent. I say that *vide* the Impugned Order the Appellant herein was directed to demolish the illegal structures erected by the Appellant herein. I say that the Impugned Order was passed upon giving the Appellant an opportunity of being heard after following the principles of natural justice. I say that the Impugned order is a reasoned and a speaking order. *(The Impugned Order dated 10.02.2025 is at page 26-29 of the Appeal as Annexure A)*
4. I say that Survey No. 119/3 of Village Morjim, Pernem, Goa (“**Said Property; subject Property**”) is CRZ-III area majorly falls within 200-500 from the HTL) and partly falls outside CRZ area as per CZMP 2011. I say that according to CRZ regulations, (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9 mts with two floors (ground + one floor); are permissible subject to obtaining prior permission from GCZMA.
5. I say that answering respondent issued a Show Cause Notice dated 29/10/2024 whereby the Appellant was intimated that pursuant to the site inspection the following alleged illegal



structures resulting in violation of CRZ Notification 2011 were noticed in the subject property.

(The show cause notice dated 29.10.2024 is at page 42-43 of the Appeal as Annexure G)

6. I say that the Appellant, in its reply filed before the Goa Coastal Zone Management Authority (GCZMA), has contended that the impugned structure situated in the subject property is a pre-1991 construction. In support of the said contention, the Appellant has relied upon a various documents contending that the structures existed prior to year 1991.
7. I say that prior to passing the Impugned Order, the Answering Respondent afforded due opportunity of hearing to the present Appellant. I say that the Impugned Order has been passed after considering the material placed on record, the replies and documents produced by the parties and the submissions advanced during the hearing. I say that the Impugned Order is a well-reasoned and speaking order passed strictly in compliance with the principles of natural justice and fair play.
8. I say that the answering respondent has clearly observed in the impugned order no substantial documents were produced by appellant to prove the structure was authorized construction and in existence prior to 1991. I say that the answering respondent opined that the structure was construction post 1991 and hence the energization date is 02/10/1999 and local body began assessing the said structure from the year 2000 onwards. I say that therefore the authority deemed fit to issue demolition order to the appellant.



9. I say that the Appellant herein was very much part of hearing before the Answering Respondent. I say that appellant himself represented before authority, filed replies and now cannot deny the consequences that follows from the such proceedings before the Answering Respondent.
10. I say that answering respondent decides the matters before it based facts and circumstances of each case. I say that decision arrived in its 462nd meeting held on 01/07/2025 pertaining to on Shri. Vinod V Juvekar and others has no bearing to the present matter and cannot be utilized to crave leverage in the present matter.
11. I deny that impugned order is passed in gross violation of Principles of Natural justice and Fair play, illegal, ex-facie, cryptic, perverse, casual, arbitrary, without jurisdiction and mechanical in nature.
12. I say that the documents produced on record by the appellant in no manner establish that the impugned structure existing in the subject property is a structure constructed prior to the year 1991. Consequently, the reliance placed by the Appellant on the said documents is misplaced and devoid of evidentiary value in establishing the claim of a pre-1991 construction.
13. I say that the Appellant has failed to produce any cogent, reliable and convincing material/documents to show that the Impugned Structure is pre-1991 structures. I say that the Appellant is put to strict proof of the same. I say that the



Appellant herein has failed to produce any permission from this authority and any competent authority pertaining to the said impugned structure.

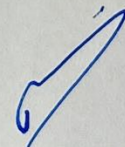
14. I say that the grounds raised in the Appeal are devoid of merit, misconceived and contrary to the factual and legal position on record. I say that the Answering Respondent has acted strictly within the framework of the CRZ Notification, 2011 and has taken appropriate action against unauthorized structures. I say that the present Appeal does not disclose any legal infirmity in the Impugned Orders warranting interference by this Hon'ble Tribunal. I therefore say that the present Appeal is liable to be dismissed with costs.

15. I say that contents of paras 1 to 14 of this Affidavit are true to my knowledge and belief and the same is based on the records maintained by the Goa Coastal Zone Management Authority. I say that legal submissions are based on legal advice, which I believe to be true.

Solemnly Affirm on Oath

Place: Panaji, Goa.

Date: 08.04.2026



DEPONENT

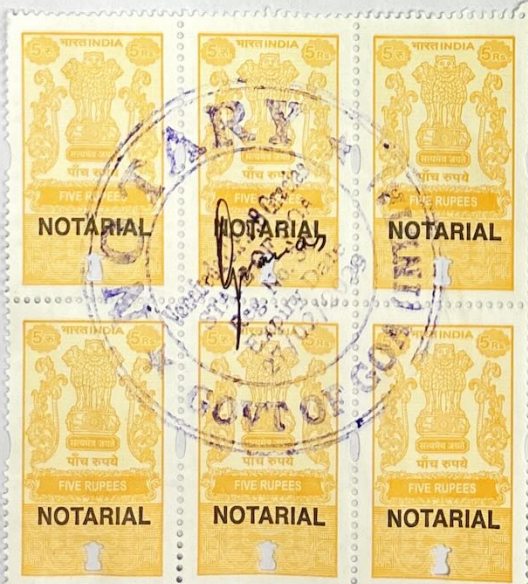
Solemnly affirmed before me
Sachin B. Desai

Who is identified before me by
Shri/Smt

.....At Panjim - Goa

Sr. No, 169/04/26

Dated. 08/04/26



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

